



**To Crisanto and Nellie Uy**

**This thesis comprises part of an ongoing interest in the B'laan  
people and southern Mindanao. Any comments or concerns can  
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**John Willem Smith**

## **The Challenge of Sustainable Local Development at the site of the Tampakan Copper Project in the Philippines.**

*"Some may feel that by saying a blanket "No" to the issue of mining we have solved the problem. Others may feel that by saying a blanket "Yes" to mining, we have significantly addressed the economic concerns of the country. Both answers have the appeal of simplicity, but in fact they only reinforce our natural tendency to avoid dealing with the real problem." - Pedro Walpole*

*"to be surprised by the prerequisites of capitalist development is not to have done one's home work" - Herb Thompson.*

*"economic change is never just a matter of technological diffusion, market rationalisation or 'capitalist penetration'. Deep down, it is also a matter of community, morality and power" - Robert Hefner.*

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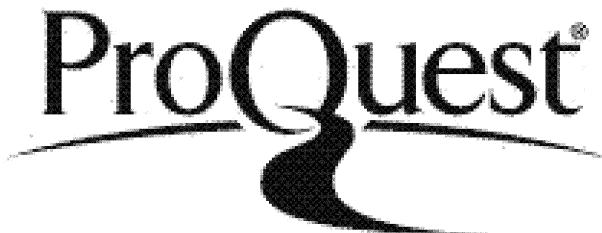
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## **Abstract.**

This thesis concerns the welfare of communities hosting major mining projects in remote regions of the world. It is based upon analysis of ten recommendations made to mining companies by the World Bank in 1998. This was achieved through evaluation of five factors, each of which influences local mineral-driven development. These factors are; the impact of violence upon local development, the implications of antecedent social practices for formal structures, political power in the creation of local institutions, understanding of the physical realities of mining, and equity within the local mineral-driven development apparatus. These factors were tested in the context of the Tampakan Copper Project, operated by Western Mining Corporation, on the island of Mindanao, in the Philippines. Because violence and political power on one hand, and tradition and understanding on the other, are rooted in respectively national and local institutions, a dichotomous national-local methodology was devised. Research of 'national' factors such as the cause of conflicts in the region, and the legal rights of host communities for examples, were conducted through archival research and interviewing of key figures. Research of 'local' factors was achieved through the collation of various local data. Moreover, because there were five 'Tribal Councils' within the vicinity of the proposed minesite, a comparative assessment of local factors was possible. A methodology for measurement of Council performance was designed, which provided a means for reinforcing findings, and thereby extending evaluation of the requirements of local mineral-driven development.

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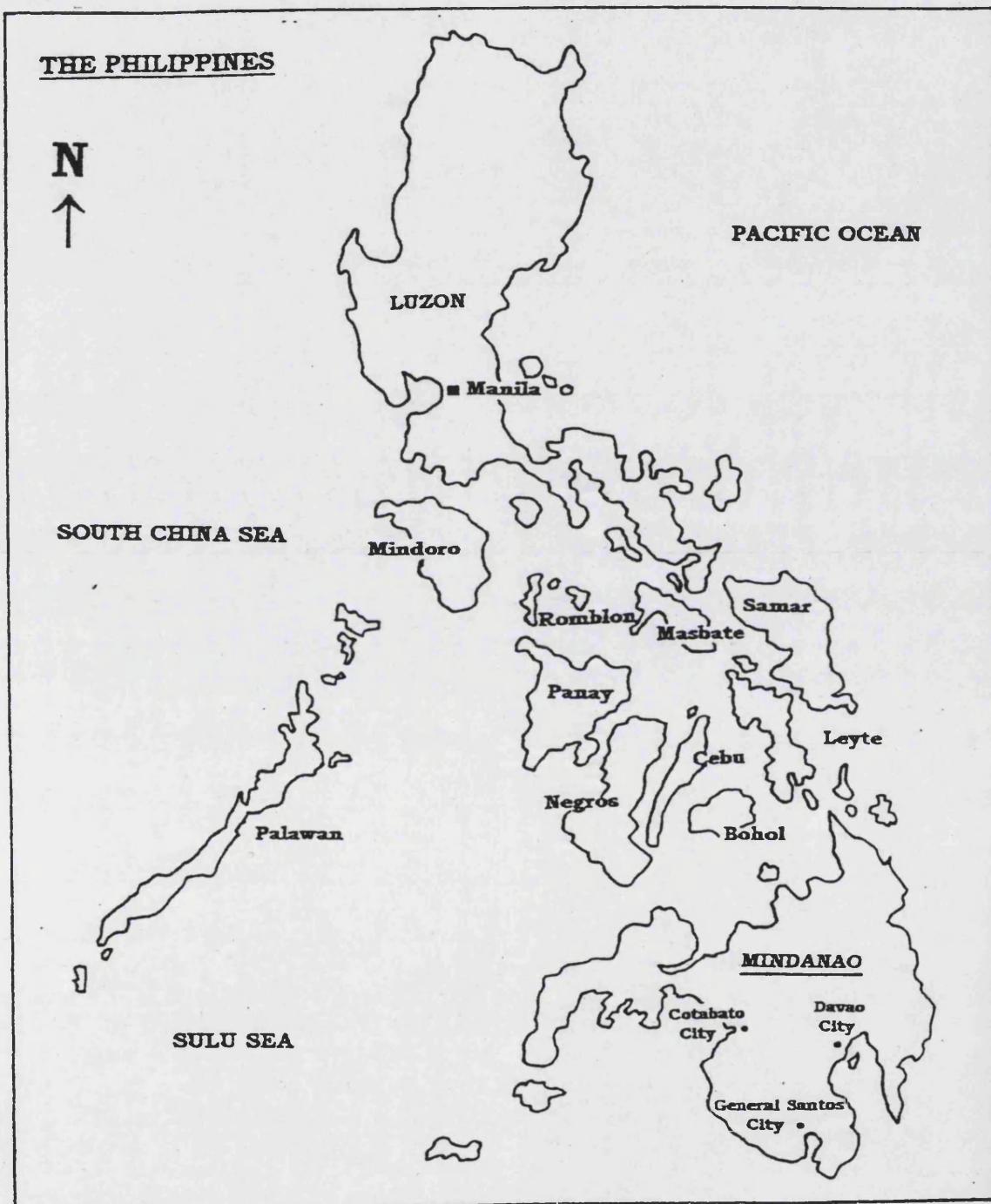
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Map 1.



Source: WMC in the Philippines, Information paper No.1 p. 24 October 1997.

## **Chapter One.**

### **The challenge of local mineral-driven development.**

The popular view of the relationship between mining and development is that mining companies contribute to economies by availing governments of large quantities of cash that can benefit the country as a whole. This route to development is challenged by the economic context of third world countries - that is the leakage of resources from the process of economic multiplication due to bad laws, weak property rights, and the unenforceability of contracts. At the national level growth may be limited by the vulnerability of state institutions to political patronage, and the return of capital investment overseas. For areas affected by mining, there is no automatic linkage between local economies and mining projects. Moreover, the recent history of mineral development indicates that there will be opposition to mining if host communities are left outside of project planning. Companies have therefore found it necessary to consider the welfare of local communities and have begun to seek means of providing local development. This search for new ways to operate in the interests of both companies and local communities is the essence of this thesis.

#### **1. 1. Recent approaches to local mineral-driven development.**

Familiarity with mining projects reveals that mining companies do not carry appropriate expertise to compensate host communities other than in financial terms. Writing on behalf of the industry, Allan Gelb suggests that responsibility for education, jobs, housing, etc., lies with the state [Gelb 1988]. Unfortunately, developing nation states are typically weak in remote regions and cannot be relied upon to provide such services. In the absence of appropriate development strategies, local environments and societies have been sacrificed in the interest of national economies. Persistent poverty among host communities at Ok Tedi in Papua New Guinea's Western province, despite decades of large scale mining, testify to this - see for example Howard [1991] or Wanek [1993].

Conversely, many companies have suffered prolonged stoppages due to local opposition. The mines operated by Freeport-McMoRan in Irian Jaya have been the scene of repeated protest by local Amungme communities. Indeed, at least until the deposition of President Suharto in 1998, the company had to rely upon the military to keep the mine open. Minesites in Papua New Guinea have also experienced problems. They include the Panguna copper mine on Bougainville island in North Solomons province, which shut in 1990 [May and Spriggs 1990]. The Porgera and Lihir gold mines in Enga and New Ireland provinces respectively, have also been the scene of damaging conflicts.

In the course of time, disputes at minesites and the painful losses to the minerals industry exacted by local opposition, have worked to shift attitudes toward host communities, promulgating debate of mining practices. The proceedings of the Berlin 'Round Table' in 1991, the '*Mining and Mineral Resource Policy Issues*' conference at the Australian National University in 1995, and the '*Mining and the Community conference*', held at Madang in Papua New Guinea in 1998, exemplify this process. These proceedings reached a broad consensus over four key changes needed to produce locally compatible mineral-driven development:

1. Broadening the scope of compensation.

Mining companies had tended to direct compensation at community leaders or landowners. Such people typically represent a small and very specific section of host communities. Compensation packages should for example, be aimed at women and landless families too.

2. Deepening participation by communities.

The idea of participation by host communities in developmental initiatives also received support. Managerial and executive responsibilities were to inculcate skills necessary for prosperity in a formal setting, particularly market institutions.

3. Creating partnerships between companies and communities.

Partnerships between companies, communities, and people's organisations were considered to be important for sustainable development. They would facilitate the sharing of information, enabling mineral-driven development institutions and initiatives to be flexible and respond to changing situations more effectively. Indeed, solving problems without recourse to outside agencies would enhance trust and understanding between companies and communities.

4. Integrating responses to developmental dilemmas.

Companies were found to have focused upon environmental issues at the expense of social concerns. Realisation that many social and environmental issues at minesites were intimately connected, demanded a more comprehensive response.

These generally agreed principles were incorporated into the latest and perhaps most respected recommendations for better practices at minesites, within World Bank Discussion Paper No 384, '*Integrating Social Concerns into Private Sector Decisionmaking*' [McPhail and Davy 1998].

### **World Bank Recommendations.**

1. *Adopt a policy on social issues and develop capacity.*
2. *Identify stakeholders and acknowledge the legitimacy of their perspectives.*
3. *Identify social risks and opportunities.*
4. *Assess social and environmental impacts thoroughly: Integrate where appropriate.*
5. *Recognise public involvement as integral to project sustainability.*
6. *Delineate responsibilities for social provisions.*
7. *Aim for social equity in revenue distribution, compensation and other social investments.*
8. *Develop partnerships in support of sustainable development.*
9. *Develop mechanisms for long term representation of stakeholders.*
10. *Calculate the effectiveness of social investments.*

[McPhail and Davy 1998: 11-35].

Laid down in detail in section 2. 1., these points represent a great deal of progress from the advent of large-scale mines in the 1960s, when host communities in developing countries commonly received tinned food, clothes, and tobacco, in exchange for mining rights. Nevertheless, one of the central themes of this thesis is that although they may be necessary, the recommendations are not enough. The concerns of the Berlin Roundtable and the World Bank, et.al., will not prevent disputes occurring at minesites, nor ensure the sustainability of local development initiatives.

Moreover, the fact that the World Bank Discussion Paper bases itself upon contributions from a host of prominent mining companies is a cause for concern. As papers submitted to recent mining conferences indicate, 'better' practices have been promulgated by threats to investments in remote regions, as much, if not more than by the needs of local people. This raises questions as to whether companies genuinely appreciate the position of host communities. Whether the harmonisation of relations between companies and communities means the same thing to the mining industry as sustainable local development, is unclear.

Drawing upon previous empirical experience in Southeast Asia, and subsequent study of the literatures discussed in Chapter Two, this thesis raises five limiting factors, vital to successful company - community relations, which are necessary for sustainable local development, but that are neglected by the World Bank recommendations. These are the lack of respect for traditional structures in the design of new institutions, the impact of violence unrelated to mining, the fact that communities have insufficient power to consolidate development gains, ignorance of the realities of mining among host communities, and the lack of procedural equity for host communities within organisations tasked with promoting development in the vicinity of minesites.

## **1. 2. An outline of the limiting factors.**

Remote regions of developing countries are home to many traditional societies - from Arctic Aleut to African KhoiKhoi - whose lifeways and value systems differ from those upon which modern institutions are based. Experience of mineral development in Southeast Asia confirmed that many host regions are home to comparable societies. Thus it seemed logical to suppose that opposing values might undermine agreements between companies and communities. Indeed, institutional theorists such as Robert Bates [1981 / 1989], Jean Ensminger [1992], and Elinor Ostrom [1990 / 1993] suggest that any gap between the value systems of parties will have negative consequences for contractual outcomes. It is therefore hypothesised that traditional structures have important implications for local mineral-driven development strategies. While the World Bank recommendations state that communities should have a role within modern structures, they fail to acknowledge the possibility that developmental structures might need to be designed according to traditional concepts and value systems [McPhail and Davy 1998: 13-4]. Ignorance of the relationship between antecedent traditions among host communities, and the process of local mineral-driven development, therefore constitutes the first limiting factor.

Perhaps the most obvious characteristic of remote regions in developing countries is that they are often violent. Previous visits to the Philippines confirmed that Mindanao is no exception, and sporadic violence there has various causes. Furthermore, experience of minesites suggested that violence has a negative impact on development initiatives. One potential drawback of the World Bank recommendations therefore, is that they only take account of violence caused by actions of mining companies. The potential effect of violence from other sources is ignored. In regions like Mindanao, this may be a significant oversight.

Following discussions with colleagues at the London School of Economics, this thesis turned to the Social Capital literature in order to analyse the relationship between violence and mineral-driven development. Fundamental to this field are studies by James Coleman [1990] and Robert Putnam [1993 / 1995a / 1995b / 2000], who argue that social networks have value for societies. Deepa Narayan and Lant Pritchett [1996] extend this, by demonstrating that networks within societies are important for economic development. Furthermore, Jeremy Holland and Caroline Moser [1997] show that violence destroys social capital and capacity for development. It is therefore hypothesised that external violence hinders the development efforts of even those mining companies that adhere to the new recommendations.

Prior experience also indicated that a lack of power on the part of host communities vis-à-vis political and economic institutions, can undermine developmental initiatives. The World Bank Discussion Paper does not address the question of what power is held by host communities. Nevertheless, scholars such as James Putzel [1997] and John Harriss [1997] have demonstrated that there is an important connection between power and development. Their work suggests that political and legal contexts must be considered in the implementation of mining projects. That is to say sustainable local development will depend upon the ability of communities to articulate themselves in a wider context - through dealings with markets and political institutions for example - which lie beyond the scope of the mine site.

The fourth factor is the low level of understanding of mining on the part of host communities, observed during earlier visits to the region. Whether it is possible for small, isolated, and traditional communities, with no prior experience of mining, to appreciate its implications was doubtful. Emile Durkheim [1915], Alfred Gell [1992], and Esteban Magannon [1972 / 1984] stress the significance of traditional concepts of time, scale, and space, to local lifeways. It is therefore hypothesised that traditional communities will interpret mining contracts in different ways from those intended by companies. The subsequent potential for conflicts between companies and communities is supported by scholars such as Tim Flannery [1999] and Alexander Wanek [1996], who have found that despite considerable exposure to 'formal' or 'modern' institutions, host communities failed to analyse issues in such terms.

The final limiting factor is the degree of equity held by host communities in relation to the respective mining company, within the context of developmental structures - 'councils', 'committees', 'associations', etc. Case studies of disputes at 'celebrated' mines such as the Panguna mine on Bougainville island in Papua New Guinea, indicate that procedural equity on the part of host communities, within organisations established to administer development, is vital to avoiding a real [or imagined] local sense of disenfranchisement. This extends beyond compensation, or indeed partnerships between companies and people's organisations, and towards a position of power within institutions responsible for local development [Thompson 1990 / Filer 1989 / Quodling 1991]. Therefore, as well as the second hypothetical point about power vis-à-vis external relations, power is also considered to be important internally - within the bounds of a mining project.

### **1. 3. The study area.**

In order to test whether the limiting factors operate as hypothesised, it was necessary to select a mining project in which a company has attempted broadly to implement the

recommendations for better practices noted in section 1. 1. Examples of appropriate conduct cited by the World Bank included the management of oil revenues in the Casanare department of Colombia by British Petroleum, Chevron Niugini's Kutubu petroleum project in Papua New Guinea, the organisation of social and community concerns in the Torres Straits by Rio Tinto, Placer Dome's gold mine at Las Cristinas in Venezuela, nickel mining and the San Isidro Foundation at Montelibano in Colombia by Cerro Matoso, Royal Dutch Shell's gas project in the Inca region of Peru, and Western Mining Corporation's Tampakan Copper Project in the Philippines [McPhail and Davy 1998: 11-36].

Of these projects, Western Mining Corporation's Tampakan Copper Project was selected - for which there were three reasons. Considering fieldwork, the first was pragmatism. Having already completed a Master's dissertation on the subject of mineral-driven development across the border between Indonesia and Papua New Guinea, this researcher had experience of mining projects in Southeast Asia.

Secondly, Western Mining stood out because Chief Executive Officer Hugh Morgan had participated in the 1991 Berlin Round Table Conference, where mining companies addressed developmental dilemmas [Berlin Guidelines 1992]. Stephen Davis, Western Mining's Group Geographer, had also been a member of the Steering Committee for the 1998 World Bank Discussion Paper [McPhail and Davy 1998: 60]. These facts underlined the willingness of Western Mining to fulfil the recommendations of the World Bank.

Third, in 1995, the administration of President Fidel Ramos [1992-98] passed the Philippine Mining Act [Republic Act 7942], offering a series of incentives to foreign investment. These included 100% equity in mining projects. According to the terms of Financial or Technical Assistance Agreements [FTAAs], foreign companies were allowed to mine within an area of up to 81 000 hectares for a period of 25 to 50 years in exchange for a minimum investment of 50 million \$US. This led to an immediate boom in the minerals sector of the Philippine economy, and 5, 874, 238 hectares, or twenty percent of the Philippines' land area, being covered by FTAAAs within a year [Leonen and Begonia 1995]. Thus this research forms part of, and draws support from, commensurate concern for the realities of mineral development.

Indeed, the Philippines provide a comprehensive opportunity for study of problems at minesites. There is a clear social and economic disparity between regions such as Mindanao, and the site of mineral policy formulation in Manila. This gap can be expressed by the following aspects of the area in which the Tampakan Copper Project is located [see Map 2]. The Quezon mountains comprise steep terrain, and access is limited to narrow

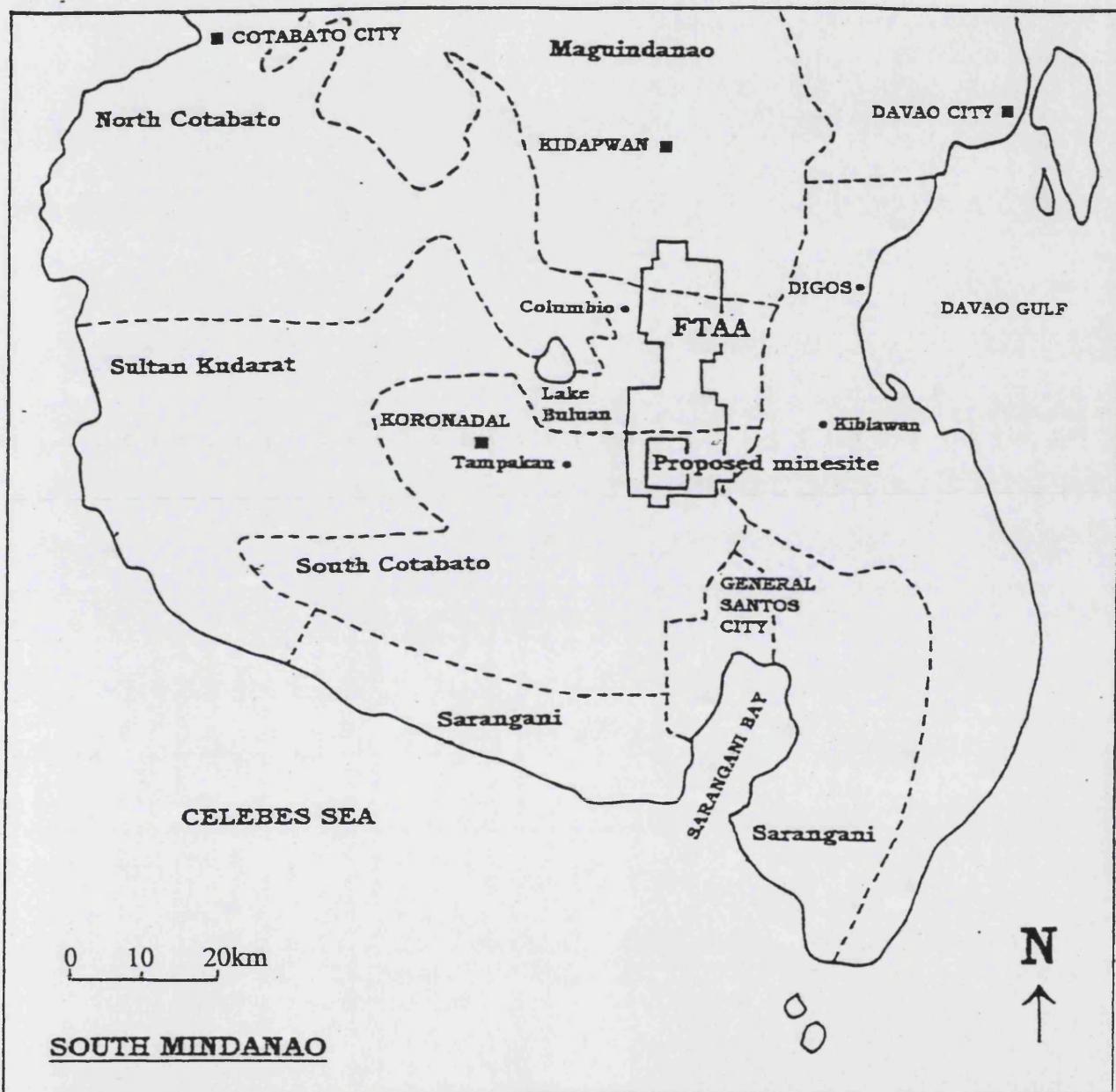
logging roads. The inhabitants sustain themselves by farming the mountainsides, which provides limited income. The area is also close to a region of strong Islamic influence and adjacent to one of the last areas of Mao inspired New People's Army activity, and is the scene of frequent clashes between insurgents and government forces. Challenges to development at the Tampakan site are therefore comparable with those of minesites where mineral driven-development dilemmas have emerged.

In accordance with the terms of its FTA, Western Mining sought agreements with the three provinces - South Cotabato, Sultan Kudarat, and Davao del Sur - and their respective municipalities - Tampakan, Columbio, and Kiblawan, as well as the five Visayan Barangay Councils - the smallest socio-political unit in the Philippines - that were affected. These were Pula Bato, Danlag and Tablu in Tampakan, Datal Biao in Columbio, and Kimlawis in Kiblawan. In return, all of these bodies were to receive payments from Western Mining.

As well as Visayans, the five barangays are also home to traditional B'laan communities who occupy the more remote areas in which actual mining was to take place. Western Mining obtained 'Heads of Agreement' with their leaders. These confer exclusive rights to explore in exchange for monthly payments. Because tribal leaders represented only informal leadership, Western Mining also sought stronger and more representative organisations for Tribal Principal Agreements. Commensurate with the arrival of the company, the Philippine government agency responsible for fulfilling the responsibilities of the state to traditional communities, the Office for Southern Cultural Communities, established Tribal Councils in each barangay. These are Bong Mal, Folu Bato, Danlag, Salna'ong and S'banken. Each Council comprises a Chairman or Chieftain and ten to fifteen Council members, all of whom are elected by each community to represent their interests. Western Mining extended its monthly payments to provide salaries for, and cover the Operation and Administration costs of, each Council. The Tribal Councils form the basis of the relationship between host communities, government and mining company [Western Mining Corporation 1997: 27-40].

Principal Agreements were signed by successive Tribal Councils. They committed the communities to mining for the duration of the Project - from exploration to rehabilitation. In exchange, the company made financial commitments to compensation and local development. On completion of the Principal Agreements, Foundation Boards were also established. These comprised representatives of B'laan communities, Western Mining, the Office of Southern Cultural Communities / National Commission for Indigenous Peoples, and

Map 2.



Source: WMC in the Philippines, Information paper No.1 p. 25 October 1997.

the Mines and Geosciences Bureau. The purpose of the Foundations was to facilitate control of local development by the host communities through training and managerial assistance [Western Mining Corporation 1997: 40].

The Western Mining approach was therefore significant for two major reasons. First it was comprehensive, potentially encompassing all aspects of community development and welfare. Second, it ostensibly involved the host communities in their own development and made their contribution central to decision-making. In light of such an institutional approach, the project appeared to represent a new generation of community development strategies at minesites in remote regions of developing countries.

#### **1. 4. The research process and thesis structure.**

As has been noted, the ideas from which the factors hypothesised to obstruct mineral-driven development were derived, came from empirical experience at minesites in Southeast Asia during the four years preceding fieldwork in the Philippines.

Relationships between supposed causes of disputes at minesites and local mineral-driven development, were variously assessed through consultation with colleagues within academia and experts at mining companies and beyond. Upon this basis, relevant literatures were consulted, from which it was established that five of the challenges facing local-mineral driven development - that is the influence of traditional structures, violence, powerlessness, lack of understanding of mining, and the need for procedural equity - were worthy of analysis. In conjunction with this process, the causes of conflicts were observed, and the subsequently established limiting factors were compared with the recommendations of the World Bank, et. al. This attempt to match problems with supposed solutions revealed a shortfall, raising questions as to the capacity of the World Bank to address issues at minesites.

Fieldwork was conducted in the Philippines in 1999. A considerable portion of that year was spent in archival research in Manila - particularly at the Ateneo de Manila library in Quezon City. Regional libraries, in General Santos and Koronadal cities in Mindanao were also important for analysis of social, political, cultural and indeed historical interpretations of events in Tampakan. Research of hypothetical factors depended on interviewing of players in the development arena - that is to say government officials, company executives, academics, or representatives of local organisations associated in one way or another with mineral development, either in Manila or regional cities. Research also depended upon the gathering of data pertaining to the performance of individual Tribal Councils. This was carried out within

the affected communities themselves, and involved the recruitment of research assistants, the hire of a vehicle, and in some cases horses, in order to access the remotest parts of the area affected by the Tampakan Copper Project.

Successive sections of Chapter Two discuss social capital, institutional, anthropological, developmental, and associated literatures, on the basis of which, the mechanics of the five factors hypothesised to obstruct local mineral-driven development are explained. In terms of data and the actors involved, these limiting factors fall into two groups - 'national' and 'local'. Causes of violence in remote regions of developing countries that influence development via social capital, are frequently rooted in broad - indeed universally recognised - ideological differences, i.e. Marxist or sectarian struggles. Furthermore, institutions that determine the position of host communities within the prevalent political economy - and hence power, are rooted in legal structures and constitutional laws. These factors were therefore determined at the state or national level. Conversely, other factors, such as traditional structures and understanding of the implications of mining, lay within the domain of host communities, and were regarded as local.

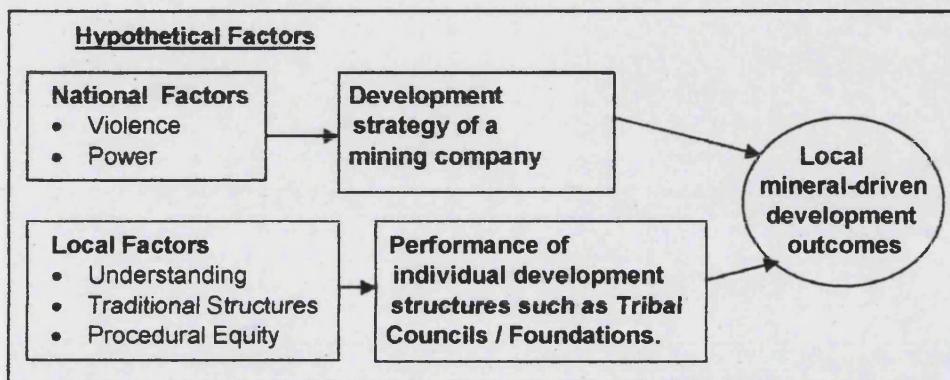
This national - local dichotomy was reinforced by the fact that the community development program was being conducted in a quintuplicate manner - there being five different communities and five different Tribal Councils. This made it possible to examine whether local limiting factors show up in a comparative analysis of relative Tribal Council performance, which was the focus of Chapter Six.

Chapter Three comprises a contextual evaluation of Tampakan and its environs for the purposes of the research project. Assessment of circumstances at the site of the Tampakan Copper Project had to be undertaken before any specific methodological techniques could be implemented. That is because prevailing conditions in which the researcher would have to operate, and the nature of data available, had to be assessed. Such a contextual analysis also permitted assumptions about local-mineral development in the Philippines, as well as the Tampakan area and its inhabitants, to be tested.

Chapter Four comprises the methodology used to test how far the limiting factors would influence mineral-driven development at the site of the Tampakan Copper Project. The National - Local dichotomy necessitated a two-part design. One to

assess the influence of hypothetical factors sourcing from outside of the Project boundaries, and another to function at the local level.

**The national - local approach to research.**



The diagram above maps out the research strategy. On the left side are the factors on which sustainable, locally based mineral-driven development was hypothesised to depend. Their influence over the developmental strategies adopted by mining companies in accordance with the recommendations of the World Bank et. al. had to be assessed. Where local factors were concerned, variations between communities offered a means of deepening the analysis through comparison with the performance of developmental structures. In order to do this, adherence to traditional lifeways for example, was to be assessed in each community. The performance of each Tribal Council - Foundation was also to be measured. The two patterns could then be compared for correlations that would explain the relationship between the local factors and development.

Chapter Five focuses on those national factors, for which interviews with actors in the mineral development arena provided the basis for analysis. These figures included officials at agencies such as the Department of Environment and Natural Resources and the National Commission for Indigenous Peoples, tasked with representing the state in various aspects of its commitment to mineral development, following the disbandment of the Office for Southern Cultural Communities in 1996. Once again, this was important in order to assess the power of the host communities in terms of their ability to influence decisions affecting them. The Philippine National Police provided some of the data pertaining to criminal activity upon which the relationship between violence and development could be articulated. Development agencies, both domestic and foreign, assisted analysis of the potential impacts of road building, which was frequently debated as a means of improving opportunities for remote communities. Organisations opposed to mining development such as the Roman Catholic

Diocese of Marbel, offered a means of cross-examining company statements and the actions of state agencies.

Chapter Six concerns the second part of the methodology, beginning with the performance of each Tribal Council. In order to measure Council performance, appropriate indicators had to be found, at which point a choice presented itself. Measurement could have been directed at the Tribal Council - Foundation structure as a whole. However, this would have meant switching the focus of the research away from host communities and diluting measurement of the local contribution to institutional capacity. That is because, given their role within the Foundations, the decision-making of company executives would be included in the subject. Indeed, representatives of B'laan communities constituted a minority on Foundation Boards. Foundations did not therefore provide for measurement of the performance, success, or otherwise, of host communities. Moreover, the comparative objective would have been weakened because Western Mining Foundation Board members - and indeed members from the Bureau of Mines and Geosciences, and the National Commission for Indigenous People, were the same individuals, pursuing the same policies. Incorporating their input would have masked variations and any pattern therein. Indeed, it would also have threatened the integrity of the research through the implicit inclusion of company parameters for success. In addition to this, only four Tribal Councils had signed the Principal Agreement with Western Mining, and one of those had done so very recently. Consequently, while three communities had participated in a Foundation Board, one had not and the other had minimal experience. Measurement of performance therefore focused on Tribal Councils and the developmental capacity of host communities. A set of indicators was subsequently devised comprising data gathered from members of each Council, and an Index of Tribal Council Performance constructed. This was corroborated by a variety of sources external to the Tampakan Copper Project.

Chapter Seven comprises a comparative exercise, examining those local factors hypothesised to obstruct mineral-driven development - traditional structures, understanding, and procedural equity - with patterns of Tribal Council performance identified by the Index of Tribal Council Performance. Both positive and negative correlations between the success of developmental institutions and variations in hypothetical factors, were apparent. These patterns provided important lessons for local mineral-driven development, which are elaborated in the concluding chapter.

## **Chapter Two.**

### **Literature review.**

Having encountered numerous disputes in the vicinity of minesites, and a range of problems within host communities apparently associated with mining projects, both through personal experience and case studies from the limited mineral-development literature, the process of PhD research began. Political, economic, developmental, and indeed geographic causes were discussed with people familiar with mining, experts within companies, governmental bodies and non-governmental organisations, and elsewhere. Generic sources of conflicts, broadly relevant to mining projects anywhere in the developing world, were identified, and scrutinised with tutors and colleagues at the London School of Economics.

From this scrutiny, concepts that would serve to explain the mechanics of each of the limiting factors - that is to say the way in which they hindered mineral-driven development - were selected. Understanding of how [as well as establishing that] factors such as external violence for example, affect the developmental initiatives available to mining, would it was intended, pave the way to enlightening conclusions. Thus, findings of fieldwork on each of the limiting factors would potentially offer new recommendations to mining projects - in order that they might be able to react appropriately to factors apparently overlooked by the World Bank.

Review of relevant literature begins with the relationship between mining and local development. The first section outlines the challenge of reconciling mining with developmental needs, and indeed of disputes at minesites, which have given rise to progressive recommendations for better practices. Various conceptual fields are subsequently examined for insights into the local mineral-driven development dilemma. Institutional analysts such as Douglass North [1981], Robert Bates [1989] and Jean Ensminger [1992] provide a means of assessing the consequences of traditional organisational structures for formal institutions and vice-versa. Interpretations of social capital by James Coleman [1990] and Robert Putnam [1993], and criticisms thereof from John Harriss [1997] and James Putzel [1997], offer a basis for evaluation of the impact of violence and the implications of power within the development process. Anthropological works by Alfred Gell [1992], and Esteban Magannon [1984], were reviewed in order to ascertain the significance of local perceptions of mining. Moreover, empirical work by Herb Thompson [1991], relating to developmental experience at minesites, provide a means to evaluate and qualify conceptual insights. Upon the basis

of each of these literatures, factors limiting local mineral-driven development are articulated.

## **2. 1. Problems posed by mining as a means of driving local development.**

Mining is generally assumed to contribute to local development like other forms of investment - through rents, compensation, infrastructure, and employment. Harvey Perloff's model for the regional impact of investment in the United States explains how this should work. Perloff's Multiplier Effect decrees that every sizable injection of new investment brings in its train a series of related economic effects. Their impact is encompassed within regional multipliers, such as increasing employment, household purchasing power, and induced investment in the host region. A sequence of 'multiplier stages', varying according to ties with markets, source of employees, and whether scale of multiplication affects diversification, dictate the character of economic growth sparked by a key industry [Perloff 1960: 93]. Perloff's Activity Interaction Potential expresses the prospects for broad economic take-off from a specific industry within the region in question [Ibid: 94].

This process of multiplication is not likely to be true for most regions of developing countries that play host to large-scale mining projects, and for a number of reasons. First, the location of a mine depends entirely upon the orebody. Proximity to other industries, transport nodes, markets, population centres, etc., are coincidental. Mining therefore defies the need for spatial integration, which Baldwin [1956] and Hirschman [1977] have each demonstrated to be crucial to economic take-off. Electronic assembly, garment manufacture, and service industries can be located in urban business parks and specialist centres, in order to best address the combined demands of corporate profit margins and for local employment. Mines on the other hand, are generally remote from the metropole, in areas where political and economic institutions are weakest.

Second, open-cut mining projects are capital rather than labour intensive. Developing economies are on the other hand characterised by a surplus of labour and a shortage of capital, a point which is particularly true of remote regions. When compared with other industries, the costs incurred by large-scale mining are vast in relation to the level of employment provided. Machinery required for operating a mine must be bought and maintained from outside the area rather than sourced locally. Complex tasks such as feasibility studies, exploration, drilling and engineering, are managed by imported expertise. The local labour required for construction of roads and facilities is needed only on a short term contractual basis. One feasibility study, cited by Richard Auty, on

bauxite deposits conducted in Latin America in 1980, estimated that a \$300 million mine would spawn a settlement totalling no more than 4000 people [Alusuisse 1990].

Third, mine life is cyclical, comprising three stages - exploration, construction and operation [Godoy 1985]. Rolf Gerritsen and Martha Macintyre explain how these stages affect the capacity of companies and shape mineral economies [Gerritsen and McIntyre 1991]. They argue that the source of the capital used in a mining project, plus the temporal imperatives associated with the project's cash flows, vitally shape the implementation and public policy management of mining projects;

*"The 'capital logic' of a mining project is moulded by financial flows. The source of the money, the timing of repayment of loans, the need to make a profit, all force a characteristically 'legalistic' regime."*

[Gerritsen and McIntyre 1991, quoted in Gerritsen 1995]

During exploration, costs are therefore moderate, taxation minimal, and revenues nil. In the event of construction, costs rise dramatically, and taxes pick up. At the operational stage, costs drop with the repayment of loans, revenues flow in - assuming that metal prices meet anticipated targets, but taxation remains high. It should also be noted that taxation revenue normally goes to national coffers, representing a major leakage from the affected area.

The cyclical nature of mine life affects host communities through subsequent inconsistencies in economic opportunities. Contractual agreements are established during exploration when communities are attempting to acclimatise to the prospect of mining. Most opportunities for host communities present themselves during the construction phase, when local labour and services are in greatest demand. Once construction ends, employment drops and businesses depending upon incomes from the mine may struggle to survive.

A final point is that minerals are finite. Presuming that a mining project reaches the operational stage, as reserves are exhausted, extraction slows and with it the flow of royalties. If sustainable enterprises have not been effected by such time, then the contribution of mining to local development is likely to be negligible [Gerritsen 1995].

These factors combine to isolate mining projects from host communities and local economies. This in turn denies communities investment in health, education and other important services. Mining 'enclaves' express the contrast between the wealth, modernity, and scale of mining facilities, and the poverty of host communities. Enclaves

exist in varying strengths - sometimes barely apparent, sometimes acute. Means for measuring enclaves have yet to be established, but their existence is widely acknowledged - see for example Richard Auty [1990: 12-14] and Micheal Howard [1991]. Jonathan Rigg notes *the spatial coincidence of immense wealth set against stubborn poverty* at the site of the Freeport-McMoRan mine near Tembagapura in Irian Jaya [Rigg 1997: 94]. Tim Flannery elaborates, describing Tembagapura as *luxurious by Melanesian standards*, with a bank, specialist shops, bars, and restaurants. *Local Amungme people were excluded from the town by a vigorous security force* [Flannery 1998: 266]. At Timika airport, built to service Freeport, there was a Sheraton hotel. The village of Kwamki Lama, created for displaced Amungme, lay one kilometre away. In 1995 nearly a hundred people living there died of cholera [Ibid: 274-5].

Divisions resulting from mining investment such as those at Tembagapura represent a danger to companies where communities respond by attacking mines. Three days of rioting by Amungme people in March 1996 testify to this. Freeport facilities were ransacked and both the Tembagapura mine and Timika airport were forced to close. Protesters subsequently presented Chief Executive Officer James Moffet with a list of demands, including jobs for local people, rights of control over what happens on their land, and the dismantling of the Freeport security force [Ballard 1995 / Press 1996 / WAHLI 1996a]. In analysing the causes of problems at minesites in neighbouring Papua New Guinea, Colin Filer goes as far as to suggest that serious local-level disruption of mining projects is probable within 15 years of commencement [Filer 1990: 111].

Disputes at minesites may also have political repercussions. Because of the multi-ethnic and youthful character of many developing countries, political aspirations in remote regions are frequently divergent from those in the capital. Operasi Papua Merdeka in Irian Jaya draws support from opposition to the Freeport mine at Tembagapura, and there are similar mineral-driven secessionary sentiments in several Indonesian provinces [The Economist July 29th, 2000b]. In North Solomons province of Papua New Guinea, the Bougainville mine played a focal role in a short but brutal civil war [Connell 1991 / Filer 1990, 1992 / Griffin 1990 / May 1990 / Standish 1990].

While revenues make mining attractive to governments, mining cannot therefore be regarded as naturally conducive to local development. Comparison of the conditions for multiplication laid out by Perloff with the nature of the minerals industry, provide terms of reference for a case against multiplication and towards an eventual resource curse

scenario - in the event that mineral reserves have a negative effect upon the early and middle stages of economic development [Auty 1998: 1-11 / Auty and Mikesell 1998: 11-30]. The word 'toward' is used rather than 'for' because the absence of multiplication does not itself determine the Resource Curse Thesis, which depends upon strong non-multiplication and other variables in addition. Moreover, the tendency toward enclaves indicates that as well as having failed to provide local development, mines may foster local resentment, social problems, and violence.

A number of experts and organisations have attempted to address the mineral development dilemma. In conjunction with the United Nations Department of Technical Co-operation for Development, the German Foundation for International Development hosted the 'Mining and Environment' Conference in 1991. Discussion concentrated on the long-term sustainability of mining in developing countries. The purpose was to formulate international protocols governing mining, in order that a consultative process between various actors involved might be initiated. Although consensus between corporate, governmental and societal sectors was problematic, twenty-four Guidelines were produced [see Appendix 1]. These stress the importance of balancing economic, social, and environmental concerns, that environmental and economic considerations be integrated within decision-making processes, and the importance of greater co-operation between governments, communities and companies [Berlin Guidelines 1992: 126-9].

Recommendations for relations with, and responsibilities toward indigenous communities were also promulgated by the 1992 UNCED Earth Summit. The resulting Agenda 21 was a comprehensive program of action addressed to governments, agencies of the United Nations, other inter-governmental organisations, non-governmental organisations, and the public at large. A subsequent meeting of the National Councils for Sustainable Development in Asia, in 1995, gave forth a series of "Options" for successful implementation of Agenda 21 with respect to indigenous peoples [see Appendix 2]. While these were not related to communities specifically affected by mining projects, they set the tone for approaches to dealings with them.

These measures were followed by a World Bank Discussion Paper on the subject of effecting mineral-driven development in 1998. In response to problems experienced at minesites, ten recommendations were directed at the minerals industry. Their order reflects stages in a process that corporations might adopt to better integrate social concerns.

Figure 2.1. Explanation of the World Bank recommendations.

**1. Adopt a policy on social issues and develop capacity.**

While environmental policies are standard practice for major corporations, those addressing social concerns are not so well established. The World Bank recommended that the implementation of such policies be a priority and the value of social and human capital, both to companies and communities be exploited.

**2. Identify stakeholders and acknowledge their legitimacy.**

Provisions for public involvement are either weak or non-existent in many developing countries. However, the legitimacy of all stakeholders is regarded as important, and the World Bank stress acknowledgement of local perspectives.

**3. Identify social risks and responsibilities.**

Opportunities for companies emerge where social responsibility is viewed as conferring business advantages such as reducing costs arising from local conflicts. Accidental spillage or release of process chemicals however, can significantly change public perception of corporate responsibility. The World Bank recommended the management of social risks and prevention of impacts.

**4. Assess social and environmental impacts thoroughly. Integrate where appropriate.**

Social impacts are not always adequately dealt with by the private sector, and project approval processes in many developing countries focus on environmental, rather than social issues. Where changes in environmental quality may affect local communities, or environmental resources are threatened by social impacts such as in-migration, social and environmental assessments should be integrated.

**5. Recognise public involvement as integral to project sustainability.**

It was noted that indigenous people, women, and minorities, may be disproportionately impacted by projects. Moreover, local people can identify social and environmental concerns and assist in developing mitigation measures. For consultation to be fully effective, a common language was considered crucial.

**6. Delineate responsibilities for social provisions.**

Mining companies provide certain social infrastructure, which commonly exceeds government services to local people. This raises the issue of who should benefit. The most obvious are employees and their families, but this becomes complex when workers arrive from outside the area. The World Bank notes that investment in social and community provisions should be an integral part of doing business. They recommend that 'social costs' and business benefits be more clearly defined, and that corporations complement government systems, rather than replace them.

**7. Aim for social equity in revenue distribution, compensation, and other social investments.**

Social equity was a primary concern in compensation. Groups such as women, the poor, or indigenous peoples often shoulder disproportionate burdens. It was recommended that these be factored into compensation arrangements. Any assumption that money itself can secure agreement was to be avoided, community based compensation being preferred.

**8. Partnerships should be developed in support of sustainable development.**

Partnerships were recommended because of the interdependence between development issues and the environment, and the complexity of development issues. Corporations were to pursue partnership approaches for delivery of social programs, the advantages being in the pooling of resources, building of respect and understanding between potential adversaries, and the transfer of knowledge.

**9. Develop mechanisms for the long-term representation of stakeholders and conflict resolution.**

Development initiatives, by which communities may generate new livelihoods, require long-term commitment. With time and planning, local business start-ups for example, that may be more important than cash compensation.

**10. Evaluate the effectiveness of social investments.**

While the simplest measure of development is the sum of corporate contributions, the total amount given is less relevant than the value of outcomes. The World Bank argued that if the true social development impact is to be captured, new indicators are needed to measure the success of community investment activities.

These recommendations reflect broad consideration of problems and the expanding scope of responsibility attributed to the private sector [see Appendix 3 for detailed explanation]. They represent 'global standards' to which multi-national mining companies aspire. The fact that such measures are necessary is not in any doubt. The key issue is whether they are sufficient to ensure mineral-driven development. They do not propose specific solutions to problems at minesites, relying upon conceptual 'mechanisms' and 'partnerships'. Nor are they recognised by many domestic mining companies in developing countries, who it might easily be argued, oblivious to international scrutiny, continue to do the greatest damage to local communities. Most importantly, there is a considerable quantity of material in the fields of New Institutional Economics, Political Science, and Anthropology, indicating that such measures are insufficient to ensure local mineral-driven development. The following sections successively draw upon these sources in order to evaluate conditions facing host communities in developing regions of the world, and the capacity of the World Bank recommendations to address them.

## **2. 2. The implications of antecedent social structures for local development.**

Travels in remote regions of Southeast Asia prior to embarkation on PhD research had exposed this researcher to traditional institutions among a number of societies. Local 'ways of doing things' have inevitable implications for the adoption of formal institutions - primarily those of trade, justice and property, upon which participation in the global economy depends. Indeed, Asia is home to myriad local interpretations of the narratives of modernity - such as capitalism, democracy, gender equality, etc. These observations suggested that consideration of antecedent social structures is essential for the success of new developmental institutions, and hence local mineral-driven development too.

Indeed, research in the field of New Institutional Economics suggests that antecedent institutions have a bearing upon development - see for example Harriss, Hunter, and Lewis [1995]. Existing institutional arrangements within traditional societies would therefore impact upon the processes of formal structures implemented by mining companies and state agencies. That is to say that tools adopted in accordance with the social, democratic, and market norms which determine development strategy, may clash with local ways of doing things. This would disrupt local development.

Conventional institutional analysts such as Oliver Williamson are concerned with explaining different forms of organisation and consequently consider ideology to be exogenous when examining economic performance. Furthermore, because the driving force behind institutional change is assumed to be greater efficiency, they neglect the role played by individuals [Williamson 1981].

However, the idea that exclusively exogenous factors provide the basis for analysis begs an awkward question. How can it be determined what is exogenous in a developing country situation? It may be possible to identify external structures as those demanding cash exchange or perhaps even formal contracts, but these are likely to include endogenous aspects. Indeed, the market economy is not an overnight sensation. While it is clear that everywhere it has begun, the word 'developing' suggests that it is incomplete. Stuart Schlegel demonstrates how cash and barter trade are often interdependent, with communities deriving sustenance from both means [Schlegel 1999: 78-100]. Such realities work to discount distinctions. Thus it is clear that while in modern capitalist contexts Williamson's rules may hold, in the developing world and less competitive markets, they do not.

Douglass North provides a better starting point by avoiding the notion that institutions are created only to reduce transaction costs and increase economic efficiency. While those in the Northian camp are also interested in explaining organisations and economic performance, they are more concerned with explaining why different institutions arise, and in examining the role of ideology in the process [North 1981, 1990 / Siegenthaler 1989]. Such studies have a greater appreciation of both history and relative bargaining power and there are many examples of how individuals and groups attempt to alter institutions to serve their interests - by means which defy neo-classical assumptions [Bates 1981, 1989 / Hechter 1987 / North 1981, 1990].

Moreover, much anthropological research takes place in developing regions and among traditional societies. By its nature, anthropology treats institutions and ideology as endogenous. Anthropological insights gleaned from examination of determinants of institutions across hundreds of societies are relevant to institutional analysis [Ensminger 1992]. Developments can be traced within anthropology that parallel what has occurred in Institutional Economics - such as Barth's introduction of the transactional approach [Barth 1966].

Northian and anthropological analyses of institutions demonstrate that because information is incomplete and individuals have different ideas of how the world works, transactions have costs that are missed by the neo-classical model. Regard for land in commercial terms, that is according to the value of a specific resource therein, does not account for the 'priceless' cultural or spiritual value that may be attributed to environmental features by local communities. The market-place should therefore be regarded as only one social device for setting transactions and can be judged against others. Such institutional analysis extends neo-classic economic principles to include the role of transaction costs in exchange and so take account of institutions as critical to economic performance. It suggests that ideology and traditional systems are important to the workings of developmental institutions established at minesites to accommodate host communities.

Regarding the process of change from traditional to formal responsibilities, many adherents of Douglass North are economic historians and appreciate the fact that existing institutional and ideological structures place constraints on future behaviour. Because institutions serve multiple purposes or are 'lumpy', institutional change may be difficult to achieve, a point echoed by Elinor Ostrom [1990]. Jean Ensminger explains that this precludes particular courses of action that those using a neo-classical economic model might recommend. What is more, because existing and antecedent institutional features have a bearing upon the institutional scope available, deviance is likely to incur transaction costs [Ensminger 1992].

Scarlett Epstein illustrates this point. She explains how two Indian villages shared a common cultural heritage, one of which [Wangala] had received irrigation twenty years before, while the other [Dalena] had not. Irrigation in Wangala was built upon traditional patterns of labour organisation. Change was subsequently gradual and societal structures remained intact. Following the prolonged absence of improvements, Dalena attempted to change far more drastically, relying upon labour migration and contracts. This caused considerable social turmoil [Epstein 1962].

Institutional theory thereby suggests that changes introduced by mining projects should be evolutionary rather than revolutionary. Regard for evolutionary process, as well as the empowerment of participants, accounts for its emphasis on legal systems, property rights and organisations. Evolutionary change is of particular importance in developing regions because of the distance that has to be covered. This is

exemplified by the gap between multinational companies and the anecdotal "Stone Age" societies they often enter [quoted from Raeburn 2000].

Intrinsic to institutional evolution is the degree of 'smoothness' with which it takes place. In modern contexts, formal precedents are relatively well established. However, in situations where *new* institutional models are promoted by *outside* agencies, such precedents are unlikely to exist. This may pose a significant threat in terms of legitimacy, which underpins all successful institutions. Indeed, there is a logical correlation between legitimacy and effectiveness. Studies in developing regions by scholars such as Robert Bates, indicate that existing institutions are containers of a valuable commodity - legitimacy - in environments where legitimacy is otherwise difficult to come by [Bates 1989].

What is more, legitimacy is an elusive quality which may require a great deal of time, perhaps generations, to foster from scratch, even in favourable circumstances. The process of institutional change is therefore best maintained as seamless as possible because any stall or hiccup may have damaging consequences via its effect on legitimacy among participants. The implication is that new institutions should best evolve from those existing, rather than be devised to 'replace' traditional institutions. Indeed illegitimacy imposes transaction costs of exactly the type identified by Northian scholars. The evolution of existing institutional forms is therefore cost effective, and its maintenance a tool capable of overcoming a considerable degree of irrationality.

Finally, antecedent institutional features may explain the performance of new models. Elinor Ostrom pays particular attention to the design of institutions that motivate all actors in infrastructure development to keep transformation, co-ordination and information costs down. As well as nurturing existing institutions and placing value upon them, she observes that they contain clues as to why problems exist and that remedies may be identified within them [Ostrom 1993]. Concepts upon which traditional institutions are based might therefore provide mining companies and state agencies with a 'manual' for relations with new organisations.

Comparing these points with the efforts of mining projects to engage with traditional aspects of host communities and the cultural systems which orient them, a number of points are apparent. The maintenance of communication with indigenous communities, identification of indigenous interests, provision of opportunities to

indigenous people, and promotion of business relations with indigenous partners, are prominent themes within Indigenous People's Policies. Mining companies have also increasingly come to employ anthropologists, as is evident from participant lists at mining conferences. These personnel typically produce a range of studies of indigenous rituals, territories, and genealogies etc. for the social environs of each project. However, it should be noted that Indigenous People's Policies are premised upon the assumption that mining is a given, and that mechanisms for monitoring them, external or otherwise, are usually absent. Indeed, contractual agreements between companies and communities in developing countries rarely reflect the findings of anthropological studies and few meaningful links are made between the apparent importance of Tradition and project progress.

The apparent significance of antecedent institutions observed in Southeast Asia, confirmed by the institutional literature, suggests a considerable oversight on the part of the World Bank. Their recommendations fail to address the gap between traditional structures and the western-style development paradigm they promote.

Recommendation No. 2., *Identify stakeholders and acknowledge the legitimacy of their perspectives*, makes some concession to traditional perspectives, but focuses upon the resource - for example, *stewardship* rather than ownership of land [McPhail and Davy 1998: 13-4]. It does not relate to the value systems or kinship structures that orient the mode of production within traditional communities. Nor does it stress that these must be any more than 'acknowledged'. That is to say there is no attempt to persuade the mining industry to incorporate such values into any institutions invested with responsibility for affecting development, despite recommendations No. 5., *Recognize public involvement as integral to project sustainability*, No. 6., *Delineate responsibilities for social provisions*, No. 8., *Develop partnerships in support of sustainable development*, and No. 9., *Develop mechanisms for the long-term representation of stakeholders and conflict resolution*, all urging the involvement of local communities [Ibid: 21-34].

In light of institutional analyses related here, this thesis hypothesises that any developmental model implemented among traditional communities hosting mining projects should tessellate with antecedent structures in order to be successful. That is to say whatever means are established to manage the process, developmental initiatives should be seen as legitimate from the host community perspective.

## **2. 3. Violence and the importance of social capital for local mineral-driven development.**

As has already been noted, even a casual observer of Southeast Asia cannot help but be aware of the prevalence of violence in remote regions, be it sectarian, ethnic, or ideological in nature. Moreover, the relationship between violence and development is clearly a negative one. On the other hand, the relationship between peace and development is by no means straightforward either. In his study of the Filipino peace process, Darwin Rasul uses a quote from President Fidel Ramos [1992-8] as his foreword; *"It is a primary objective of the Government to attain a just, comprehensive and lasting peace which we believe is the basic foundation for economic development and national prosperity."* [Rasul 1993]. No development without peace. Conversely, in their analysis of the prospects for environmental protection and economic development in the Philippines, Broad and Cavanagh quote a Filipino priest as saying *"For peace to be sustainable in the Philippines, there must be equitable development."* [Broad and Cavanagh 1992: 140]. No peace without development. These oppositional perspectives each have important implications for local mineral-driven development strategies and comprise the basis for sections 2.3. and 2.4.

The concept of Social Capital underlies much recent development thinking - see for example, the World Development Report of 1996. It has since been adopted by governments and non-governmental organisations alike [World Bank 1997]. The idea is that the success of developmental initiatives depends not only on their cost or design, but upon social conditions - principally related to trust as a basis for co-operative effort, within communities.

Pierre Bourdieu referred to social capital as 'connections' between people and a way to analyse the logic whereby this kind of capital may be accumulated, transmitted and reproduced. Also a means of understanding how it turns into economic capital, and vice-versa. And as a way to grasp the function of institutions such as the family and clubs, which serve as sites for the transmission of social capital [Bourdieu 1993: 32-3].

James Coleman describes social capital as social-structural resources that constitute 'a capital asset for the individual'. He explains that social capital is defined by its function. It is not a single entity, but a variety of different entities with two characteristics in common - they all consist of some aspect of social structure, and they facilitate certain actions of those individuals who are within the structure. Like other forms of capital,

social capital is productive, making possible particular ends that would not otherwise be attainable [Coleman 1990: 302].

According to Coleman, three aspects of social relations constitute useful capital for individuals. First, the significance of insurance, related to obligations and expectations which arise in social relationships - so that rational individuals create obligations amongst others, which function as credit slips. Secondly, information communicated through social relations. Third, the ways that the existence of norms and effective sanctions facilitate action - which reduces transaction costs [ibid: 307].

Robert Putnam has assembled a broad range of evidence indicating that the nature and intensity of human interaction in civil society - what he refers to as 'networks of civil engagement', are the principal determinants of institutional performance. Civic engagement in the shape of networks, norms and trust, gives rise to social capital that facilitates co-ordination and co-operation. Moreover, an important aspect of Putnam's contribution to understanding of social capital, is his distinction between horizontal and hierarchical linkages within society. He states that organisational structures based upon horizontal linkages such as communal utility bills, shared childcare arrangements and informal credit schemes, are more likely to increase trust and co-operation necessary for the development of stocks of social capital, than are those organisations based on vertical, hierarchical linkages, such as social welfare systems [Putnam 1993]. It is the implications of civic engagement and horizontal linkages that have exercised the minds of development planners at the World Bank and elsewhere.

Putnam subsequently deploys indicators of civic engagement to show that social capital has been declining in western nations since the late 1960s. These indicators include participation in voluntary organisations, the amount of time spent socialising, attendance of meetings, and membership of societies, clubs, and associations, all of which have steadily fallen [Putnam 1995a, 1995b]. Putnam goes on to posit four destroyers of social capital. These are television viewing, mothers returning to work after having children, increasing commuting time, and the disappearance of distinct generational characteristics such as the experience of world war [Putnam 2000: 183-284]. Putnam finds a strong correlation between decreasing social capital and poor standards of education, crime, clinical depression, tax evasion, racial intolerance, and income inequality. He therefore concludes that the decline in social capital is placing an increasing burden upon western states [ibid: 287-414].

One of the most thorough attempts at measuring the impact of social capital in the developing country context is that of Narayan and Pritchett. They use data from household surveys in Tanzania to construct a 'Putnam Index' that combines information on the number of groups in different villages, their kin heterogeneity, income heterogeneity and functioning. They found a positive correlation between village social capital and levels of individuals' incomes, even after controlling for household education, physical assets and village characteristics. They therefore conclude that social capital is also important for developing regions [Narayan and Pritchett 1996].

Putnam's destroyers of social capital, such as television viewing and commuter distances, are clearly not as relevant in developing countries as they are in Europe or the United States. Nevertheless, other factors limit levels of social capital. Caroline Moser has conducted research of responses to poverty and vulnerability in poor communities. She took social capital as being a characteristic of societies and described reciprocal arrangements and community based organisations. She found that crime severely eroded trust between neighbours [Moser 1996].

The relationship between poverty, violence, and institutions became the subject of a subsequent study by Caroline Moser, in collaboration with Jeremy Holland. This demonstrated that violence contributes to fear and distrust, that erodes social capital. To summarise their findings, violence damaged social relationships by restricting physical mobility and increasing levels of tension. Restricted mobility, i.e., limits on the times of day when people could leave their homes, etc., affected social interaction and thereby community association that was important for building trust and co-operation. Violence also prevented the installation of infrastructure, which ate into community cohesion by reducing associational space. As community cohesion was undermined by the decline of strong hierarchical leaders, an institutional vacuum ensued. Police attempted to fill this vacuum, but their presence often fuelled tension [Moser and Holland 1997: 23-35].

Moser and Holland concluded that under conditions of fear and mistrust, communities often lack basic forms of co-operation or communication. Despite the efforts of individuals and local organisations, violence in all its forms, left communities bereft of the most basic stocks of social capital [Ibid 1997]. These findings have implications for all development projects - including those instigated by mining companies.

The World Bank recommendations do acknowledge the potential for conflicts arising from poor relations between companies and communities at minesites. They do not address the fact that many mining companies operate within contexts of violence and unrest not related to mining. In light of the frequency of violence in remote regions of developing countries, and the importance of peace for development, this represents a major oversight.

Moreover, studies of social capital may contain significant lessons for local mineral-driven development. It is recognised that much social capital is a public good and not necessarily in any individuals' interest to bring it into being. Nevertheless, there are some forms of social capital which are the result of deliberate investment by actors. Coleman cites business organisations and voluntary associations, where those concerned have the aim of receiving a return on their investment [Coleman 1990: 317]. It is therefore supposed that the networks, norms and trust, which give rise to social capital and facilitate co-operation, can be fostered to improve the prospects of developmental initiatives.

In light of the apparent gap in the World Bank recommendations with respect to violence in developing regions, and the potential for economic development expressed by analyses of social capital, another factor in the search for local mineral-driven development success can be identified. That is scope for the promotion [if not the presence] of social capital, expressed by reduction [or absence] of violence.

### **2. 3. 1. Criticisms of Robert Putnam's interpretation of Social Capital.**

Explaining the logical-seeming relationship between violence and development is not a straightforward task. This thesis draws upon Putnam's work, in a limited application, in order to gain a handle on the importance of interconnections between people and an understanding of how violence might damage local development initiatives. As has been detailed, Putnam's networks, reciprocity, and trust are crucial to the hypothesis that violence damages prospects for sustainable development at minesites. Remote regions of developing countries are frequently violent, and in exploring failures of local mineral-driven development at minesites, this thesis could not ignore the possibility that violence, or the perception of violence, is a cause. Before continuing with literature pertaining to further hypothetical obstacles to local mineral-driven development, it is important to also acknowledge some of the criticisms that have been levelled at

Putnam's interpretation of Social Capital - see for example Ben Fine [2001]. Moreover, it is also important to explain why Social Capital is nevertheless relevant in the context of Tampakan.

Possibly the most obvious point of contention is that if Social Capital is important in sustaining economic prosperity, where is the economic impact of the decline in Social Capital in the last thirty-five years that Putnam describes [Putnam 1995a, 1995b, 2000]. This can be explained in various ways, for example, the disappearance of Social Capital may have contributed to poverty in particular sections of US society where the variables cited by Putnam are in place, but not in others such as his own Massachusetts, resulting in an uneven pattern of economic growth across the nation as a whole. Indeed, there is a wide gap between rich and poor sections of societies within the United States and other countries cited, and it is in the poorer parts where the greater part of the decline in Social Capital has taken place. Nevertheless, this point does indicate that Social Capital has limitations as an explanator of economic growth, and needs to be considered in the context of regional and other factors.

Another source of concern is that power relations are not addressed in Putnam's explanation of Social Capital. Indeed, racism and class structures for examples, are ignored. This is potentially a problem in Tampakan, where Visayans and B'laans could be regarded as representing opposing political and economic classes. In the early stages of the Tampakan Copper Project, Visayans in the poblacion of Tampakan did object to financial support being offered to fledgling Tribal Councils, for fear that they were losing out. This protest, and subsequent ill-feeling between Visayans and B'laans, might have obstructed the accumulation of Social Capital. However, in remoter regions of Mindanao, it was generally found that divisions between Visayan or immigrant communities and traditional or indigenous communities, diminished with distance from the poblacion. This appeared to be because poor Visayan farmers and 'tribal' farmers such as the B'laans share similar levels of poverty and physical hardship. Moreover, Visayans and B'laans in Tampakan were also united by particular issues, as was found to be the case in the demand for new roads linking the most remote communities, in which case Visayans and B'laan leaders were unanimous in their desire to see roads built.

A third aspect of Robert Putnam's work which should be questioned, is his tendency to conflate economic and political issues. Putnam presents Social Capital as good for

economic growth and good for democracy [Putnam 1993]. Putnam hypothesizes that with civic association comes not only economic growth, but also greater participation in political life and the deepening of democracy. Whether this is the case and by what mechanisms it might come about, has been questioned by Francis Fukuyama, who notes that while guilds contributed to economic prosperity in Germany, they had the opposite effect on political developments, which were dominated by the rise of Nazism [Fukuyama 1995]. Similarly, James Putzel stresses a need to distinguish between '*what might be seen as the mechanics of trust [the operation of networks, norms etc] and the political content and ideas transmitted through such networks and embodied in such norms.*' [Putzel 1997: 941]. Indeed, while political awareness was growing among the local communities affected by the proposed mine in Tampakan for various reasons, among which was the creation of Tribal Councils that were effectively proto-Barangays, whether democracy would be engendered was in no way clear. Barangays are the lowest tier of government in the Philippines, and as pointed out by Nestor Castro, there are a number of negative factors, such as the undue influence of particular families who previously held power through antecedent institutions and electoral aspects of the barangay system that expose them to manipulation, impinging upon prospects for democratic process [Castro 1997]. Hence although it was uncertain whether Social Capital could deepen democracy, this does not detract from the hypothesis that violence hinders associational life within communities by imposing curfews, necessitating roadblocks, reducing communication, and so forth, and thereby affects development at minesites.

With respect to political power in a development setting, Anthony Bebbington notes that Social Capital demands a level of ethnographic analysis of relationships to establish whether they can alter forms of market and state embeddedness and thus change governance processes [Bebbington 2002]. This relates to differences between groups within society and the resultant political power they have, which is absent from Putnam's work. Indeed, prior to conducting research, an extensive period was spent in Mindanao in order to develop an understanding of the social context within which the Tampakan Copper Project was located. The historical and subsequent political context of the region are examined with the aim of evaluating the extent to which the strengthening of Social Capital might bring sustainable development gains. That is to say it was important to examine causes of violence at length in order to establish whether apparent violence was connected with the mine or rooted in antecedent local issues. In each of these cases there might have been an obligation upon the company

to address them or potential for specific local development efforts respectively. In fact, as section 5. 1. elaborates, violence was symptomatic of wider sectarian or ideological conflicts, and it was moreover this analysis of violence that raised questions about some of the criticisms that have been made of Putnam's Social Capital.

Perhaps most significantly, Robert Putnam's interpretation of Social Capital differs from those of Pierre Bourdieu [1993] and James Coleman [1990], in that he regards Social Capital as a collective as well as an individual good [Putnam 1995b, 2000]. This transformation has been the source of a substantial portion of the condemnation directed at Putnam. James De Filippis has rightly pointed out that people network to get ahead of other people, and that the benefits of networking are only realised by individuals if they do it and others do not [De Filippis 2002]. While this point has clear merit, and social networks should not be regarded as normatively good things, it does not necessarily apply in the context of this thesis, centred as it is upon Tampakan. That is because if conflict in Tampakan is caused by external factors, which is to say that ideological violence afflicting Mindanao or the Philippines at large, involving forces such as the Armed Forces of the Philippines, or the New People's Army, then no group within the affected community is likely to have anything to gain, and conversely everybody has something to lose.

James Putzel has elaborated on the point that there is unlikely to be a win-win scenario for users of Social Capital. Putzel described a 'dark side' according to which Social Capital is mobilised by particular groups within given societies in order to achieve violent ends which meet their own needs [Putzel 1997]. However, this thesis articulates an opposite scenario, in which the sources, motives, and indeed participants in violence are located *outside* of the society or community in question. In remote regions of the Philippines, a number of conflicts, primarily sectarian [Islamic independence] and ideological [Maoist / Marxist] are being fought without reference to local communities such as the B'laan tribe, simply because their areas offer cover to combatants. The point is that if this violence imposes a curfew or discourages participation in clinics, or travel between settlements, then the same limitations are being imposed upon all members of the community as a whole, and without reference or favour to any group or individual therein. Hence while there may not be a win-win situation, there can be one in which everybody is losing.

The fact that conflicts in Mindanao are external to the communities affected by the proposed mine is not to say that local people are unaware of divisions within the country at large, or that they will never share them. Indeed, the construction of a large mine and the success or otherwise of local development initiatives may lead elements among the affected communities to oppose or support the mine or the state. It may also, for example, lead to the emergence of a 'landed class' who own individual title to lands, to the exclusion of others, thereby engendering conflicts within the community. For the time being however, the host community remains unaffected by sectarian divisions in Mindanao and share almost identical experiences of economic hardship and isolation from wider political life.

#### **2. 4. Political power and local mineral-driven development.**

Another apparent contrast between 'developed' and 'developing' societies was in terms of participation in formal institutions such as local government units, the holding of land titles, business transactions, and so on. These institutions are important because they convey power to their participants. In developed societies, by and large, representative government, laws, property rights, etc., enable people to act upon problems and improve their situation. In developing societies on the other hand, many traditional communities do not participate in formal structures.

This raises an important question with regard to mineral-driven development efforts. Whatever initiatives or organisations are established at the local level, will they provide host communities with real powers? Tribal Councils and Foundations may be appropriate for company-community dialogue, but if development is to be long-term and sustainable, communities will surely need to have dealings beyond the mining project, that will require legal-political powers. Communities who have no title to their land, nor political representation, nor in some cases ever having been included in any census of population, are unlikely to sustain local mineral-driven development gains.

In critiquing the research of Robert Putnam, and social capital as a panacea for societal ills, John Harriss, Paulo di Renzio and James Putzel have pointed out that features of social organisation that facilitate co-ordination, are influenced by political institutions [Harriss and di Renzio 1997 / Putzel 1997]. Initiatives aimed at creating social capital, such as support for associations in civil society, might therefore miss the mark, attacking symptoms rather than the cause. That is

because structural factors may be more important in explaining underdevelopment than any lack of social capital. The significance of political and economic structures for development is exemplified by studies of land reform. Hernando de Soto suggests that enfranchisement of individuals is crucial to economic progress because without secure access to land, tenants, farmworkers, and sharecroppers cannot be certain of meeting basic needs for survival. In countries where the majority of people earn their living from agriculture, and the majority of these own little or no land, this has serious economic consequences - particularly where combined with income inequality [de Soto 2001].

In many developing countries, economic and political ties of dependence between the rural poor and their patrons defy efforts to make land redistribution central to the logic of reform. Providing rights and power to 'new' individuals and communities is a constitutional matter requiring changes in national laws and conventions. Local measures aimed at increasing social capital would be unlikely to improve economic well-being within such a context. As Robert Bates explains, typically weak and corrupted market stimuli in developing countries promote the strength of social and political mechanisms for controlling land and surplus, while at the same time reinforcing the absence of public institutions which might otherwise fill the vacuum. Moreover, once a developing economy is on an inefficient path that produces stagnation, it is more likely to persist. That is because the individuals and bargaining power that result from the institutional framework have a crucial stake in perpetuating the system [Bates 1989: 147-54]. This situation represents what institutional analysts refer to as path dependence - the fact that conditions within societies have specific bearing upon institutional development.

This is not however, to discount the role of individuals completely. It should also be noted that while path dependence implies that individuals have no role in the development of institutions, there is considerable evidence to suggest that individuals also play an important part - the relationship between the two depending upon the strength of precedents and other prevailing circumstances. In their studies of developing economies, Haber [1989] and Khan [1989] each indicate that while institutional arrangements do indeed influence individual behaviour, individuals' responses also impact upon institutions. They show that

individuals and local organisations can act as agents for institutional change. What is more, where utilisation of a resource lies outside the means of a community, institutional change does not necessarily take place in an exclusively top down manner. Rather, it can be initiated at a local level and spread throughout a region, nation or economy. Similarly, novel, productivity enhancing institutions can be triggered by individual initiatives and are not invariably rooted in collective behavioural change.

The potential of individuals to influence institutions, is borne out by mineral-driven development experience. Colin Filer explains how conflicts between landowners, provincial governments, mining companies, and states, can contribute to development. In 1989 Placer Pacific and its partners in the Porgera gold mine in Papua New Guinea became the first mining consortium to negotiate formally with provincial governments and local landowners as well as national government. The Development Forum is a policy instrument devised by the national government in the course of negotiations for the establishment of the Porgera mine. It consists of a series of tri-partite discussions between national government, provincial government, and local communities. These have two purposes. First, to secure joint endorsement of the terms under which the national government allows a mining company to operate. Secondly, to produce a separate set of agreements between these three 'stakeholder' groups, that spell out the distribution of costs, benefits, rights and obligations arising from the project [Filer 1995: 67-8].

Two of Filer's findings stand out. First the fact that the local people concerned were landowners afforded them greater influence over negotiations and a subsequently larger portion of royalties [Filer 1995]. Second, the PNG constitution [designed to pre-empt secessionary tendencies], provided provincial governments considerable independence [Wanek 1996: 70-7]. Circumstances in neighbouring Irian Jaya were very different. There the Indonesian state assumed all rights to land and minerals therein [Moniaga 1993: 140 / Robinson 1991: 110]. Moreover, they had the political will and means to ensure those rights militarily [Walsh 1995 / Munninghof 1995]. This severely curtailed opportunities for individuals and local organisations to secure mineral-driven development gains.

While the notion of path dependence appears to clash with that of the individual, they in fact co-exist. Path dependence reflects the constraints posed by antecedent features and thus the scope available for change. The empowerment of individuals and organisations represents the extent to which that scope is explored. The comparison presented here indicates that whether 'local initiatives' or 'path dependency' prevails will depend upon the level of power vested in concerned parties. There is no reason to assume that sufficient rights and powers for managing the consequences of mineral-driven development will be available to host communities or developmental institutions. Indeed, where communities occupy a marginal position, the opposite is likely to be the case.

The World Bank recommendations emphasise 'partnerships', 'participation' and the 'long term' context. They imply empowerment via terms such as 'stakeholders'. They do not provide any definition of what rights or powers these will confer, referring only to relations with the company. Furthermore, little recommendation for the empowerment of host communities or their representative organisations is made to the governmental sector. McPhail and Davy state that;

*"in some situations governments might identify overriding social and environmental obstacles to development to help guide the allocation of concessions. This would prevent exploration companies from investing in areas of overriding social constraints and protect both companies and communities from conflicts."*

[McPhail and Davy 1998: xi]

Such measures would serve to deflect mineral investment from certain regions, rather than encourage the empowerment of communities to cope with a mining project. In any case, the extent to which developing states can be expected to discourage investment in remote regions is unclear.

It is therefore hypothesised that communities must have sufficient power in order to articulate themselves within the regional politico-economic context, and thereby consolidate mineral-driven development gains such as rents and royalties - that is to convert them into sustainable livelihoods. The extent to which they do by comparison with antecedent structures and contemporary requirements is important and such a comparison can provide a basis for identifying improvement, if not definitive success.

## **2. 5. Understanding of the Implications of large scale mining.**

Another common question arising from the experience of communities hosting mining projects, throughout Southeast Asia, is whether or not they comprehend what is mining. Mining may sound like an obvious and self-explanatory term to members of 'modern' societies. Indeed, members of traditional societies often state that they do know what mining means. However, the response of communities in many cases of subsequent mineral development led this researcher to doubt this.

Some communities have no doubt been deceived by the contractual terminology presented to them, and the mines that were built were genuinely not what had been stated. Other projects, such as Ok Tedi in Papua New Guinea and Marcopper on the island of Marinduque in the Philippines, experienced accidents which meant that their impact was greater than expected. Nevertheless, and in light of apparent differences in value systems noted in section 2. 2., there remained instances to suggest that no matter how many times the realities of mining might be explained to a prospective host community, they would not be able to grasp it. It was therefore supposed that lack of understanding, even where a project is clearly defined and goes according to plan, could obstruct local mineral-driven development.

Of all the factors hypothesised to obstruct mineral-driven development, understanding was the most difficult to root in any theoretical literature. Following numerous discussions with others familiar with challenges to mineral-driven development, an anthropological approach was adopted. A large section of Anthropology is based upon the fact that societies have different concepts of time, scale, and space. This has implications for relationships between companies and communities. If interpretations of agreements and developmental planning are not mutual, then local mineral-driven development will be problematic.

Concern for indigenous notions of temporal reality can be traced to the work of Emile Durkheim. In contrast to realist-empiricists such as John Stuart Mill, who regarded temporal structures as determined by natural processes, Durkheim argued that societies are in fact the source of such structures, obliging people to think in common because they live their lives in common.

Durkheim described time as;

*"like an endless chart, where all duration is spread out before the mind, and upon which all possible events can be located in relation to fixed and determined guidelines. . . taken from social life."*

[Durkheim 1915: 11]

Alfred Gell notes that this is the point at which time becomes interesting to anthropologists – when the possibility is raised that collective representations of time do not passively reflect time, but actually create time as a phenomenon apprehended by sentient human beings. The idea of the social origin of human temporal experience offered the prospect of a limitless variety of experiences of unfamiliar temporal worlds, to be gained through the study of societies that have evolved in different places [Gell 1992: 3-15].

Perhaps the most simple cleavage between perceptions of time is that of the cyclical and linear. This is a specific concern of Esteban Magannon who notes that natural phenomena are largely cyclical in character, that is to say climatic variations, the waxing and waning of the moon and the passing of night and day. Human affairs on the other hand, take a more linear form. They are ever-changing in content, duration and impact, and having passed, may leave permanent changes on societies [Magannon 1972 / 1984]. Because of the reduced dependence of developed societies upon natural cycles of production and the growth of written records and information technologies, cyclical determinants of time have declined in significance, while those linear have grown.

Perceptions of time are therefore determined by experience. While one society is dominated by a technology-driven economy that owes no allegiance to the changing of the seasons, and is generally able to overcome subsequent environmental obstacles, another is dependent upon aspects of the natural environment. Moreover, while the former is able to record events precisely and fix them within a numerically measured and agreed-upon framework, the latter does not and takes action as and when conditions permit.

The consequences of such divisions are that host communities and mining corporations have different perceptions of agreements, particularly the terms according to which they will be carried out. Whether either can fully appreciate

the view of the other is uncertain. The two parties may be amicable at the outset, when no major challenge has been encountered and both are enjoying a 'honeymoon' period. Indeed, in the long term, at such time as host communities acquire experience and knowledge necessary to grasp mineral project processes, and or mining companies customise their strategy to incorporate local determinants, a mutually understood pattern of development may emerge. However, in the medium term there is likely to be a period of acculturation and potential conflict when 'deadlines' must be met and 'quotas' satisfied, that are ultimately determined by markets and have no connection with local ideas. It is during this period that any gap between socially determined categories is most likely to obstruct relations between companies and communities and the process of mineral-driven development.

Aside from time, consultation with anthropologists such as John Harriss and Terry Roopnaraine indicated that conceptual differences between parties extend to aspects of scale and space. Albert Alejo, a Mindanaon anthropologist, recalled how managers from the Rio Tinto mining conglomerate had explained the means by which they proceeded with mineral exploration. *"Their portrayal of maps, the ease with which they talked about one hundred thousand hectares, and the casualness of their namedropping of continents. . . made me feel very uneasy."* Alejo related another encounter which made the issue of scale more real. A professional cartographer was introducing a three dimensional map to the people of Mount Kitanglad in Bukidnon, in the central highlands of Mindanao. A topographic map of tribal lands had been constructed. This type of map and its influence upon relations with tribal peoples raises a question of what are the politics of producing such knowledge.

On this point, Denis Wood explains that maps are never value-free images. Both in the selectivity of their content and in their signs and styles of representation, maps are a way of conceiving, articulating and structuring the human world, which is biased towards, promoted by, and exerts influence upon particular sets of social relations [Wood 1992: 95-142]. Indeed, Peter Gow makes the point that land title is the concrete embodiment of certain social processes [Gow 1995: 62].

Mapping is a way of making the environment shareable, but contained within the process are less explicit functions. Robert Rundstrom demonstrates this point;

*"The intentional meaning behind the application of the distinctive federal public-land-survey grid to the official topographic series published by the US Geological Survey is straightforward: to assist in locating areas and to assign exclusive coordinates to them. The implicational meaning lies elsewhere in the related concepts of resource inventory, identification, allocation, and purchase of private property; property protection and access through thousands of miles of barbed-wire fencing and pavement; manifest destiny; and the geometry of American society. The act of designing and producing such a map is an act of subjugation and appropriation of nature, a basic value of American society, not merely the reification of an idle curiosity in recording dimensions."*

[Rundstrom 1991: 162]

Indeed, cartographic deconstruction can be used to reveal who is doing what to who. Thongchai Winichakul demonstrates how the inscription of a boundary around the geographical body of Thai territory was instrumental in the construction of Thai nationality. By reifying a "geobody" for Thailand, the boundary transformed indigenous ideas about space and Thai identity. Indeed the boundary did far more – facilitating an anachronistic projection of "Thailand" back into Thai history. Winichakul shows the assumption that pre-modern Thailand had a bounded geobody to be false. Instead, structures of over-lapping authorities and tributary local leaders came to be replaced by the European notion of a political boundary. Losses were to local authorities who were entirely erased, and to their populations, caught in a seismic political and geographical shift. By getting 'under' the cartographic boundary, Winichakul reveals how maps may function as a political tool, and how acceptance of the map as a natural depiction of territory can distort understanding and influence identity [Winichakul 1994].

In examining Filipino histories, reading of Glenn Anthony May indicates that at the time of the declaration of independence in 1898, those that participated in the Malolos Congress and the war against Spain were dominantly Tagalog, and that the Filipino 'geobody' extended no further than the island of Luzon [May 1997: 163-6]. Palawan and Mindanao were incorporated more gradually during the American interregnum [1898-1941] and in the course of successive settlement by migrants from Luzon and the Visayas. This raises a significant point. That is to say, whether the process of capture identified by Winichakul is as yet complete, and whether all of the indigenous tribes of Mindanao are aware of their Filipino identity is not certain. This serves to underline the potential isolation of

communities hosting mining projects, and the scale of change that they may have to undergo in order to participate in modern development.

Wood presents a range of means by which formal cartographical techniques may impose ideas upon traditional communities [Wood 1992]. Indeed, those mapping techniques developed by agencies such as Environmental Science for Social Change at the Ateneo de Manila, drawn by, and in conjunction with host communities, appear very different from those produced by mining companies and state agencies. Host communities may be vulnerable to mis-representation, particularly where contractual negotiations are based upon maps framed by the requirements of mining, and which do not incorporate indigenous perspectives.

Furthermore, studies of traditional societies indicate that such people have a multilayered mode of occupation - see Lebar et. al for an example [Lebar 1975]. A community typically builds its homes on a relatively small piece of land - which in the case of shifting-cultivators, moves. Beyond this, certain areas are required for various domesticated crops. A wider territory is necessary for collecting, hunting and fishing. Pathways and particular physical features are important for facilitating communication and social networks. And the landscape may also contain the dwellings and manifestations of spiritual aspects of traditional life. Thus the intensity of land use varies with each layer, but none is regarded as exclusive.

This signals a broad contradiction between patterns of tenure, stemming from different relationships between people and land. On one hand there is the perception of communities, of land as a means to obtaining a livelihood directly, according to which its alteration will affect their well-being. On the other is the perception of mining companies, of land as a means of generating wealth that may be accumulated and sustained through financial channels, and who are not therefore dependent upon land and the environment it supports.

Interestingly, experience from certain minesites indicates that outcomes may be more complex than anthropological insights suggest. Following its establishment at Porgera and subsequent developments at Misima and Kutubu, proceedings of the Development Forum implemented at Lihir in Papua New Guinea's New

Ireland Province in 1993, present a further challenge stemming from the discrepancy between the positions of mining interests and host communities.

Colin Filer states that;

*"a significant section of the Lihir community, and the most obstinate section of its leadership, has always regarded the advent of the mine as a millennial event - a chance for salvation or damnation, not as an economic phenomenon whose social impact can be dealt with by calculating costs and benefits and striking lasting bargains on this basis. It is this disparity of attitude and sentiment, already evident throughout the exploration phase, which is now likely to be exaggerated by the imposition of 'serious business' on the seriously unbusinesslike quality of Lihirian aspirations"*

[Filer 1995: 74]

The contractual concerns of the host community repeatedly returned to issues of compensation. What is interesting is that these demands arose from local regard for the mine as 'a millennial event' on the part of an 'obstinate section of the community'. That is to say, rather than on the basis of differing concepts of time, scale, and space etc.

Regarding this point, Rolf Gerritsen describes the Construction phase of the mine life-cycle in the following manner;

*"During construction the mining company spends money like a nation at war. Material pours into the mine locality in what appears to the villagers to be boundless quantities. Airstrips, townships and physical plant are constructed seemingly overnight. This creates the local perception of the mining company's boundless wealth and capacity, a perception that is stored for future reference."*

[Gerritsen 1996: 83]

The scale of mine operations may therefore lead communities to the assumption that mining companies are capable of any material or financial feat. The causes of contractual problems may therefore leapfrog differences of time, scale, and space, and lead directly to millennial aspirations and dependency. Attempts to engage with local concepts and perceptions may therefore be redundant by default. That is to say that in light of what a company shows itself to be capable of, the traditional systems of marginal communities may be overwhelmed by the apparent superiority of the 'new' system.

Tim Flannery's account of research in Papua New Guinea contains a revealing passage;

*"Often on the Sol, I would be approached by a Telefol elder in the dead of night. He would whisper to me: 'This evening I told you everything of the secrets of Afek. Now tell me, friend, where does money come from?'*

*At first I did not understand the nature of these questions, and would respond by saying that money represents accumulated wealth and that my ancestors had worked and saved hard. They had invested their money in banks or companies, creating even more wealth.*

*On hearing this my listener would typically become irritable and say, 'Money does not come from work. You come here and pay us to work for you. We carry your equipment and feed you. You do not work, yet it is you who have the money. Now tell me really, as a friend who will keep your secret, where does money come from?'*

*What the Telefol wanted to hear was the magic formula, whereby money could be literally made."*

[Flannery 1999: 136]

Inability to grasp technological processes and means of capital accumulation is by definition, characteristic of areas where levels of modernity are low. This has important implications for relations between traditional communities and mining. First of all, as in the case of temporal and spatial considerations, contracts may have different meanings for each party. As has been explained, these differences may be compounded by comparisons of scale.

Second, although neither side may grasp the position of the other, and misunderstanding is often mutual, mining contracts are framed primarily by companies in accordance with markets, technologies, and the dictates of state agencies. A written contract and the maps therein, is itself alien to traditional societies. Nevertheless, once such a document has been signed, the burden of understanding rests upon the host community, and the question becomes one of whether the community understands the position of the company, rather than the other way around.

Third, studies such as those of Gerritsen and Macintyre [1991], Omundsen and van Dusen [1991], and West [1992], concerning relations between companies and communities, indicate that understanding of the realities of mining may remain weak over long periods of time. Even after several decades, communities remained oblivious to the formal structures that determine the actions of mining companies and upon which local development initiatives depended. This would inevitably intensify the challenge of effecting sustainable local mineral-driven development.

Finally, understanding has implications for procedural equity on the part of affected communities *within* mineral-driven developmental structures. That is to say, in contrast to *outside* organisations and across economic and political institutions in the region as a whole. Regardless of the proportion of votes, financial clout, or veto power, held by communities or community members, in company-community associations, councils, and other bodies, lack of understanding, by its very nature, defies equity. If local participants do not understand, then the most generous terms should be questioned.

The World Bank recommends that companies acknowledge the legitimacy of host perspectives, implying that communities will do likewise, and that this will be the basis of a mutually enriching relationship. They do not take into account the fact that host communities are unlikely to be able to share the formal-developmental perspective even if they want to. Poor grasp of the implications of mining has a direct bearing upon capacity to fulfil recommendations No. 5., *Recognize public involvement as integral to project sustainability*, No. 6., *Delineate responsibilities for social provisions*, and No. 8., *Develop partnerships in support of sustainable development* [McPhail and Davy 1998: 21-30]. Indeed, without a grasp of the realities of mining, communities cannot participate as partners - 'participation' and 'partnership' being prominent terms of reference throughout [Ibid 1998].

Although understanding varies between host areas, it is an inevitable factor in remote regions and a defining aspect of situations in which standards of modernity are low. Understanding of the implications of mining on the part of host communities prior to contractual agreements, therefore constitutes the fourth hypothetical pre-condition for successful local mineral-driven development.

## **2. 6. Procedural equity within the local mineral-driven development apparatus.**

The final limiting factor concerns the ways in which companies and communities work together to create local development. A significant feature of mining projects is that host communities are unlikely to be owners of mineral reserves, those rights being assumed by the state. Moreover, host communities are rarely able to participate, nor qualified to, in negotiations thereof with companies, that are conducted with central governments. Indeed, equity on the part of host communities cannot usefully be interpreted in terms of the equal sharing of mineral wealth. That is perhaps most obviously because major mineral agreements, i.e. involving multi-national companies, are predicated upon the constitutional sovereignty of the state. Instead, 'development

trust funds', 'associations' and other organisations are established using a portion of royalties or revenues as dictated by the terms of agreement between the company and government concerned. These bodies have a remit of disbursing compensation, establishing commercial ventures to provide new sources of livelihood and sustainable incomes, and abetting corporate-community relations. It is in terms of the structure of these organisations, and the roles allocated to company and community representatives, that procedural equity is meant, and by which this thesis refers to the balance of power between communities and mining interests.

Due to the novelty of the enterprises they undertake among host communities, developmental organisations inevitably involve the imposition of alien management structures and outside 'experts' such as accountants, agriculturists and educators. As a result, there are a multitude of scenarios by which host communities may not have an equitable position within them and thus vis-à-vis mining itself. The experience of Bougainville illustrates the dangers of mining companies, and possibly an elite within the host community also, having a disproportionate degree of control over management and decision-making.

The Panguna mine on Bougainville island in Papua New Guinea's North Solomons province is among the best documented examples of the mineral development dilemma, see for example May and Spriggs [1990]. Commercial reserves of copper were discovered at Panguna in 1964 and production by Bougainville Copper Ltd., owned by CRA, part of the Rio Tinto Zinc conglomerate, began in 1972. However, the mine was plagued by political tensions. These came to a head in 1987 with local demands for environmental protection, backpayments from profits, and 10 billion US dollars in compensation. When these were not met, the Bougainville Revolutionary Army began harassing the mine which closed the following year. A state of emergency was declared by the government but after two years of martial law, the army were withdrawn in favour of a blockade which remains in effect today. Two studies, by Colin Filer [1990], and Herb Thompson [1991] have evaluated exploitation, colonialism, corporate neo-colonialism, ethnocentrism and racism, all of which have been popularly regarded as causes of the rebellion. Their work provides clarity in the identification of sources of conflict specific to mineral development projects.

Because of tribal fragmentation and isolation, there has always been a strong sense of parochialism and balkanism in Papua New Guinea [Wanek 1996]. Desire for autonomy

in regions such as North Solomons has been portrayed in two dimensions. First, in relation to the colonial presence symbolised by the mine [Howard 1991 / Suter 1997]. Second, in relation to other indigenous groups, evidenced by the historical enmity between 'Highlanders' and 'Islanders' [Ogan 1991 / Spriggs 1992]. Filer and Thompson explain that these were phenomenal rather than essential to the crisis. Neither colonialism, nor its antithesis, nationalism, although embellishing political rhetoric, were the cause of the rebellion [Filer 1990 / Thompson 1991]. Indeed, as has already been noted here, examples of communal, racial and ethnic antagonism persist in many parts of the developing world. Hence it is difficult to establish correlation between such antagonisms and the presence of a particular mine.

Environmental degradation was a manifestly more serious issue for host communities. At Bougainville, river systems and tributaries were damaged and forests swamped by the elevated water table. Fishing was reduced by pollution and sedimentation, and hunter-gathering activities curtailed by ecological changes. Reduced availability of land led to the development of squatter camps on the outskirts of established settlements. According to one report, too little compensation was offered too late [Applied Geology Associates 1989]. Thompson finds environmental damage to have been a crucial reason for rebellion because it had been borne largely as a detrimental externality by the people of Bougainville, with insufficient compensation [Thompson 1991: 81].

However, that is not to say that if the people of Bougainville had been given sufficient financial compensation for environmental destruction and loss of land, and even skills and opportunities to use it productively, the rebellion would have been averted. At best it would have been delayed. Thompson indicates that while destruction of the environment and inadequate financial compensation were more important reasons for rebellion than colonialism or racism / ethnicism, there were other more powerful explanations [Ibid: 81].

Thompson explains this by analysing the developmental apparatus implemented at Bougainville. Comprising customary landowners in the mining lease area, the Panguna Landowners Association [PLA] was established in 1979. A trust fund that included members of the PLA was formed two years later. This body provided a business arm as well as education, health, and other basic services. According to Thompson, over a period of time, the trust fund became a source of antagonism between the executive and other members of the community. This was instigated by an emergent younger

generation that suspected the directors were embezzling the money and felt themselves disenfranchised. Disproportionate distribution of income, concern that actual expenditure of the trust fund on social amenities was trivial, irregular meetings and lack of information, and the belief that outsiders were manipulating the board, all motivated opposition. Overall, there was a widespread view within the community, that the trust funds' management was corrupt and self-serving. Indeed, 300 000 Kina had to be written off as bad debt during the first few years of the funds' operation. Thompson argues that it was because of these factors, beliefs, and perceptions that there was a coup in 1988, with the younger group replacing the old PLA [Ibid: 82].

Thompson finds that class antagonisms were amplified by declining availability of land for both cash crop and subsistence production. A small indigenous capitalist class had not been able to amplify the accumulation of capital in the plantation sector. Peasantry had seen a decline in the availability of useful land and had inadequate opportunity to sell their labour. Younger Bougainvilleans had been shut out from smaller entrepreneurial activities such as retail shops, which had been under the control of Bougainville Copper Ltd., indigenous and expatriate capitalists, or the old PLA members. These problems were compounded by a booming population [Ibid: 83].

Symbols of colonialism such as the white consultants hired by the company, or elements of racism / ethnicism portrayed by epithet Redskins, directed against other Papua New Guineans by Bougainvilleans, were convenient metaphors for underlying economic problems emerging in the province as a whole. It was not that the foreign owned mine or racial differences were unimportant to a complete analysis, but that they had to be seen in articulation with the developing class structure and antagonism connected with land and economic development [Ibid: 83].

To summarise, Filer and Thompson indicate that of the numerous popular causes of conflict, only two are exclusively associated with minesites without having existed prior to mining. They are environmental damage and the disenfranchisement of host communities. In the case of Tampakan, the former is not yet relevant because the physical impact of mining is as yet minimal. The latter relates to the circumstances incurred by enclaves at minesites noted in section 2.1. The Bougainville mine project failed to accommodate the aspirations of the local community in a responsive manner. Moreover, inevitabilities such as time, growing population, and shortage of land, compounded the problem. Bougainville Copper Ltd. and the Panguna Landowners

Association, were unprepared for the complexity of mineral-driven development, which they never successfully addressed [Filer 1990 / Thompson 1991].

At Bougainville, both state and company relied upon Kaldor and Hicks' assertion that while most resource reallocations make someone worse off, this is not a barrier to efficiency. If the gains made by some people are great enough to allow them to compensate the losers, then the new distribution of factors of production, goods and services is regarded as more allocatively efficient [Kaldor 1939 / Hicks 1939]. However, as Judith Rees points out, this has implications for distributive equity. In all definitions of allocative efficiency, the resulting distribution of income, goods and services in the economy is irrelevant.

*"a situation can be efficient if 1 per cent of the population owns 90 per cent of the wealth, and a project or policy could be efficient if all the gains go to this 1 per cent. There is therefore, nothing necessarily equitable about economic efficiency."*

[Rees 1990:127]

Finally, the hypothetical significance of Procedural Equity is supported by a strong parallel with the rights-based approach to local mineral-driven development adopted by Oxfam and its partner agencies. Bob Muntz argues that the principal right of affected communities is the right to negotiate, on the basis that other economic, social and cultural rights, such as the right to food, shelter, education and maintenance of culture and tradition, can only be effectively exercised when the right to negotiate is fully available to communities. According to Muntz, the *right to negotiate* comprises four elements - the right to be fully informed, the right to adequate resources to enable a community to effectively negotiate, the right to say "no", and the right of communities to negotiate collectively [Muntz 2001: VIII].

To conclude this section, World Bank recommendations No. 7., *Aim for social equity in revenue distribution, compensation, and other social investments*, and No. 9., *Develop mechanisms for long-term representation of stakeholders and conflict resolution*, refer to equity. However, this *social equity* is between sections of affected communities in order that those most directly affected by mining receive proportional benefits. *Social equity* relates to sensitivity toward gender, age and economic and social status [Aidan and Davy 1998: 26-30]. The issue of equity as parity with the company, state, or other outside agencies, in local development structures, is not addressed.

Moreover, the preponderance of terms such as improved 'social provisions', 'better compensation' and 'effective social investments' are a matter of concern. They suggest that the World Bank are recommending better placatory methods rather than equity for host communities. This may be due to problems in sharing control over mineral resources with local communities. Nevertheless, the measures recommended by the World Bank function as a substitute for procedural equity, and do not address this key issue. If procedural equity has not been provided for from the outset, then events at Bougainville suggest that local investments will be equivalent to Danegeld, with communities regressing into dependency, repeatedly returning for more, and potentially threatening mining projects.

Furthermore, and perhaps most significantly, the World Bank spares few words for situations in which mining should not take place, defining them only as where communities *'lack the capacity to adapt to the proposed development without losing their social and cultural identity'*, and *"where communities are unwilling to accept the development"* [Aidan and Davy 1998: 20-21]. These brief statements are not supported by specific explanations, that is to say what constitutes 'social and cultural identity' or what counts as loss. Nor are any means provided for measuring how willing any given community is, considering that there are many local dissenters to any mining project. Moreover, the authors fail to acknowledge important precedents, of which they should be aware - legislation in Australia's Northern Territory for example, preserves the right of aboriginal communities to reject mining proposals. Indeed, this is respected in a long term manner, the laws of that state specifying that five years must pass before any company may attempt to reopen discussions. Fiona Solomon explained that research she conducted for the Commonwealth Scientific and Industrial Research Organisation [CSIRO] showed that one proposed mining project in the Australian state of Victoria was turned down by the state government, while another company withdrew its proposal because of negative local perceptions.

In light of the points raised in this section, it is hypothesised that the broadest portion of communities should hold an equitable position with respect to management of the developmental apparatus, and that this must be maintained throughout the life of a mining project. It is also apparent that the attentions of the community may shift from their 'organisational responsibilities and benefits therefrom', back towards a fundamentally inequitable viewpoint of themselves as traditional custodians of great wealth that is being stolen from them, along with their land and livelihoods, by

foreigners. In this respect, the very impression of procedural equity in a local organisation may have value as a means of displacing what many opponents of mining view as robbery, thereby providing social and political stability.

## **2. 7. Test Factors.**

The five factors presented here, that is traditional structures, crime, powerlessness, misunderstanding, and procedural inequity on the part of host communities, are all hypothesised to obstruct local mineral-driven development as recommended by the World Bank et. al. In order to test this, a methodology was needed to assess their impact on the Tampakan Copper Project. This demanded that suitable aspects of the Project be identified.

The following table outlines the limiting factors and hypothetical points raised thereby, and test factors that form the basis of Chapters Five and Seven. It should however be noted that the test factors pursued in the field were not the only aspects of the communities that might have been selected. Police statistics cannot provide a comprehensive picture of violence. Nor can the strength of the rights or powers held by a community be expressed by their tenurial rights alone. Such aspects are only proxies for the limiting factors, and were chosen for practical reasons associated with the availability of data, available means of data collection, and the circumstances under which the research was conducted.

Limiting Factors	Literatures	Test Factors / Proxies
Influence of traditional structures.	Institutional Analysis	Traditional versus formal Leadership / Legitimacy
Prevalence of Violence	Social Capital	Incidence and nature of Crime
Lack of Rights and Power	Criticisms of Social Capital	Tenurial Rights / Road Construction
Lack of understanding of formal institutions	Anthropology	Grasp of the physical realities of mining
Procedural Equity within local development apparatus	Case study materials	Division of responsibility between Tribal Councils and Foundation Boards

Beginning with Tradition, analysis of the relationship between antecedent or traditional structures and those of the Tribal Council system at the site of the Tampakan Copper Project was necessary to identify traditional structures. Comparison between the two would indicate the extent to which Tribal Councils fitted with traditional structures, or the

level of familiarity with formal institutions already achieved by the Tribal Councils. That is to say that considering the experiences of other tribal communities in the Philippines, see for example Eder [1993] and Schlegel [1999], it was not anticipated that indigenous communities would be in a 'pristine' state. Rather that some adaptation toward modern institutions would be underway.

In order to establish the impact of violence in the region hosting the Tampakan Copper Project, levels of criminal activity and proximity to host communities was to be assessed. Moreover, analysis of the causes of crime also had to be conducted. That is to identify not only the threat to Social Capital but the prospects for strengthening it too. Local crime of an economic nature, such as cattle rustling and theft of property, would suggest that the strengthening of social capital and other local economic initiatives could play a role in development. Ethnic, religious or political issues on the other hand, might imply more serious obstacles to progress.

With respect to Power, in order to estimate the ability of communities hosting the Tampakan Copper Project, to articulate themselves in the prevailing political and economic sphere, means of assessing their rights and powers had to be found. Moreover, these had to be connected with development in order that communities could be said to have benefited from them, or conversely, that development could be seen to have been denied should the communities fail to secure them. They also had to be specific, preferably delimited by laws. That is because other factors, such as whether communities had sufficient resources, or the will to assert themselves, might otherwise cloud the issue and render findings ambiguous or impossible to prove.

Two familiar aspects pertaining to the welfare of indigenous communities in developing countries are their right to the land on which they live in the face of encroachment by outsiders, and access to state services - see Leonen and Begonia [1995] and Hughes [2000]. For the former, analysis of tenurial legislation and challenges encountered in its application could provide indication of tenurial security. Regarding the latter, different regions have different developmental priorities and some aspect of development for which there was a need, had to be isolated. Considering the remote location of the Tampakan Copper Project and distances from the host communities to market places, schools, etc., road construction provided a potential example.

Testing of capacity for Understanding among the communities hosting the Tampakan Copper Project demanded assessment of their grasp of the physical and temporal implications of a large scale open-cut mine. This was to be achieved by means of structured interviews. Key issues relating to the size of a mine, the time it would take to build, and what the communities intended to do with rents and royalties accruing therefrom, was to provide an indication.

The Tribal Councils and Foundation Boards, and relations between the two were the obvious basis upon which to assess Procedural Equity on the part of the host communities in their relationship with mining. The role of the company and state agencies who participated in Foundation Boards had to be compared with that of Councils and their representatives to the Boards. On account of the distinct structure of the Councils and Foundations, this appeared a straightforward task. However, it depended upon access to the company and its willingness to discuss Council affairs, and also on triangulation of data wherever information gathered from Councils clashed with, or was confounded by, that provided by the company. This demanded the collection of data relating to developmental initiatives at the site of the Tampakan Copper Project from alternative sources.

Finally, as has been noted, test factors such as tenurial rights, and the allocative structure that determined the creation of new roads, were located in the surrounding institutional, social and political environment. Others, such as grasp of the realities of mining among host communities, and the relationship between traditional structures and the Tribal Councils, were located within the boundaries of the Tampakan Copper Project. This distinction raised questions relating to the roles of government and company. Factors found to influence the Project from within, relating to for example, the Tribal Council or Foundations, would indicate that attention needs to be directed toward the actions of the company. Factors sourcing from outside the Project would point to the responsibility of the state and the extent to which it was able to support the company - and participate in Financial and Technical Assistance Agreements. This reinforced the need for a two part methodology, one assessing the environment within which the Tampakan Copper Project was located in conjunction with hypothetical preconditions associated with the region. The other addressing the performance of Tribal Councils and any relationship among those hypothetical preconditions applying to the proposed mining area itself. Chapter Four presents the methodological approach

to these tasks. First however, a case study of the region and the host communities concerned, forms the basis of Chapter Three.

## **2. 8. Research questions.**

Having explained the apparent obstacles according to which the recommendations of the World Bank are to be tested, this section of the literature chapter serves to outline the research questions and a series of subsidiary questions. The purpose of this exercise is to indicate in practical terms how this thesis is to be operationalised. Following each subheading the obstacles presented in the previous sections will be successively addressed in terms of what this thesis is asking and how these questions will be investigated and analysed. The final section will explain how the comparative methodology will function.

### **Antecedent Factors**

The literature presented in section 2. 2., identifies the antecedent social context of specific communities as having important implications for local mineral-driven development. It is therefore necessary to ask what kind of social / organisational structures exist among the communities hosting the Tampakan Copper Project. This is to be achieved by interviews with Tribal Councillors and figures familiar with local life-ways, such as representatives of the Roman Catholic Diocese of Marbel, or existing aid organisations like Oxfam - Community Aid Abroad, who are active in the region.

Comparison between these traditional systems among B'laan people, and processes of the Tribal Council - Foundation structure, local government, and other institutions, will indicate differences between traditional and modern systems of social organisation in Tampakan. Where local communities have shed traditional systems and adopted new ways of doing things such as participation in the Barangay system of local government, and familiarity with formal systems such as land title, and use of bank accounts, etc., or vice versa, that communities maintaining traditional systems and not engaging with formal institutions, findings can be compared with the performance of respective Tribal Council - Foundations. That is to ask whether communities who adhere to traditional systems perform well in terms of the objectives of the Tribal Council – Foundation system. Correlations between adherence to traditional systems and mastery of modern institutions, positive or otherwise, are intended to throw light upon the role of antecedent structures, and suggest whether new local institutions such as Tribal Councils and Foundations should be modelled upon them.

To summarize the questions raised;

- What kind of social / organisational structures exist among communities hosting the Tampakan Copper project?
- What differences are there between traditional and modern systems of social organisation in Tampakan?
- How do communities who adhere to traditional systems perform in terms of the Tribal Council System?
- What is the role of traditional systems and antecedent social structures?
- Should tribal Councils and Foundations be more closely modelled on traditional systems?

#### **Violence.**

While the World Bank has acknowledged the possibility that the activities of mining companies may engender violent responses that obstruct company activities, they do not countenance the possibility that other conflicts might have a similar effect. In order to address violence as an obstacle to local mineral-driven development, it is therefore necessary to identify the causes of any violence in proximity to the Tampakan mine-site. This will involve gathering empirical data from the Philippine National Police, as well as security agencies charged with managing security at the mine-site. It will also involve gathering qualitative information from community members, and organisations such as the Diocese of Marbel, relating to the causes of violence. All of this data can then be triangulated, patterns identified, and generic causes of violence described.

Following that, the impact of violence upon the local mineral-driven development process has to be assessed. That is to ask what changes violence is effecting upon local development. This may be demonstrated directly through stoppages in development projects, or indirectly through curfews and breaks in communication between parties to local development. Considering the causes of violence in terms of their social origins, it should be possible to make concluding comments about whether local development is feasible and indeed, about the circumstances in which mining should proceed. Moreover, it might also be possible to identify where mining companies may be able to cope with, and in the longer term reduce conflicts, through particular local development strategies or initiatives.

To summarize the questions to be asked;

- What are the causes of violence in the proximity of the Tampakan minesite?
- What patterns and generic causes of violence can be identified?
- What influence is violence exerting over local development?
- To what extent is local mineral-driven development feasible in the context of violence in the area?
- What might be circumstances under which mining should or should not proceed?
- How might mining companies cope with or address violence through their local development strategy?

#### **Political power.**

The third obstacle to local development is the lack of political power available to local communities hosting mining projects in developing countries. Remote or traditional communities generally occupy a marginal position in terms of economic and statutory structures. This situation prevents them from sustaining development gains beyond the terms of support provided by mining companies. It is therefore important to evaluate the political context in which host communities live, in order to assess whether local development will be sustainable. That means asking whether the communities affected by the Tampakan Copper Project are able to participate in economic and legislative institutions, if they are registered citizens, whether they are voting in elections, whether they own businesses, whether they hold title to land, and whether they are able to influence political decisions in the region. Political influence may be demonstrated by tracking the progress of requests made to statutory bodies or government agencies, and establishing to what extent specific needs are being addressed by local government units or other government agencies.

Where communities have greater participation in social, legal, and economic institutions, then agricultural and marketing initiatives aimed at providing for local development, such as carrot production or improvements to farm to market linkages, that are enacted on the ground, have a greater likelihood of being sustained in the longer term and beyond the life of the mine. If no progress has been made in terms of political power on the part of host communities, then sustainable development gains may be precarious.

**Questions to be asked;**

- What is the political context within which the communities hosting the Tampakan Copper Project live?
- Are community members able to participate in various economic institutions such as elections, business ownership, and title to land?
- Are local development gains sustainable?

**Understanding.**

The fourth factor is the level of understanding of the realities of mining held by local communities. According to the anthropological literature reviewed in section 2.5., a low level of understanding on the part of communities hosting mining projects, may be ignored by outsiders and subsequently undermine agreements between companies and local communities, and hence mineral-driven development itself. In order to assess the implications of understanding for local development, it is necessary to ask how much of the proposed mining project the host communities in Tampakan understand. That means meeting with them and discussing the realities of mining by means of open-ended questions focussed on specific themes, such as the timescale involved and dimensions of a large mine. These questions are to be targeted at Tribal Councillors because it was these members of the communities who are responsible for decision-making. Once an assessment of the level of understanding on the part of each community has been made, comparison between their grasp of certain aspects of mining and specific project proposals will provide a direct indication of preparedness for mining. Moreover, comparison between the level of understanding of the implications of mining and the performance of each of the new Tribal Councils may also provide a correlation between understanding and performance. Furthermore, if communities are found to have a minimal level of understanding of mining, then this will have implications not only for their ability to manage development in accordance with the mine and to sustain development in the eventual absence of the mine, but for the validity of agreements between Western Mining and the B'laan communities, and the very 'partnership' between company and community.

**Questions to be addressed;**

- How much of the proposed mining project do host communities grasp?
- Are communities prepared for the implications of mining?
- Is there any correlation between preparedness for mining and the performance of Tribal Councils?

- Is the notion of partnership between company and community realistic?
- Are agreements between the company and host communities valid?

### **Procedural Equity.**

The fifth area according to which local mineral-driven development efforts are to be scrutinised, is Procedural Equity. That is to say, by finding out whether the host communities are able to express themselves in terms of their developmental institutions, or whether perhaps these are being used by the company or the government as vehicles for implementing their own strategies for development or otherwise. In order to establish this, it is important to examine the workings of the Tribal Council – Foundation system. That means assessing how the Tribal Council - Foundations works, what are the roles of the communities and company therein, how well each party is equipped to participate, and what are the rules governing their participation, e.g., can Western Mining overrule the host communities, or can the communities opt out of agreements. It also means assessing the actual proceedings of the Tribal Council – Foundation system in terms of for example, attendance of meetings, recording of inputs, project proposals, and management of budgets. If it is the case that the company are dominating the Tribal Council – Foundation system, it will be less likely that the affected communities are making decisions for, and hence managing, their own development, and the horizon for sustainable local development is further away than it might appear.

### **Summary of questions;**

- How do the Tribal Councils and Foundations operate?
- What was being achieved by the Tribal Councils and Foundations?
- Are the communities able to articulate themselves through the Tribal Council – Foundation system?
- Is the Tribal Council - Foundation system being used by mining interests to impose *their* development strategy upon the communities and their traditional territories?
- What are the rules governing the functioning of Tribal Councils and Foundations?

### **Comparative Analysis.**

As a means of deepening the preceding bases for analysis, this research also sought to compare the performances of each Tribal Council as a vehicle for facilitating developmental efforts. This meant measuring the activities of each of the Tribal Councils, which was done on the basis of a series of indicators of performance, fulfilled

by various data pertaining to the Tribal Councils. Some of this data was collected from Tribal Council members themselves. Other information came from publications concerned with the progress of local development efforts, as well as Western Mining, aid agencies, and the Diocese of Marbel, among others. The purpose of the Index is to identify any consistencies between each of the Tribal Council performances. If one Council can be demonstrated to have performed better than any other, then this pattern would pave the way for comparison with those obstacles which sourced from within the local area – that is the influence of antecedent social structures, understanding, and procedural equity. Positive or negative correlation between these local factors and Tribal Council performance would affirm or deny the influence of antecedence, understanding, and procedural equity upon local development.

Questions;

- What are the activities undertaken by each of the Tribal Councils?
- Are there any consistencies between the performances of Tribal Councils?
- How do patterns of Tribal Council performance compare with local obstacles to mineral-driven development?
- Does the comparative performance of the Tribal Councils support any apparent influence of antecedent social systems, understanding and procedural equity upon local development?

## **2. 9. Definitions of key concepts.**

Having set up the research questions, it is important to define a number of key concepts in relation to the literature before embarking upon the presentation of research itself. These concepts, used throughout this thesis, include Community, Tradition, Modernity, Sustainable Economic Development, Participatory Development, Rationality, and Power. They are used widely in social sciences literature for a variety of different purposes, hence it is essential to define them in the context of this work.

The term Community is used to describe six groups of people directly affected by the proposed mining project. They are the immigrant Visayan farmers and their families, and the indigenous B'laans who inhabit the area, who in turn comprised five tribal groups, sometimes referred to as clans, who had been adopted by Western Minings' community development program, the Office for Southern Cultural Communities / National Commission for Indigenous Peoples, and by church and other aid organisations, for support. This usage is in accordance with studies of indigenous peoples in the Philippines, such as Eder [1993]

and Schlegel [1999]. It must however be acknowledged that scholars such as Gujit and Shah [1998] have questioned the term Community in development discourse. They argue that simplistic understandings of communities treat them as homogeneous, static, and harmonious units, within which people share common interests and needs. This articulation of community, they argue, conceals power relations within communities and masks biases in interests and needs based on age, class, ethnicity, gender and religion. Indeed, Eder raises such concerns when deconstructing the stereotype of tribal societies as enjoying “a harmonious state of equilibrium with their environment . . primitive affluence . . contentment . . and as being antimaterialistic”. Eder cites studies by Epstein [1968], Salisbury [1970], and Sutlive [1978] which present individualism and achievement orientation, which influenced the responses of tribal peoples to new opportunities for participation in wider socio-economic systems [Eder 1993 p. 3]. Because of the life span of mining contracts - the Financial and Technical Assistance Agreement between Western Mining and the Philippine government was for twenty-five years with the option of another twenty-five - and the timescale of processes such as land reforms in the Philippines, it was always expected that social changes would emerge within the five ‘traditional’ B’laan communities in particular. Indeed, the communal concept of land, embodied by the Certificates of Ancestral Land Claim in 1993, and subsequently, Certificates of Ancestral Land Title in 1997, was particularly suspect, and as research established, was already being superseded by individuals among the five communities.

Two more concepts used throughout this thesis, and which demand definition are Tradition and Modernity. These work in opposing terms, which is to say that they are two broad poles that describe the lives of the B’laan communities affected by the proposed mine. The following table summarises key opposing features of tradition and modernity as they apply in this thesis.

Tradition	Modernity
Internal to the community	External
Informal	Formal
Local	National / ‘western’
Spoken word	Written word
Customary law	Constitutional / Filipino law
Conducted in B’laan language	Conducted in Filipino / English language
Barter trade	Cash economy / banking / finance.
Tribal - Kasfala justice system	Police / Regional Trial Courts

James Eder provides an excellent definition of traditional lifeways and the interface with modernity among Batak tribal groups in the Philippines [Eder 1993].

Regarding Sustainable Economic Development, perhaps the most familiar interpretation of sustainable development is that espoused by the World Commission on Environment and Development, which states that '*Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their needs*' [World Commission on Environment and Development 1987: 43].

This refers to the relationship between economic change and the natural resource base in which it is grounded. Performance is typically measured in terms of Gross National Product, energy consumption, and population growth rates. Recommendations focus on environmental resources and restraints on economic activities where they damage environments at a rate that exceeds capacity to recover [de Haan, Kasimir, and Redclift, eds., 1997]. However, this 'strong sustainability' definition, which implies that the same or an equivalent resource base will be available in the future, is not an appropriate basis for this thesis. That is because in the case of major mining projects, environmental impact and the appropriation of resources is already a given – by its very nature, mining defies the World Commission's definition of sustainable development.

Moreover, because of the capital and technological intensity of large scale mining projects, copper cannot be regarded as a common pool resource in the extraction of which local communities can participate. Hence, sustainability is here judged from a social rather than environmental perspective, in terms of the success of community development projects rather than mining itself. As the experience of Tembagapura in Irian Jaya, presented in section 2.1., and also in Papua New Guinea in section 2.6., indicate, initiatives aimed at compensating communities and passing on some of the benefits of mining to local people, failed, leaving many people worse off than before. In critiquing interpretations of sustainable development, Robert Chambers contrasts environment thinking with development thinking and livelihood thinking, which offers a more useful starting point for local mineral-driven developers. He observes that the poor do not share the same concerns as economists or biologists, and that they are interested in reducing immediate risks and obtaining short term gains [Chambers 1993]. This is borne out by experience at mining projects and feeds into the hands of companies who have obtained agreements with host communities in exchange for cash and even basic foodstuffs. Experience at existing minesites in developing countries

indicates that achieving sustainable economic development would be a complex task and probably comprise the following points. Host communities often only participate in cash economies to a limited extent. They need money in order to obtain a growing number of essentials, from food, to seed, and books for those children that attend school. However, they may only be able to obtain money through the sale of a handful of surplus crops. In order to sell more of these crops they need various agricultural inputs, services such as roads and means of transportation. In order to consolidate their economic base, they also need to develop new skills, for which they require training in the short term and education in the long term. Wherever possible, they need jobs with mining companies and the support services they attract. In short, sustainable economic development means host communities first securing meaningful gains from their agreements with mining companies, and then maintaining those gains beyond the time at which compensation and royalties from mining finish, at a level equal to, or better than they had experienced prior to mining.

Another important idea is Participatory Development, which is conventionally presented as a response to the shortcomings of top-down development. The ineffectiveness of externally imposed and export oriented planning became increasingly evident in the 1980s, when development programmes began adopting participatory methods - see for example, Robert Chambers [1983]. The aim of participatory strategies was to make people central to development. Indeed, the World Bank saw participation as a process through which stakeholders could share control over development initiatives [World Bank 1994]. This recognition of greater involvement of local perspectives and priorities presented an alternative to outsider led development, and was widely adopted by organisations. Participatory approaches to development are thereby justified in terms of sustainability, relevance, and empowerment.

However, Bill Cooke and Uma Kothari have raised a number of caveats that must be acknowledged if this definition of participation by B'laans in the Tampakan Copper Projects' Community Development Program is to be upheld. Their criticisms of participatory approaches comprises of two arguments. The first focuses on the practical and technical limitations of participatory methods, the second on theoretical, political, and conceptual limitations of the participatory discourse itself [Cooke and Kothari 2001]. David Mosse demonstrates that local knowledge is often structured by participatory strategies, rather than the other way around. Indeed, local need was actually shaped by local perceptions of what local people anticipated that the

development agency could deliver. Mosse also shows how participatory ideals are often operationally constrained by institutional contexts that require bureaucratic goals to be met [Mosse pp. 16-36 in Cooke and Kothari 2001]. Frances Cleaver points out the inadequacy of participatory approaches' models of individual agency and the links between these and social structures. Cleaver argues that understandings of the motivations of individuals to participate, or not, are vague, and simplistic assumptions are often made about the rationality inherent in participating, and the irresponsibility of not doing so [Cleaver pp. 36-56, in Cooke and Kothari 2001]. Hildyard, Hegde, Wolvekamp, and Reddy show that while participatory forest management arose from political pressures arising from popular unrest over the commercial exploitation of forests and local peoples exclusion from forest resources, it nevertheless served to maintain that exploitation and exclusion. They conclude that unless participatory processes take into account the relative bargaining power of stakeholders, they are in danger of merely providing opportunities for the more powerful [Hildyard, Hegde, Wolvekamp, and Reddy 2001]. Furthermore, Henkel and Stirrat address the idea of empowerment. They ask for what purpose do development planners seek to empower. Their answer to this question is that participants are empowered to take part in the modern sector of developing societies, and that empowerment is therefore tantamount to Foucauldian subjection [Henkel and Stirrat 2001].

These issues do not mean that participation is a bad thing, but that acts and processes of participation - sharing knowledge, negotiating power relationships, political activism and so on - can conceal and reinforce oppression and injustice. As Cooke and Kothari point out, participatory development is constructed by development professionals. This must be accompanied by acknowledgement of questions such as 'Whose reality counts?' [Chambers 1997], which suggests that there are contrasting versions of reality.

Concerning Rationality, Wendy Espeland refers to Karl Marx, George Simmel, and Max Weber, among other thinkers, who all argue that processes of rationalisation change what is meaningful and how we apprehend meaning [Espeland 1998:1-42]. Weber defines rationality in a series of distinctions, the most fundamental being rational and irrational action, with affective [or expressive] and traditional [or habitual] motivations exemplifying the latter. Rational action entails some logical relation between the action and the goals of the action, whether these are a desired end or belief. Weber further distinguishes between subjective rationality that may guide an individual's behaviour, and objectified rationality, that has become institutionalised by values, rules or

techniques [Weber 1978: 355]. Two forms of subjective rationality that dominate Weber's analysis are instrumental rationality and substantive, or value rationality. Instrumental rationality is oriented toward evaluating the means for accomplishing some defined end, and value rationality is concerned with the intrinsic value of some action, without regard for its success or consequences [Weber 1978: 24-25]. In describing various forms of objectified rationality, Weber distinguishes between substantive rationality which is oriented toward some criteria of ultimate ends or values, and formal rationality which is oriented toward the calculation of means or procedures [Brubaker 1984: 36]. Thus the former is a matter of value and the latter is a matter of fact. So, to quote Espeland, "*economic action is formally rational for Weber when it is based on quantitative calculation, accounting, and deliberate planning; it is substantively rational to the extent that some ultimate value, whether it be hedonistic, utilitarian, egalitarian, or any one of the infinite variety of possible values, provides the criterion for evaluating the results of economic action*" [Espeland 1998: 35].

In explaining the process by which the Central Arizona Project's plan to dam the River Orme was overturned in favour of the Yavapai Indian community residing in the area immediately down stream, Espeland analyses the rationalities that motivated the Project itself, and the community whose lifeways were at stake [Espeland 1998]. Espeland refers to Theodore Porter, who argues that quantitative technologies like cost-benefit analyses are often responses to conflict, distrust, and scrutiny. However, the authority of numbers can threaten or limit other forms of authority such as personal discretion, informal knowledge, and expert judgement [Porter 1995: 148-89]. Espeland's 'Old Guard' within the Central Arizona Project, represented a monolithic approach to dam building that ignored the sentiments of the community. The 'New Guard' attempted to use rational choice analyses to incorporate the needs of the Community, whose qualitative and value-based rationality defied such attempts at commensuration. Relations between these groups reveal that tensions and contradictions are likely to arise when rationalities collide.

Parties to the Tampakan Copper Project come under three broad headings. They are the State, the Company and the Community. Each operated according to specific rationalities. For the Filipino state, rationality was framed by national development goals, that were brokered by central government within the metropolis. The rationality of the state was formal, but subject to so many influences emanating from beyond the Project area, that it might be argued that at a local level the state acted in an irrational

manner. For the company, rationality was formal and framed by corporate ideals, that is profit and the cost-effectiveness of mining operations. For the community, rationality was more elusive to an outsider, but it was clearly substantive, being based upon more qualitative values, which were apparently incommensurate with quantitative methods of state and company in particular. Research indicated that each of these rationalities were in fact changing as the project progressed. Broadly speaking, the state was changing slowly and the motivation to do so was evolving political priorities and broad public opinion across the country. The company were also subject to public pressure to incorporate local perspectives, especially within its home country, Australia, but also because doing so made local partnerships more effective. Finally, within the B'laan community, the desire to obtain financial gain and secure rights such as land title, were eroding qualitative values such as the unique value of land.

Finally, it is also important to say something about the term power and what it means in the context of this thesis. Power applies to relations between B'laan individuals and communities, and external institutions such as mining companies, local government and the national laws of the Philippines Republic. Power is used in the manner of 'outcome power', described by Keith Dowding as *the ability of an actor to bring about or help to bring about outcomes* [Dowding 1996: 5], and is defined by the degree of influence B'laans had over these institutions, especially legislative, economic, and cultural aspects. For example, in terms of legislation, section 5.3 of this thesis charts the progress of traditional or tribal communities in securing legal tenure to their ancestral domains. Section 5.2. assesses relations between local government and the degree to which B'laans participated in the local economy. Sections 7.3.2. and 7.4. consider the workings of the Foundation Boards and the role B'laans had therein, which expresses their influence over decision-making in the local mineral-driven development project. All of these express a low degree of influence or power on the part of B'laans, which was an outstanding feature of their development dilemma.

### **Chapter Three.**

#### **A Casestudy of Tampakan.**

Chapter Three comprises three sections relating to the area within which research focused. The first introduces the B'laan people, and outlines their systems of social organisation, upon which basis the impact of modern structures could be assessed. The second presents the history of the region, which influenced the rights and power of B'laans within the prevalent political economy. Specific challenges included in-migration by settlers from the Visayas and Luzon, and the formal legislative framework for land tenure. The third section turns to the Tampakan Copper Project itself, introducing the five communities hosting the mining project and their relationship with Western Mining Corporation.

This exercise is important for a number of reasons. First, - as section 3. 1. explains - traditional societies throughout the Philippines are ignored by many prominent works of Filipino history - see for example Agoncillo [1967] and Constantino [1975 and 1978]. Traditional societies are also absent from those pragmatic textbook histories produced by foreign historians such as Wurfel [1991] and Steinberg [1994]. In recent years however, a new wave of scholarship has come to the fore, providing a more inclusive interpretation of events. They have been led by historians such as Glenn Anthony May, who have berated their predecessors for creating a Tagalog myth of nationhood which has been imposed across the archipelago [May 1997]. Scholars of indigenous affairs such as Rodil [1993 / 1994] and Gaspar [2000] have lamented the erosion of tribal cultures. Indeed, many B'laans with whom this research had contact, requested that their history be heard.

From a methodological point of view, as an alien to the region, with no native knowledge, it was also necessary to develop acquaintance with the area in question. This was in order to identify issues of concern for host communities and impacts to their lifeways that might otherwise go unnoticed. If for example, modern or formal institutions, that is to say the Tribal Councils established by the Office of Southern Cultural Communities / National Commission for Indigenous Peoples, and Foundation Boards sponsored by Western Mining, were to be evaluated in accordance with their compatibility with traditional structures, as demanded by the hypothesis, those structures had to be assessed.

This need was emphasised by the fact that unlike other traditional societies in the Philippines, such as the Bataks on Palawan island and the Teduray in western Cotabato, whose histories, economies and social structures have been the subject of rigorous contemporary studies, see Eder [1993] and Schlegel [1972 / 1975 / 1979] respectively, no comprehensive account of B'laan lifeways was available. A number of unpublished theses and other small studies did exist - see Lalo [1997], Lasen [1998], Lutero [1986], Ogoy [1985], and Sevilla [1999], but these were narrow in their focus and afforded no broad assessment of the B'laan predicament.

Section 3. 2. comprises a description of Visayan settlement of the region and explanation of the subsequent process of land titling with respect to indigenous communities. This demonstrates the considerable degree of institutionalisation of the tenurial system and marginalisation of B'laan communities. That is to say political structures were found to be historically entrenched and running along ethnic, cultural and linguistic lines. This had implications for both violence and political leverage, as factors limiting local mineral-driven development within the regional context.

Section 3. 3. duly addresses the positionality of mining and research relating thereto, in southern Mindanao. The rights of indigenous communities in the Philippines is a highly contentious arena, see for example, Broad and Cavanagh [1992], Rodil [1993], Tadem [1990], and Vitug [1993]. Both the Mining Act of 1995 and the Indigenous Peoples Rights Act of 1997 were subject to legal challenge in the Philippine Supreme Court on constitutional grounds - see Cruz [1999] and Guzman and Tujman [1998] respectively. In light of the claims and counterclaims of those 'for' and 'against' mining projects across the Philippine archipelago, it was important to establish the circumstances as they applied to host communities at this specific minesite - B'laans in the vicinity of Tampakan.

Moreover, accounts of B'laan history were frequently found to contain conflicting statements. Existing studies also reflected the ethnicity, political position, or occasionally the views of those who had contracted them. This gave rise to false impressions of the circumstances facing B'laan society, and mistaken assumptions of B'laan lifeways were commonplace. It was clearly important to avoid perpetuating inconsistencies, and to construct an accurate impression of how the B'laan situation had come about, in order to establish a reliable basis for research.

This point also had ethical implications, there being an obligation to give B'laans a voice. An illustration of B'laan lifeways and challenges thereto, constitutes part of the contract between researcher and researched. That is in the sense that a PhD. thesis is a means of fulfilment, career advancement, and perhaps financial gain for the researcher, it is likewise a means for those who contributed to, and were subject of that thesis, to further their interests. Indeed, in a climate of 'exploitation' engendered in the most direct sense, by the arrival of a multi-national mining company, perceptions of something being taken away extended to all contacts between local people and outsiders.

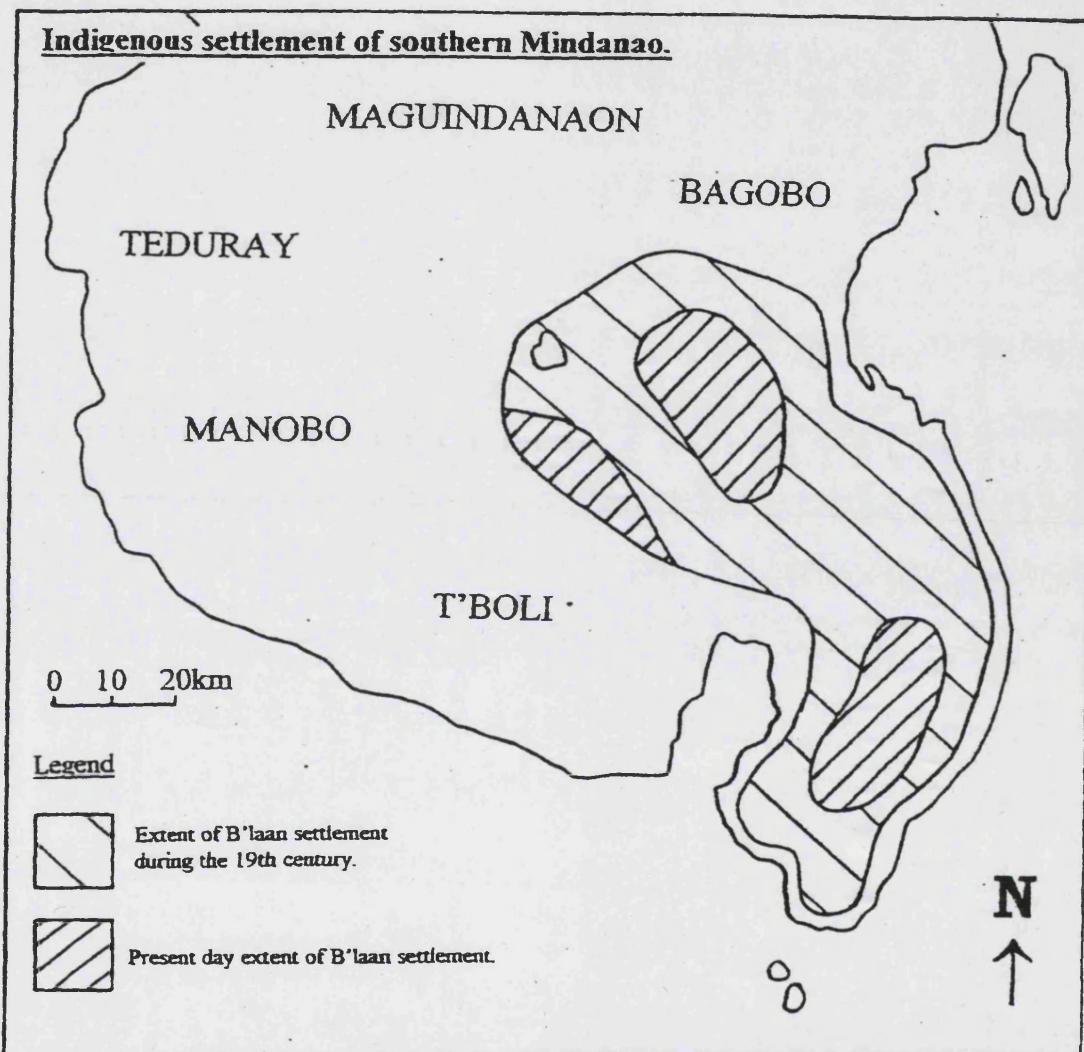
### **3. 1. The B'laan people and their social organisation.**

Using the end of the Spanish colonial era in 1898 as a point of reference, the people of the Philippine archipelago may be categorised as those who were colonised and those who were not. Those colonised generally belong to barrio and barangay communities, which respectively encompass the modern urban and rural populations. Those who were not colonised can be further sub-divided into those who resisted subjugation, and those who evaded contact with the Spaniards.

The first sub-group includes the thirteen Islamicised ethnolinguistic groups in Mindanao and Sulu, who are often referred to as 'Moros'. The second sub-group comprises eighteen ethnolinguistic groups collectively known as 'Lumads', a Cebuano word meaning indigenous [Rodil 1992: 242]. B'laans are one of these Lumad groups, occupying the southern and eastern regions of the province of south Cotabato, Southeast Davao Del Sur, around Lake Buluan in North Cotabato, and on Sarangani Island - see Map 3.

According to the national census of 1980, the population of Mindanao comprised 8 million Christians, 2 million Moslems, and 700 000 Lumads [Casino 2000: 105]. However, estimates of the B'laan population vary widely, going as high as 450 000 [Avancena-Arcenas 1993: 4]. 250 000 is the figure quoted by the Cultural Center of the Philippines' Encyclopaedia of Philippine Art in 1994 [CCP 1994: 130] and the now defunct Presidential Assistance for National Minorities in Mindanao, or PANAMIN [Lutero 1986: 20]. Lutero also refers to an account by James and Gladys Dean, who approximated the B'laan population to be 20 000 in 1955 [Dean 1955: 313]. In 1978 Passionist Father George Nolan who lived among the B'laan for more than a decade, estimated their number to be 60 000, while Father Carl Schmitz, whose pastoral area

Map 3.



Sources: National Commission for Indigenous People / Schlegel 1999 / Gloria 1997 / Blair and Robertson.

covered the hinterland of South Cotabato, judged it to be 75 000 in 1983 [Lutero 1986: 20]. The discrepancy between these figures expresses the paucity of rigorous studies concerning B'laan lifeways. The figure of 450 000 suggests that many included were actually mestizos. What are essential B'laan characteristics also varies from one observer to another. Whether B'laans are nomadic, whether they live within traditional B'laan communities or speak B'laan dialects, and perhaps on the part of those with a more intimate relationship with them, whether or not they consider themselves to be B'laan, are all very different measures of identity.

The B'laan language comprises several local dialects. They also have a strong oral tradition, exemplified by the transcriptions of Cesar Lutero [1986]. Approximately half speak a Visayan language too, usually Ilonggo or Cebuano, of which all knew at least a few words.

Traditional B'laan subsistence depends upon Alnigo or Kaingin agriculture. This involves 'swidden', 'shifting' or 'slash-and-burn' activities, similar to those described by Harold Conklin [Conklin 1961]. Commonly cultivated crops include rice, maize, banana, cassava and camote, and vegetables. An increasing portion of produce is taken to municipal marketplaces as cash crops, through the sale of which processed food, utensils, clothing and tools are obtained. Domestic animals include chickens and occasionally pigs, cows, and carabao - a large bovine species used for ploughing and hauling loads. B'laans in remote areas fish in rivers and hunt or trap wild pigs, deer, and monkeys, as are available. They also gather rattan to supplement their income, and fruits, nuts, and other products as part of their diet.

Mutual assistance is characteristic of B'laan culture, as manifested in the building of a house, clearing of land for planting, and the formation of an avenging party in order to seek retribution for wrongs done by another group or 'clan'.

Blair and Robertson cite many of the earliest references to B'laans, from which it is clear that they shared the region with 'Moros', in particular the coast and certain settlements such as Lutayan and Buluan [Blair and Robertson 1903-9: 190-197]. Through this influence, while not converted to Islam, B'laans did acquire many socio-cultural, trade, and agricultural innovations.

The anthropologist, Fay Cooper-Cole, who visited the area in 1911, noted that because of mountainous terrain, social organisation among B'laans was local. Communities were dispersed into small clusters and individual households for proximity to agricultural land and water sources. This obstructed the evolution of a central system of authority, the distance between valley settlements not permitting easy communication [Cooper-Cole 1913: 131].

Referring to B'laan society, Joseph Lalo explains how local settlement-based leaders are referred to as Bong Fulong, which translates as Big Leader, or where they are younger or of lesser social stature, simply as Fulong [Lalo 1997]. Where Moro influence has intervened, they may be known as Datu, although among B'laans this implies Moro suzerainty and not conversion to Islam. The position of Fulong is generally hereditary, leaders being succeeded by sons unless the son proves incapable, in which case another prominent male assumes the role. Several accounts of the qualifications associated with Fulongs were noted. Many of these related to the life of one Datu Baro Imba.

#### **Datu Baro Imba.**

When Visayans arrived in Tampakan in 1940, 'Datu Baro' was the most important B'laan in the eastern half of Marbel municipality, as well as parts of Columbio, Kiblawan and Tupi. Elderly settlers recalled Baro as a warrior, hunter, and fisherman. He was said to have had thirty-four wives and to have died in 1974 from an ulcer.

In Sitio Siok, part of Barangay Esperanza in the Municipality of Koronadal, an elderly B'laan related that his father had been Datu Tokayan, a brother-in-law of Baro. He explained that part of Baro's importance derived from his ability to manufacture traditional metal objects like Agong [gongs] and Bo-os [a box for carrying tobacco]. B'laans had no source of metal of their own and bartered for it with Muslim and T'boli people. Only a few had knowledge of working metal, which along with the brass itself was a craft introduced by Maguindanaons.

Two men of the Bong Mal community, Warug and Mandari Duon, and Malayon Malid, Chieftain of the Salna'ong Tribal Council, were nephews of Datu Baro. They explained that Baro did not 'rule' as a king over a certain territory or people. He was undoubtedly a man of physical prowess, but his leadership was based upon knowledge and judgement. He was assisted in this by charisma and ability to persuade. Moreover, Baro was considered to have magical powers, belief in which extended his reputation and influence over a wide area.

When asked if any B'laan retained such powers, the three informants identified two apprentices of Baro within the community. However, much traditional power had been lost because of "development". Manifestations of modernity, and consciousness of the world at large, had distracted B'laans. Moreover, in pre-modern times, B'laans believed in beings which occupied environmental features such as trees, mountains, or stones. The demise of traditional beliefs was related to the physical environment and the fact that the environment was nowadays different from the environment before. The removal of trees, construction of roads and conversion of valleys and mountains into farmland, had served to physically evict the B'laan belief system. While the landscape was becoming more familiar and reassuring to Visayans, it had become increasingly the opposite for traditional B'laans. This process was supported by the work of Gregorio Ogoy, which relates to changes among the B'laan community at Assumption, ten kilometres from Tampakan [Ogoy 1985: 42-66].

Fulongs had a role similar to that of a judge, administering Kasfala, that was equivalent to a judicial court. Advocates of opposing parties presented cases and offered their opinions. Only when a resolution agreeable to all sides was reached, was the case considered settled. Typically the transgressor had to pay a fine in terms of confiscated property or indentured labour, which reflected the scale of the crime, as decided upon at the Kasfala. Thus the Kasfala provided the basis for B'laan law.

Much of the Kasfala caseload stemmed from marital relations. Disputes relating thereto represented the majority of aggressive acts between B'laans. Similarly, Schlegel states that some aspect of making or remaking family units, or settling disputes that dealt with who was married to whom, accounted for 95% of "legal cases" among the Teduray [Schlegel 1999: 115]. However, there was no evidence to indicate that the Kasfala or any similar institution was ever a means of negotiating terms of trade equivalent to a market institution. Moreover, money and formal property rights were foreign concepts to traditional B'laans.

An elderly B'laan in barangay Saravia, part of Koronadal, explained that he had been a Bong Fulong and that nowadays his son was a Barangay Councillor. Being a Bong Fulong had meant talking with many people to resolve problems. With the arrival of settlers, this responsibility began to diminish. If a B'laan was arrested for a crime he would be charged and his case determined according to the Trial Court system.

To summarise, Fulong leadership and the Kasfala system of justice was the basis for organisation within B'laan society. Analysis of traditional structures hypothesised to be of consequence for the success of institutional initiatives subsequently focused on the relationship between these systems and the Tribal Council - Foundation structure.

Furthermore, although no broad or rigorous study of B'laan law, kinship or family structure, comparable with Stuart Schlegel's work among the Teduray in western Cotabato [Schlegel 1975], was available, close parallels between B'laan social organisation and that of other tribes in southern Mindanao were observed. Eric Casino for example, uses social and cultural continuities across a swathe of indigenous groups, including B'laans, Manobos, T'bolis, and Tedurays, to explain political and economic relations in southern Mindanao [Casino 2000: 288-90]. Such accounts provided additional material in support of findings.

### **3. 2. The history of B'laan homelands and the process of their marginalisation.**

While the preceding section has provided an introduction to the B'laan people and their social structures, such matters are internal to B'laan society and say nothing of the processes of change that have occurred in the twentieth century. These have

permeated every aspect of B'laan life and have consequences for the hypothetical preconditions for mineral-driven development.

The colonisation of land by sedentary Visayan farmers, and the introduction of new farming techniques, seed types, etc., for cash production, forced B'laans into ever more remote and barren spaces - as had happened to indigenous communities throughout the Philippines [Peralta 1979]. Visayan and state institutions, social, legal and economic, dominate B'laan life, which has come to revolve around exchange and other relationships with outsiders. Elements of traditional life irrelevant to such relationships have fallen away, and an individual B'laan's well-being now depends as much upon securing the co-operation of a Visayan patron, as upon that of another B'laan.

This process began under the United States' administration. Between 1913 and 1917, six colonies were founded in the former sultanate of Cotabato. In 1918, the Bureau of Labor established the Interisland Migration Division, which recruited homeseekers in Manila and Visayan towns such as Cebu and Ilo-Ilo [Pelzer 1948: 130].

The Commonwealth Government of Manuel Quezon [1935-1941] continued to strategise for the opening of the Mindanao 'frontier' [Ibid: 132]. The Koronadal National Land Settlement Project, comprising Marbel, Tupi, Polomolok and Lagao, was established in 1941 [Ibid: 141]. Following Philippine Independence in 1946, the NLSA and the Rice and Corn Production Administration, which supervised settlement of Buluan, were replaced by the Land Settlement and Development Corporation which administered settlement of the Allah valley, Tacurong and Bagumbayan. This was subsequently subsumed by the National Land Settlement and Rehabilitation Administration in 1954 [Wernstedt and Simkins 1965: 92]. In 1963, the Land Authority, a product of the new Land Reform Code, made settlement part of the land reform program.

The establishment of municipal authorities in the 1950s and 60s marked the completion of state sponsored settlement. Nevertheless, landlessness in the Visayas, and ongoing state promotion of Mindanao as a 'land of opportunity', contributed to immigration which exceeded that of the pre-war period. Following the survey of the plains on the west coast of the Davao Gulf, settlers moved onto the foothills of the Quezon mountains which were part of B'laan country. Cotabato and Davao absorbed over sixty percent of immigrants to Mindanao between 1948 and 1960, an estimated 790 000 people. Indeed, there was a shift in the focus of migration in the post-war period, from older areas of settlement on the northern coast of Mindanao, to these regions [Wernstedt and Simkins 1965: 90-103].

The scale of migration is reflected in municipal statistics. Of forty-two dialects recorded in Koronadal in 1995, by far the most common were Ilonggo [69%], Cebuano [10%], and Ilocano [10%] all originating in the Visayan islands. Indeed, these languages dominated every municipality in South Cotabato [Philippines' National Statistics Office 1997: 56-65].

Some scholars observe that early relations between the settlers and local Moros and Lumads were peaceful and harmonious [Casino 2000: 114]. Indeed, General Manager Paulino Santos assured NLSA Administrators in Manila that;

*"all overseers of settlements have frequently held meetings with headmen of Moros and pagans in the Koronadal Valley, assuring them that the Administration would respect their legitimate claims to their land at all times. All Bilaans who have lived for sometime on a piece of land, built their homes and tilled even a small patch of ground are respected in their holdings and allowed to stay. If they have no title to the land, the Administration offer to help them perfect their title to it."*

[Santos 1940: 45-6].

However, at issue was a fundamental contradiction between shifting cultivation and sedentary agriculture. This tension was heightened by the fact that the Visayan settlers were fleeing overcrowded lands, where many had been impoverished tenants. For them, the promise of landownership was the greatest motivator for the move to Mindanao. Furthermore, the state had important strategic purposes for its sponsorship of settlement in Mindanao. These were the economic development of untapped natural resources, and the consolidation of national territory - the aspirational opening of a national frontier akin to the 'American West'. In addition to these points, it was also intended that settlers would pre-empt any independence bid from within Mindanao [Pelzer 1948 / Wernstedt and Simkins 1965].

The inevitable result was that very little thought was given to the needs of indigenous inhabitants. Karl Pelzer, an American scholar who was present in the Koronadal valley in 1940, noted that although B'laans were concerned, surveyors "gave only verbal assurances that their rights would be respected, telling them to declare their land for tax purposes and obtain tax receipts as evidence of ownership". Such advice "was not very helpful, especially to the Bilaans." Furthermore, "It would have been better if the area could have been surveyed and sufficient land set aside for Bilaans and Moros" [Pelzer 1948: 142]. Moreover, while referring to the recent imprisonment of B'laan debtors, Avancena-Arcenas states that "This is reminiscent of the first settlers who used to tie-up, beat, and display the Bilaans suspected of theft in the town square." [Avancena-Arcenas 1993: 18]

According to Fernando Lawihan, the B'laan Headmaster of Carpenter Hill Elementary School in the municipality of Koronadal, B'laans were not included on the list of those

who could own land within surveyed areas. There were also problems establishing the legality of settler claims to land which had not been surveyed. Settlers gave cans of sardines, clothes and processed commodities in exchange for land. Some were honest, but others were not, paying to use land but titling it to themselves.

Indeed, the Visayan grip on southern Mindanao was institutionalised via land title, extending a historical pattern of consolidation that had unfolded throughout the Philippines over the previous 300 years. The Spanish crown had assumed possessionary rights following the 'discovery' of the archipelago, and commanded its subjects to register their lands [Lynch 1988], which were handed on to the United States in 1898 [Rodil 1994: 28]. Passed by the US Congress in 1902, eight Sections of the Philippine Bill related to state ownership of land and the manner of land disposition, with Section 12 stipulating "*all the property and rights which may have been acquired under the treaty of peace with Spain*" [Rodil 1992: 236]. Public Act No. 718, passed by the Philippine Commission the same year, entitled "*An Act making void land grants from Moro sultans or dattos or from chiefs of non-Christian tribes when made without governmental authority or consent.*", denied Moros and tribal peoples any right to dispose of their lands [Rodil 1994: 29 / Gaspar 2000: 115]. The Land Registration Act, also passed by the Philippine Commission in 1902, provided subsequent guidelines for registration of private land. This was according to the Torrens system, adopted from Australia, under which, proof of ownership is only ensured by certification of title [Aranal-Serenos and Librarios: 1983]

Rules governing settlement in Mindanao by migrants, also impacted upon tribal lands. The Public Land Act of 1903, allowed individuals to acquire homesteads not exceeding sixteen hectares each, and corporations 1024 hectares each, of "*unoccupied, unreserved and unappropriated agricultural public lands*". No caveat was made for traditional communities. Amendments in 1919 increased the sixteen hectare allowance to twenty-four. Non-Christians were permitted no more than ten, to which strict conditions were attached. A five year permit had to be applied for at a cost of five pesos, after which the applicant could apply for a homestead. Each applicant had to cultivate their land. If this had not begun within 6 months, the permit was revoked. Commonwealth Act No. 41, as amended in 1936, withdrew the privilege earlier granted to settlers, of owning more than one twenty-four hectare homestead, and reverted to one, not exceeding sixteen hectares. However, the ten hectare maximum permitted to non-Christians was correspondingly reduced to four [Rodil 1992: 238].

The Torrens system, and the notion of private property, clash with traditional concepts of land use. Unlike communities which have a custodial relationship with the land on which they live, title holders have the right to use and dispose of land, guaranteed to them by the state. Moreover, such laws discriminate against indigenous groups, as the majority are illiterate.

Because of this historical pattern, economic disenfranchisement and social exclusion followed ethnic lines. Gregorio Ogoy notes that;

*After being dispossessed of their ancestral lands, the B'laans succumbed to other economic and social pressures from Christian settlers. In the process of yielding to these pressures, they were pushed to the bottom of the social pyramid of Cotabato."*

[Ogoy 1985: Quoted from the preface.]

Indeed, while Moros appear to occupy a similar socio-economic position, they have always had an advantage over B'laans in the sense that they have for four centuries maintained political institutions through the sultanates of Cotabato and Sulu, which formed a comparatively solid basis for identity and organisation. As Rodil noted, and Cooper-Cole before him, B'laans had no such unifying structures [Rodil 1994: 49-51 / Cooper-Cole 1913: 131], which denied them a means to articulate their needs.

### **3. 3. The Tampakan Copper Project and the positionality of mining in Mindanao.**

The third section of this chapter concerns the context within which the Tampakan Copper Project operated. This is necessary for two reasons. First of all, interpretations of mining have implications for understanding of mining among the host communities. That is to say that they do not receive all of their information relating to mining from the company itself.

Project experience from Papua New Guinea and Indonesia related in Chapter 2, suggests that a number of state and non-governmental agencies, both local, national, and foreign-based, contribute to local knowledge. These organisations are introduced, and their relations with respect to communities hosting mining projects are considered. Secondly, perceptions of the Tampakan Copper Project across the region were also of consequence to the research. Herod [1993], Cochrane [1998], and McDowell [1998] stress that the positions of diverse sections of society and institutions must be evaluated in light of the possibility that they will affect the meaning of data collected. This served as a controlling framework for analysis.

Western Mining Corporation arrived in the Philippines in 1987, shortly after the Marcos era [1969-86] had ended. During the following ten years they evaluated over 200 exploration sites, examining twelve in detail [Western Mining Corporation 1997: 5]. According to Western Mining, the Tampakan prospect was introduced to them in 1990, by Gerry Palermo, a Visayan businessman who headed a group of mining claims held

by prominent members of the Visayan community in the municipality of Tampakan.

After preliminary investigation, Western Mining entered an Option Agreement with the Tampakan Group of Companies, of which Mr. Palermo was President. Exploration began in May 1991 over an area of four square kilometres. Mapping, sampling, geochemical and geophysical surveys were completed in 1992. Results identified a target for exploratory drilling, that was completed in September 1993. This confirmed the sub-surface continuity of viable deposits [WMC 1997].

With the ratification of the Mining Act in March 1995, Western Mining Corporation immediately obtained a Financial and Technical Assistance Agreement, covering 89 669 hectares straddling the provincial tri-boundary between South Cotabato, Sultan Kudarat and Davao Del Sur. The Tampakan Copper Project was established in June of the same year and focused on detailed sub-surface exploration. Within the first two years contractors had drilled eighty-five holes. Old logging roads were rehabilitated and accommodation for thirty-five men, a drilling workshop, laboratory, and office buildings were constructed early in 1996. The area was subsequently reduced in accordance with FTAA regulations, and was 73 548 hectares at the second contract year. However it should be noted that the size of any mine will be much smaller, as of the end of 1997 the drilling grid was approximately two kilometres square, or 400 hectares in size. The total area envisaged as necessary - the Mineral Development Area, was 2450 hectares [WMC 1997].

As has been acknowledged in section 1.3., Filipinos debated the prospects of mineral-driven development in a broad manner. Radio and television stations such as Radyo Bombo and RMN [Radio Mindanao Network], and ABS-CBN [Associated Broadcasting Services / Central Broadcasting Network] and GMA [formerly Greater Manila Area], popularised issues. So too did journalists such as Frank Cimatu and Maurice Malanes at the Philippine Daily Inquirer [Cimatu 1999 / Malanes 1999]. Others, like Art Borjal at the Philippine Star [Borjal 1993], Leo Gonzaga at the Manila Bulletin [Gonzaga 1993], and Luis Beltran at the Manila Standard [Beltran 1993], supported proposals for the revival of the mining industry.

Functioning as a rallying point, the passing of the Philippine Mining Act attracted an organised and vocal opposition. Critics included Filipino and international non-government organisations, and church-based groups. The fact that Western Mining were the first foreign company to obtain a Financial and Technical Assistance Agreement, made them a target. Reports referring to the Tampakan Copper Project were published by a number of oppositional organisations. These included the Philippine Center for Investigative Journalism [Florentina-Hofilena 1996: 97-120], the Alternative Forum for Research in

Mindanao [Montiflor and Alano 1998: 11-24], and the IBON Foundation [Tujan and Guzman 1998: 111 / IBON 1999: 13-4]. They were followed by the Bishops-Businessmen's Conference in conjunction with the Environmental Science for Social Change institution [Dalisay ed. 1999: 40] and the Philippine International Forum [Smith 1999: 55-68].

Arguments against the Mining Act revolved around several themes, nationalism, constitutional challenges, environmental and social issues, state ownership of minerals, and small scale mining. They help explain the political circumstances in which Western Mining Corporation, and research relating to mining was located.

Panagtagbo, a Mindanao forum of people's and non-governmental organisations, declaimed the Mining Act as a "sell-out for thirty pieces of gold" [Lozano 1996: 12]. This argument was rooted in the history of mining in the Philippines. As Salvador Lopez demonstrates, American companies dominated the Philippine mining sector during the immediate post-war period through 'parity rights' which persisted until 1974 [Lopez 1992: 236-49]. During the 1980s the mining sector shrank along with much of Philippine industry and commerce, due to mismanagement, structural inadequacies, and the negative impact of world prices. Hence the Philippine Chamber of Mines and the Mines and Geosciences Bureau viewed the Mining Act, intended to provide incentive to new capital, as "long overdue" [Chamber of Mines of the Philippines 1995: 1]. Panagtagbo on the other hand, saw the Act as a return to colonial-style exploitation and contrary to national interests. They claimed it encouraged foreign domination of the minerals industry, removed Filipino control over natural resources, and allowed profits from those resources to flow out of the country [Lozano 1996].

The Mining Act was also subject to a pending constitutional challenge by the Legal Rights and Natural Resources Center [LRC], who filed a petition in the Supreme Court. This is based upon provisions of Article XII, Section 2 of the 1987 constitution, which reads;

*"The exploration, development and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production sharing agreements with Filipino citizens, or corporations or associations at least sixty percent of whose capital is owned by such citizens."*

*The President may enter into agreements with foreign-owned corporations involving either technical or financial assistance for large-scale exploration, development and utilization of minerals, petroleum and other mineral oils according to the general terms and conditions provided by law, based on real contributions to the economic growth and general welfare of the country."*

The LRC claim that the Mining Act violates the quoted portion of the constitution because it allows foreigners to operate mineral projects while the constitution permits foreign participation only through technical or financial assistance [Leonen and Begonia 1995: 53]. Furthermore, that by granting FTAAAs, the Mining Act revives the service contract concept that was intended to be removed by the 1987 constitution [Ruiz 1996].

In addition to those expressed by the petition, there were a number of other arguments questioning the constitutionality of the Act. Some critics pointed out that by giving mineral projects priority over private ownership, the Mining Act in effect permits the taking of private property without due process. It was also argued that contrary to the spirit which guided the drafting and approval of the 1987 constitution, priority rights are given to miners over 'tillers of the soil'. Furthermore, that the 'vested' rights of Indigenous cultural communities which have not documented their private claims, are violated. Moreover, that whereas the constitution requires the equitable sharing of wealth, the Mining Act permits inequitable sharing of wealth. This is because it allows mere payment of regular taxes to be an adequate share by the state in an FTAA. This it was argued, is on top of other incentives which render FTAAAs lopsidedly in favour of foreign investors.

There was also opposition to the Philippine Mining Act on the basis of environmental and social issues. A frequent theme was that while the Philippines may achieve 'Newly Industrialised Country' status in the near future, this would take place at the expense of the environment and the Filipino people, see for example articles in Section 2 The Price of Growth, in The Philippine Center for Investigative Journalism's Saving the Earth: The Philippine Experience [1997].

Regarding the environment, Article II, Section 16 of the 1987 constitution guarantees the Filipino people the right to;

*"a balanced and healthful ecology in accord with the rhythm and harmony of nature."*

However, Article XII, Section 2, also reserves to the state all rights to resources;

*"All lands of the public domain, waters minerals, coal, petroleum, and other mineral oils, all sources of potential energy, fisheries, forests or timber, wildlife, flora and fauna and other natural resources are owned by the State."*

Opponents of the Mining Act interpreted these clauses as a contradiction. They regard them as giving the state mineral rights, but that they could be a basis for challenge if exploitation of such mineral rights caused environmental damage. Some also argued that the constitutional right to a 'healthful' environment is inconsistent with a minerals industry dominated by foreign companies. That is to say that foreign companies were not regarded as sufficiently mindful of the Philippine environment.

Social concerns related to the impact of the Mining Act and FTAs on local people, particularly traditional communities and their land rights. As the Philippine Legal Rights and Natural Resources Center put it;

*"Full implementation of this new mining law would likely setback the painstaking incremental gains made by people's movements in the area of ancestral domain, community based tenure and local people's empowerment."*

[From the 'Introduction' to Leonen and Begonia 1995]

Considering that land rights legislation for traditional peoples had yet to be passed, enshrinement in law of participation by non-Filipino companies in the minerals industry was perceived to have taken place with undue haste. This concern was compounded by negative experiences of traditional communities with mining companies in the Philippines as well as other parts of the world - of which organisations such as the Legal Rights and Natural Resources Center, who were affiliated to the US group, Friends of the Earth, were well informed. They insisted that the interests of indigenous cultural communities would be overridden by the profit imperative of foreign firms [Leonen and Begonia 1995 p. 21].

Finally, while the constitution vests the state with mineral rights, there is a view within many traditional societies that their ancestral domains include minerals. As has been explained earlier, this is not unique to the Philippines. Almost all mining projects in Papua New Guinea have been contested by local people who do not accept the right of the state to minerals within their land [Filer 1995 / Jackson 1995]. Therefore, although companies may have had government approval to explore for, or develop mineral resources under the terms of the Mining Act, they did not necessarily have the support of local communities. Subsequent resentment was often focused upon the company and all those perceived to be associated with it.

These narratives of opposition to mineral-driven development manifested themselves in southern Mindanao and the vicinity of the Tampakan Copper Project through the activities of a number of prominent figures and organisations. Bishop Dinualdo Gutierrez in the Diocese of Marbel was an outspoken critic of the Mining Act and Western Mining. He accused it of serving the interests of the most wealthy and influential section of Filipino society to the detriment of the least well off. In June 1996, Roman Catholic clergy issued a statement asking President Ramos to rescind the FTAA granted to Western Mining, which was presented by Bishop Gutierrez in December of that year. The Diocese of Marbel was supported in its opposition to mining by the Uniting Church of Australia [UCA]. UCA representatives made a number of visits to the area, most notably an International Fact Finding Mission in December 1996. This comprised experts whose findings were released in Australia and the Philippines, and who criticised the social and environmental efforts of Western Mining in Tampakan [UCA 1996: 18].

While Governors Hilario de Pero of South Cotabato and Pax Mangadatu in Sultan Kudarat provinces agreed, Governor Rogelio Llanos of Davao Del Sur and Mayor Jaime Caminero of the Municipality of Kiblawan were also opposed to the Tampakan Copper Project, expressing dissatisfaction with environmental safeguards. At the time of research they refused to sign agreements with Western Mining. Caminero stated that he did so on the grounds that any environmental accident such as a leakage of tailings might have disastrous consequences for his municipality. Although they could not specify the precise risk to the environment, these men maintained distrust of promises of safe practice. This extended to political figures within provinces and municipalities that *had* signed agreements with Western Mining. Jun Cagape for example, the third councillor of the Tampakan municipal council, frequently berated Western Mining through local radio and print media.

Considering the recent history of Mindanao, particularly the abuses of Ferdinand Marcos' martial law regime [1972 - 86], the recalcitrance of some local leaders may have been a tacit reflection of left-wing opposition to the state strategy of top-down development by means of multi-national corporate investments in exchange for rights to land, minerals, etc. Environmental uncertainty on the part of politicians who had not previously shown any concern for their 'pristine' environment, might therefore have been a smokescreen for deeper political machinations.

Nevertheless, it was apparent that the technical complexity of mining operations was preventing people from evaluating risks. A mining company may assure communities that new technological developments such as non-toxicity of tailings, are real. However, in remote parts of the Philippines the technologies involved are beyond the comprehension of everybody bar the scientists employed by those mining companies. Thus approval for mining depends entirely upon trust. This parallels the scenario presented by Ulrich Beck who has made the point in terms of nuclear power in a developed society [Beck 1992 / Beck, Giddens, and Lash 1994]. Like nuclear power, mining poses unknown risk far beyond the confines of the site. The 1996 Marcopper disaster served to enforce the point. In that incident a containment dam broke, releasing toxic tailings into the Boac river. This event was marked by the destruction of fish stocks and a wide expanse of agricultural land, and by the departure of the foreign partner, the Canadian company Placer Dome [Severino 1997 / Loney and Sheldon 1998].

First World societies are accustomed to multiple and simultaneous sources of risk, accruing from nuclear, transport and agricultural industries. In remote regions of developing countries however, it might be supposed that such massive and invisible risks are new phenomena. Mining presents the Risk scenario, which inevitably accompanies the process of globalisation, to the municipalities of Tampakan, Kiblawan and Columbio for the first time. Taking the whole of Mindanao and even the Philippines into account, there has as yet been negligible opportunity for people to articulate themselves in terms of Risk, and debate of mining issues represents a struggle to do so. This struggle was complicated by the fact that although Western Mining had been active in the region since 1990, no actual mining was likely to take place before 2002. Thus communities had limited experience upon which to base decisions, and instead relied upon conjecture.

As has been shown earlier, the impact of mining at the local and national level were different. Moreover, no rational judgement of a mine can be made without qualified analysis of individual project circumstances. Nevertheless, the politicisation of mineral development, as well as the circumstances of risk, have had the effect of polarising the mining debate into 'For' and 'Against' camps. Regard for local mineral-driven development was consequently ideological in nature, and researchers thereof were inevitably categorised accordingly by all those with whom they raised the subject.

Finally, with respect to the prospective relationship between Western Mining Corporation and host communities, Western Mining Corporation appeared genuinely friendly and willing to invest a great deal of their resources in successful local partnerships. During the first visit to Mindanao in 1996, a new house, built according to traditional eight-sided design, for Malayon Malid, the Bong Fulong resident in Salna'ong territory, was observed. Also a new school building, where B'laan children were able to attend elementary classes in the B'laan dialect from a B'laan school teacher. These services were being paid for by the company and the experience appeared positive.

Notwithstanding this goodwill, by 1999 some questions concerning the approach being taken by the company towards its host communities, local perceptions of mining, and how to 'do business' in Tampakan, had emerged. For example, the company consistently held that; "*Bla-an power structures appear to have centered around a single 'strongman.'*" [Western Mining 1997: 36]. Initial discussions with B'laans had however indicated, that while B'laan society was no formal democracy, neither was it one in which strong men wielded personal - and presumably coercive - power. Observation of 'Kasfala' sessions by B'laan leaders demonstrated that B'laan society was capable of organising itself in a consensual and pre-established manner. Moreover, Western Mining Group Geographer Stephen Davis stated that the Heads of Agreement and successive Principal Agreements were drawn up in accordance with the traditional *Kasfala* negotiation and more binding *Diandi* blood compact [Davis 1997: 239]. Even on the evidence of the first visit to Mindanao in 1996, this statement presented a clumsy parallel. Principal Agreements had long been standard practice in the mining industry, and Davis' comments contributed to a growing body of information which indicated that the company might be seeking B'laan customs to fit with mining practices rather than the other way around.

Stephen Davis also stated that "*attitudes within communities are changing to more democratic processes and the leadership is adjusting to accommodate those changes.*" which implied that communities were doing exactly what the company intended [Ibid: 36]. This raised questions as to how this had been achieved in Tampakan, when partnerships with host communities had proved so difficult elsewhere.

## **Chapter Four.**

### **The Methodology.**

Chapter Four addresses the task of collecting and understanding data. Geographers [Ward and Jones 1999], and increasingly economists [Herod 1999 / Mullings 1999] are re-examining ways in which research is conducted, how the research process unfolds, and the various subjectivities that are commonly inscribed in societies. In accordance with this increased awareness of, and emphasis on transparency, the methodology is outlined.

The methodology comprised two parts in responses to the aspects of the subject, that is 'national' and 'local' influences upon the Tampakan Copper Project, as introduced in section 1. 4. First were those organisations, institutions and individuals that shaped the mining arena in the Philippines. They had to be examined in order to assess circumstances in accordance with hypothetical factors that functioned across the region and which were not necessarily associated with the mining company.

The second aspect focuses on the local environment, and developmental relations between Western Mining and each of the five host communities. This was based upon measurement of Tribal Council performances. Presentation of this comparative part of the methodology begins with a discussion of requirements imposed by local conditions in consideration of which an appropriate framework was adopted. This was made up of a series of indicators devised in London. On arrival in the field, these were piloted informally, in order to assess the rigor of each indicator. This exercise revealed that data necessary for several of the planned indicators was unobtainable. As a consequence, certain indicators had to be altered and in several cases, new indicators were constructed. Finally, the comparative methodology, as it emerged from changes made in the field, and explanation of how it was conducted, is presented.

#### **4. 1. Specific methodological techniques used.**

The methodological techniques deployed by this research were adopted for two sets of reasons. First was the constraints imposed by the environment in which the research was conducted. Second were the techniques available for gathering data appropriate for expressing the impact of the five hypothetical obstacles upon local mineral-driven development in Tampakan. The research began with documentary analysis in order to articulate the hypothetical obstacles to local development, presented in Chapter Two. It

continued to draw upon documentary analysis in order to address the context in which the research was located, and indeed to present the life-ways of B'laans, and other aspects of the mineral-driven development dilemma, such as the legislative context pertaining to the rights of indigenous peoples in the Philippines and the Philippine Mining Act of 1995.

This presented a number of challenges of the nature described by Eileen Kane, who expresses concern over the reliability of written sources in documentary based research [Kane 1987: 98]. First of all, there was little material relating to B'laans, and that tends to have been produced by missionaries or explorers, who had limited capacity for rigorous data collection. Government data emerged after World War Two, but its collection was driven by plans to open the region for settlement in order to relieve overcrowding in Luzon and the Visayas region, and there was little motivation to uphold the presence of B'laans, who presented a potential obstacle to settlers. Indeed, as Kane makes clear, substantiation of written sources is essential, and was therefore an important responsibility for this research. Developing a reliable impression of B'laan tradition and lifeways depended upon triangulation between diverse accounts, and with literature relating to the neighbouring Bagobos and T'Boli tribes, among whom some recent research has been conducted. Another significant challenge to documentary analysis was the fact that the rights of indigenous peoples and mining companies were subjects of contention, and realities were constantly evolving as various cases passed through the Philippines' Supreme Court, and protest movements emerged. Much of the documentary material first appeared in newspapers, or articles published by campaign groups, and while being of interest, are difficult to clarify or indeed, verify. Published information is therefore less reliable than had been anticipated, and required regular verification, with figures such as Terence Gardner, President of Western Mining or Datu Vic, an Indigenous Peoples Commissioner, and other figures with 'expert' knowledge. By confirming new 'facts' with as many such well placed sources, it is gradually possible to establish what was real.

This research also relied heavily upon in-depth interviews with B'laans as well as Filipino and western figures. Conducting interviews in a developing country setting is a challenging task, particularly where interviews are conducted with B'laans, who do not speak English, nor most often, Pilipino, the national language. Interviews with B'laans were conducted in an unstructured manner. This was important because, particularly at the outset, very little was known about the B'laan communities, compared with say government agencies or Western Mining Corporation. This kind of interviewing is frequently used by anthropologists who, like this researcher, conduct their studies in the

context of other cultures. Generally speaking, there are two ways to study this kind of group. According to Kenneth Pike, the 'emic' approach involves finding out how the group sees itself and categorises its world. The 'etic' approach involves imposing categories developed outside the group using a set of questions based upon standardised categories which can be used to study not only one group, but others as well [Pike 1967]. As so little was known about the B'laan perspective, it was necessary to begin with an 'emic' approach, and the broadest possible questions were initially asked of community members. See for example section 7. 3., in which answers to questions such as *What is mining?*', *What is the Principal Agreement?*', and *How long will mining take?*' are presented. Following from these 'grand tour questions', as Spradley and McCurdy refer to them, new questions can be posed, based upon the answers given [Spradley and McCurdy 1972]. So for example, if B'laans state that mining is a hole in the ground, then the next question might be, *Where will that hole be?*', or *How big will that hole be?*'. A list of sample questions are presented in Appendix 6.

Two classes of interviewee were approached. One was individuals or groups of Tribal Councillors; the other was communities as a whole. Interviews with communities fulfilled a multiple purpose; first they were intended to access specific information, such as the data presented in section 7. 1., relating to how many people from each community had travelled to which places. Interviews with communities served as an ice-breaker and as get-to-know-you sessions, where community members could familiarise themselves with the identity of the researcher and assistants in order to feel comfortable about their presence. It was also a time when the research project could be explained in detail. Moreover, these community interviews were generally light-hearted and an opportunity to explore qualitative areas such as the workings of the Kasfala, and the life of Datu Baro Imba, presented in section 3. 1., which while not being quantitative in nature, or directly linked to the hypothetical obstacles, nevertheless have bearing upon B'laan lifeways, and implications for local development. Such details could not have been arrived at by means of standardised schedule type interview technique, and required time to be articulated and understood.

Interviews with Tribal Councillors tended to follow meetings with communities and the 'emic' approach to them, and were 'etic' in nature. This was because it was to Tribal Councils that questions on specific aspects of the research, such as the workings of the Tribal Council – Foundation system and data necessary to fulfil indicators of Council performance, were directed. While this thesis set out to explore the five hypothetical

obstacles, the 'emic' approach raises issues such as the importance of roads and tenurial insecurities which need to be explored specifically in order to address the hypothetical obstacle of political power on the part of host communities. For this reason, a standardised interview technique, according to Kane, was deployed, albeit one that did not adhere to a schedule [Kane 1987: 63]. This kind of interview is based upon the assumption that it will take different kinds of questions, perhaps put in a different order, to obtain the same information from different people. Essentially, the interviewer proceeds with any approach that is useful to convey to the interviewee the sense and meaning of what they want. In this type of interview the answers received are likely to cover more material, and allow for group variations. This technique was also used when interviewing Visayan participants, such as Barangay officials, who often wanted to stress points of their own, which were not necessarily relevant to the thesis aims, and when impromptu or unexpected meetings took place.

#### **4. 2. The data collection strategy.**

As noted at the beginning of this chapter, the methodology that supports this thesis was shaped by two forces. One comprised the five factors hypothesised to explain the failings of local mineral-driven development at mine-sites, they being antecedent social structures, violence, inadequate political power, lack of understanding, and procedural equity. These are in turn regarded as having two sections, violence and politics having regional or national sources, while antecedence, understanding, and procedural equity were local and dependent upon the proposed mining area itself. The other force that determined the methodology, was the availability of data and obstacles in the field, and it was therefore difficult to enter the field with a pre-planned strategy for collecting data. There were considerable difficulties in terms of access to remote communities, which took time and effort to overcome. There were language barriers which required translation, and differences in terms of culture and subsequent understanding of apparent facts. Because this researcher was white and an outsider, there was a near constant association of the research with the mining company, that could not be displaced by a letter from the London School of Economics, nor it was felt, by any amount of patient explaining. Techniques for data collection that were used had to be adopted and justified away from the classroom and tutorial support that would normally be available.

The initial three month period in the Philippines comprised a process of preparation, and on arrival in Mindanao, a number of preliminary tasks were necessary. The research project was introduced to the provincial governors and mayors concerned, and research

assistants were interviewed and recruited and vehicles secured, which points are detailed in section 4. 4. Meetings were held with each of the five barangay councils, within whose territories, the proposed mine and B'laan communities were located. These took place in barangay halls at the convenience of Barangay Captains and Councillors. Communications were established with B'laan communities and Tribal Councils in preparation for each journey into the region affected by the proposed mine, in order that intended meetings could be planned. This generally had to be done by word of mouth. When B'laans visited the market place in Tampakan for example, introductions were made and messages proposing meetings passed on. Initial meetings were held with Tribal Councils, within their communities and at their convenience in order to introduce the research project to them, and to ascertain their willingness to participate.

The methodology itself comprised two parts, the first was qualitative assessment of information relating to the five factors hypothesised to obstruct local mineral-driven development. This involved in-depth interviews with specific people who were familiar with various aspects of the proposed mining project, and who are introduced in section 4. 4. A list of interviews conducted in the course of this research project is presented in Appendix 5. These people were contacted prior to interview, and the research presented to them. Some of these figures, such as those within Western Mining, local government, and the church were planned prior to arrival in Mindanao, while others, such as Romulo de la Rosa and Datu Migketay Saway were not. In addition to this, group interviews were conducted with members of each affected community, and Tribal Councils. Documentary analysis of for example, Principal Agreements between each community and Western Mining, constitutional laws, and the monthly bulletin published by Western Mining was also important, as was literature available in Filipino libraries, particularly relating to the history of the affected region.

The following paragraphs outline the methodology conducted in order to research each of the five hypothetical factors upon which this thesis is based. Study of antecedent social structures among the communities affected by the proposed mine began with literary sources. For example, Stuart Schlegel [1972, 1975, 1979, 1999] and James Eder [1993] have each conducted extensive studies of the lifeways of tribal groups in the Philippines. Local museums in General Santos and Marbel also contributed through their collections of indigenous artefacts, which provided points of reference at meetings with B'laans. Community based 'emic' interviews were carried out with B'laan groups at seventeen different locations in the Koronadal Valley, who all gave various perspectives of traditional

B'laan lifeways. This involved identifying senior and generally elderly B'laans by word of mouth from other B'laans and from the indigenous People's Office at the Diocese of Marbel. They were asked whether they were willing to meet with a foreign researcher to talk about B'laan lifeways, and a time and place agreed upon. While open-ended and conducted in the manner of a conversation with the support of a local translator – usually a family member who would translate from B'laan into Visayan, these interviews arrived at focal points such as Datu Baro, who was familiar to almost all B'laans, a brief biography of whom is presented in section 3. 1. Interviews were also conducted with local scholars such as Cesar Lutero [1986] and Gregorio Ogoy [1985], who have completed specific studies of B'laan culture and economy respectively, at local universities, and who are introduced in section 4. 4.

In terms of violence, a number of quantitative sources were available and these were exploited – that is to say police statistics and incidents recorded by Western Mining's own security services. These sources were compared with each other and triangulated with data collected by the Peace and Justice Office in the Diocese of Marbel. However, a certain amount of crime was obviously not being reported, and in any case, this research was concerned with the motives for criminal activity. Interviews were conducted with local police leaders about crime, and who are introduced in section 4. 4., however, as all of the policemen and women encountered were Visayan, and this research was concerned with B'laan areas, there was considered to be a potential bias within data collected from the police. Interviews were also conducted with the Local Amnesty Board at their office in Marbel. The Amnesty Board process applications for amnesty from rebels, and were valuable to this research, not only because they were able to provide data, but because in the course of meeting applicants, Board members had contact with figures involved in criminal activity in remote areas, and were familiar with the historical roots of much of the violence in Mindanao. Moreover, several of them were former rebels and were able to provide alternative perspectives of the role of the state in the region. Further information was gathered during meetings with Visayan buy-and-sell traders, B'laans themselves, and the Indigenous Peoples Office in the Diocese of Marbel, and upon the basis of these sources, generic causes of violence in the region, that are presented in section 5. 1. could be consolidated.

In order to research the level of political power held by the communities hosting the proposed mining project, means by which such power could be assessed had to be identified. Two potential indicators were the construction of roads to B'laan communities

and the degree of tenurial security held by B'laan communities over their ancestral domain. It was important to consider more than one because no single indicator would provide for a broad demonstration of political power, there being attendant physical, geographical, cultural, etc, considerations to take into account.

During meetings with affected communities and Tribal Councils, issues regarding their livelihoods and access to markets were discussed. Preliminary information was obtained from research assistants who were familiar with the region, and meetings with small groups of B'laans and Tribal Council members, particularly those using market places, pursued. They were asked about their agricultural produce, transportation, and market access. These meetings were followed up by meetings with Barangay Captains, at which issues of market access were also followed up. The assumption was that if B'laans in remote areas were experiencing difficulties, then so would those Visayans living there, whose responses would corroborate those of B'laan farmers. Discussions were also held with buy-and-sell storeowners, both within and without the area affected by the proposed mine, who explained farm to market arrangements, and the costs this imposes on B'laans. It was from these meetings that the economic potential of specific roads was identified and subsequently, an interview was sought with Richard Corpuz, a civil engineer at Western Mining, who confirmed the technical feasibilities of a new road. The potential of new roads was then discussed with municipal Councillors and Mayors, and the apparent advantages and disadvantages of road construction, assessed.

The second means by which the degree of political power held by B'laans was to be assessed, was tenurial security. Several meetings took place with staff at the Indigenous People's Office in the Diocese of Marbel, and an interview on the subject of the Indigenous People's Rights Act was obtained with Commissioner Migketay Saway of the National Commission of Indigenous Peoples, at his office in Malaybalay, and similarly with Romulo de la Rosa at the Alternative Forum for Research in Mindanao, Inc. Although these served to set the scene with regard to the relationship between B'laans and their ancestral land, the majority of information pertaining to the legal rights of B'laans to their land came from documentary sources. These include the Filipino Constitution and Acts of the Philippine Congress, and newspaper articles. A brief case study of the B'laan community at Lamkwa, outside of the area affected by the proposed mine, but illustrative of the challenges facing B'laan communities in Tampakan was completed following reading of a PhD thesis by Orlinda Sevilla at the University of Notre Dame in Cotabato City, Sevilla [1999], and visits to that area in the company of staff from the Indigenous People's Office in Marbel.

Specific examples of local abuses of tenurial rights were unearthed through informal contact with B'laans. Generally these meetings were informal, and questions asked as and when it was appropriate and B'laan participants agreed to talk. For example, when waiting together with B'laans for transport to arrive, was often a good time to chat. Where B'laans talked about problems with land, these could be followed up with the Justice and Peace Desk in the Diocese of Marbel who conducted investigations on behalf of B'laans, and triangulated with Tribal Liaison Officers at Western Mining who monitored tenurial issues for compensation purposes.

The fourth phenomenon hypothesised to inhibit local mineral-driven development was lack of understanding of the implications of mining. Two important aspects of understanding, necessary for B'laans to participate in a partnership with Western Mining, were understanding of the terms of the contract that they had signed with the company, and understanding of what mining is. Very few B'laans encountered were able to read or write, yet four of the five Tribal Councils had signed the Principal Agreement with the company, and only a handful of B'laans had ever seen a mine. In order to ascertain the level of understanding of mining within each Tribal Council, meetings were organised with each of them. Meetings took place within Bong Banwus, or tribal territories, not only to ensure that the greatest number of Councillors from each community would be present, but to enable them to speak as confidently as possible. The purpose of the meeting was presented to each Tribal Council by means of a research assistant acting as interpreter. It was important to communicate the purpose of the research clearly, and language skills were explored and recorded informally so as to avoid giving the impression that B'laans were in any way inferior. The physical realities of mining encompassed notions of time, scale, and space, and questions were open-ended. The issue of mining was addressed by asking what B'laans thought mining was, and they were encouraged to sketch, or act out their ideas. In order to obtain an accurate assessment of B'laan perceptions, at no point were B'laans led into making any statement, nor any leading information given to them. The responses were lengthy and the Councillors generally had a lot to say on their own terms about mining. Statements made were translated by the research assistant and recorded for subsequent analysis.

Research of the degree of Procedural Equity B'laans held within the Tribal Council – Foundation structure began with the literature of the mining company itself, see for example Western Mining [1997], which detailed in positive terms how the company's Community Development Program operated. This was presented in greater detail during

interviews with Terence Gardner, President of Western Mining Corporation [Philippines Inc.]. This researcher also attended Tribal Council meetings and spoke at length with Councillors regarding the Foundation meetings they attended. On the basis of this knowledge, this researcher interviewed Geoff Allen, an accountant at Western Mining, who provided details of Foundation bank accounts and elaborated on the financial problems that the Tribal Councils had in participating in the Council – Foundation system. These shortcomings partly explained why some communities were frustrated, but clearly there were structural problems to the Council – Foundation system.

The second part of the methodology was quantitative, based upon indicators of performance that compared each of the Tribal Councils. This was in order to identify any patterns between them, which might correlate with the three local hypothetical factors, that is antecedence, understanding, and procedural equity, or other factors as were apparent, and indeed directions for further research. The performance indicators and the basis for the comparative index were developed in London, prior to departure for the Philippines, and are presented in Appendix 4. Once in the Philippines, a pilot methodology was conducted as presented in section 4. 7., and a number of drawbacks identified. This demanded changes to the quantitative methodology for two groups of reasons, first, some of the data that had been hoped for was not available while some other data was, and second, because the Tribal Council – Foundation system was not at the point where it had been expected by this research and hence some of the indicators did not apply. The comparative indicators were subsequently revised in accordance with the data available, a process, which is detailed in section 4. 8.

The quantitative data presented in the seven indicators of Tribal Council performance was collected over a period of six months spent working among the five communities affected by the proposed mine. Data for the Regularity, Location, Attendance, and Recording of meetings was collected during Tribal Council meetings themselves by this researcher or research assistants, or through subsequent meetings with Council members who generously shared details of the procedures of meetings. For Representation, a list of members of each Tribal Council was available from various sources, principally the Councils themselves and Western Mining. The number of members of any particular family represented, was provided by Council members themselves, and corroborated by sources such as the Indigenous People's Office in the Diocese of Marbel, and Tribal Liaison Officers. Data for Female Participation was collected in a similar way.

Expediency is based on the amount of time it took for each Tribal Council to progress from its creation to the signing of their Principal Agreement. These dates were obtained from the office of the National Commission of Indigenous Peoples in General Santos, and Western Mining respectively. Training data came from a variety of sources. First of all, B'laan communities were asked about training. B'laans were considered to be a reliable source of information because of the prestige associated with participation in training, hence they were more likely to overestimate than forget training, there being an incentive to disclosure. Training data was then corroborated by providers, among who were Western Mining, the Diocese of Marbel and local government units. As detailed in section 6.1., there were difficulties in obtaining comparative data for the Comprehensiveness of initiatives undertaken by each Tribal Council. Two more comparable sources were the balance sheets for Foundation accounting, provided by Geoff Allen, an accountant at Western Mining, and the monthly bulletin, Project Update. Data contained in these were triangulated with Tribal Council members, Tribal Liaison Officers, and staff from the Indigenous Peoples Office in the Diocese of Marbel, who monitored the progress of each community. Data pertaining to the Spending Capacity of each Tribal Council, was collated following an interview with Geoff Allen on the subject of Tribal Council – Foundation financing. Tribal Councils and Foundations were able to draw upon three accounts, the money in each of which provided the basis for Spending Capacity as an indicator of performance.

Finally, the data relating to proximity to urban centres presented in section 7.1. as a precursor to those hypothetical factors that were local in origin, was collected during meetings with each B'laan community in their Bong Barwus. In order to obtain this information, lists were drawn up of all the municipal poblacions within each of the provinces in which the affected communities were located. In addition to this, regional cities such as General Santos and Davao were included, as well as the capital, Manila and the final category 'abroad'. The purpose of finding out how many people had been to which places, and how far people in each community had travelled was explained to the assembled community members. This exercise was addressed to whole communities, and as many people as possible were invited to attend. Those who were present were asked to fetch any family members who were nearby, and if otherwise engaged to join briefly. Provided that a large enough sample, i.e. more than just Tribal Council members, and at least fifty people in number were present, the exercise could go ahead. The list of locations was read out and the community encouraged to put their hand up if they had visited that place. These hands were counted and subsequently assessed as a

percentage of the total number of people present. Although this was obviously an imprecise indication, the results were more or less closely corroborated by those of other communities, and correlated with remoteness from the nearest poblacion, in Tampakan.

#### **4. 3. Positionality and Research Ethics.**

The positionality of the researcher had a constant bearing upon the conduct of research in Mindanao. Like almost all anthropologists, this researcher was an outsider in terms of race and culture. However, because the subject was closely related to mining, and the host communities had almost no previous contact with white people, and were at that time confronted by a multi-national mining company managed by white males, there was an inevitable association of this researcher with the mining company on the part of B'laan respondents. Moreover, like employees of the mining company, this researcher had more 'money' as well as other material and intellectual resources to draw upon than the majority of B'laans, which would have been obvious to B'laan participants. As Flannery has observed in Papua New Guinea, such a position can give rise to considerable expectations on the part of communities with whom the research is engaged [Flannery 1999]. This may take the form of payment, or for the 'ear' of the company, government or other agency. Local respondents may tell the researcher whatever they think they want to hear in order to elicit money, or publicity they may associate with the media. Alternatively, host communities may perceive foreign researchers as a threat, and refuse to participate, or even provide disinformation. During the course of this research, several 'business propositions' were made, and on one occasion the researcher was quizzed as to whether his real purpose was seeking treasure, by which the interviewee meant gold supposedly hidden by the Japanese army at the end of World War Two. This indicates not only the impression held by some B'laans of the purpose of the research, but also of the mining project itself – coming to get something for nothing and or something that is not rightfully theirs.

Considering the material and intellectual distance between the researcher and the B'laan respondents, acknowledgement of ethical implications is necessary. The greatest ethical concern is for those being studied, that is to say, the B'laan people who comprise the five communities hosting the Tampakan Copper Project. This was for a number of reasons, the first of which was that B'laans are different from the researcher in almost every respect. Hence it was not anticipated to be easy to appreciate their standards, or viewpoints. Conversely, there was a likelihood that this research would misunderstand B'laans and in doing so, misrepresent them, which is a constant concern. In order to

address this challenge, this researcher spent the first three months in the field engaged in a process of getting to know the region, meeting many B'laans, and developing as high a level of understanding as possible before embarking upon data collection. Secondly, the research project was concerned with explaining the meaning and purpose of the research to B'laan participants. In order to do this, research assistants were engaged, who were qualified to introduce the research to the affected communities, and it was only after numerous visits to the region, and when acquaintance with the communities had been secured that research began. Thirdly, the aims and needs of the communities affected by the proposed mine had to be taken into account. There was no doubt that some B'laans were more in favour of closer ties with outsiders and the investments that the mine would bring, than others. As a white man and a foreigner, there was always a possibility that this research would be perceived as associated with mining and hence it might have attracted the patronage of those B'laans who were pro-mining, and the rejection of those who were not. For this reason, questions directed at B'laans were posed in such a way as not to be leading, and to avoid reference to the mine as much as possible. Indeed, the focus of the research being upon five factors associated with development rather than mining, helped to avoid direct reference to Western Mining Corporation, gold, and the military, for examples, which were potentially inflammatory issues. Fourth, this research has an obligation to share its findings with those concerned. Indeed, this researcher has maintained contact, albeit indirectly, with the five B'laan communities via the Indigenous People's desk within the Roman Catholic Diocese of Marbel, who relay information to the communities. Fifth, the research project has an obligation to compensate research assistants for their work, and B'laan participants for the time they contribute. Following consultation with Professor Richard Jackson of James Cook University in Australia, who conducted his own research in the region, assistants were paid in accordance with a primary school teacher's salary, that is 200 pesos per day. B'laans who participated in meetings were provided with food, coffee, sugar, and cigarettes. It was considered inappropriate to compensate them with money, lest they elaborate their contribution for the purpose of financial gain.

#### **4. 4. Relevant organisations and their contributions to the research.**

Research of factors obstructing local mineral-driven development depended upon interviews conducted with representatives of a cross-section of interest groups and stakeholders familiar with the Tampakan Copper Project. They were conducted in accordance with the five themes of this research project - that is the impact of antecedent traditions upon the Tribal Councils as an institution, the extent and

consequences of violence, the degree of power held by the host communities, the level of understanding of mining among host communities, and the balance of procedural equity between the company and communities within the Tribal Council / Foundation framework - and their respective relationships with development. These themes were not addressed in any specific order. Rather, they were explored in a commensurate manner, the timetable of research being determined by variable access to interviewees, practical considerations such as travel, and the capacity and availability of local research assistants. Those organisations and individuals among whom information was sought, are broadly introduced in this section.

Land tenure as an indicator of the degree of power the five B'laan communities held in relation to other groups and institutions in the region, was discussed with representatives of the Legal Rights and Natural Resources Center [LRC], a national organisation comprising lawyers specialising in the field of indigenous rights. The LRC provided legal assistance to B'laans throughout the region, most notably those at Lamkwah in Polomolok, fifteen kilometres from Tampakan, who after a lengthy court case, had wrested a part of their ancestral land from the Dole Pineapple plantation in 1998, [Sevilla 1999: 77-9]. The LRC were opposed to the Tampakan Copper Project on the grounds that the rights of B'laans to their land and self-determination were being abused. They advised the affected communities in their negotiations with Western Mining and the Office of Southern Cultural Communities / National Commission for Indigenous Peoples.

Research of tenurial rights also engaged with officers of the National Commission for Indigenous Peoples in General Santos City. The NCIP was the government agency officially responsible for overseeing the welfare of B'laan communities. Their officers explained the role of state agencies in safeguarding the interests of traditional communities, and the powers afforded to those B'laans within the proposed mining area and under the terms of Certificates of Ancestral Domain Claim. Accordingly, traditional communities could register their claim to land on which they lived and depended, leading it was envisaged, to the subsequent granting of a Certificate of Ancestral Domain Title, by which means traditional inhabitants could own land on a communal basis. A visit was also made to the office of Datu Migketay 'Vic' Saway, the NCIP commissioner for northern Mindanao. He related the history of the NCIP and the problems it had experienced. He provided additional assessment of CADC legislation, and the gap between the conceptual powers contained therein, and what was possible

'on the ground' in remote regions in Mindanao. This was essential for interpreting the practicalities of the CADC system and its real meaning for the communities hosting the Tampakan Copper Project.

Also valuable to assessing the extent of rights and power among indigenous communities generally, and the five B'laan communities hosting the Tampakan Copper Project specifically, was Romulo de la Rosa at the Alternative Forum for Research in Mindanao Inc. [AFRIM] in Davao and Rose Romano at the Social Action Center [SAC] within the Diocese of Marbel. AFRIM was a social research, advocacy, and communications institution concerned with promoting the development of Mindanao. They assisted with understanding of the constitutional position of the five B'laan communities, the process which gave rise to the Indigenous Peoples Rights Act, and the implications of legal challenges to it. The SAC aimed to protect the rights of indigenous people within the Diocese of which the affected communities were a part, and regarded the activities of Western Mining as exploitative. They encouraged affected communities to reject the Principal Agreements and the plans of the company, stating that they would damage the environment and disenfranchise the local population. Both of these organisations were opposed to the Mining Act, FTAAAs, and Western Mining. Nevertheless, they offered a critical perspective of mining impacts and a basis for framing questions put to the company and state agencies.

The idea of judging the power of B'laan communities through their ability to effect the construction of roads necessary for improving their welfare, came from visits to remote B'laan communities throughout the region. Meetings with Tribal Councils concerning the type of projects that would benefit their communities confirmed roads as a means of improving access to and from B'laan communities. The potential benefits included trade of agricultural produce at municipal marketplaces, access to schools, and enhanced security in the area. Comparison of cost-benefit analyses - of impacts upon B'laan and Visayan communities, revealed a distinct disadvantage for B'laans. Indeed, barring outside assistance from sources such as the United States Agency for International Development [USAID], or Oxfam, the only significant benefits appeared to occur as a matter of coincidence.

In order to corroborate this, individuals and organisations which were familiar with the implementation of development projects and challenges thereof, were sought. Among these was Brother Robert McGovern at the Business Resource Center [BRC] in

General Santos City. This was a non-governmental organisation conducting research on behalf of bi-lateral development agencies such as the United States Agency for International Development [USAID] and the Japan International Co-operation Agency [JICA]. BRC staff members were familiar with the Tampakan Copper Project and the five host communities, as well as political and business figures within the region. The BRC had to deal with political structures in supporting marginal communities such as indigenous Badjao villages along the coast of the Sarangani Bay, and in remote areas of Gian and Malungon to the southeast of General Santos City. The BRC provided assistance in assessing the position of the five B'laan communities hosting the Tampakan Copper Project, with respect to those institutions - primarily municipalities, which administered the process of road construction.

Supplementary analysis of the physical implications of road construction within the area occupied by the five host communities was provided by Engineer Richard Corpuz at Western Mining. He explained various types of road and confirmed the cost implications of each, as well as the Western Mining perspective. This was essential in that it supplied a basis for discussions with community leaders.

The smallest political unit in the Philippines was the Barangay, authority over which lay with the Barangay Captain and approximately twelve Councillors and executive officials. Meetings with Captains Jonathan Consad at Danlag, Amirth Musali in Datal Blao, Jusies Dianga at Kimlawis, Lolerio Suat at Pula Bato, and Claudel Magbanua at Tablu, provided appraisals of conditions within their areas of jurisdiction, including potential benefits that might accrue from various configurations of new roads. They stated that roads were important for Visayan communities living close to the potential minesite, and that they would also benefit from access to school and increased trade.

On account of their authority over the construction of roads, the municipalities within which the five host communities lay were also approached. Interviews with Mayors Claudio Barroso in Tampakan, Zaharra Paglas in Columbio, and Jaime Caminero in Kiblawan, were crucial in assessing obstacles to the construction of a road that would result in the connection of the three municipalities. Moreover, under the terms of the Local Government Code, municipalities were obliged to formulate a Comprehensive Development Plan. These documents, along with the municipal officers who compiled them, provided important demographic and economic information for evaluating the

needs of host communities, and triangulating the predictions given by members of other agencies.

Local traders and operators of 'buy and sell' businesses, like Rodolfo Gagnao in barangay Miasong, part of the municipality of Tupi, and which shares a border with Tampakan, also contributed to research of obstacles to, and potential benefits of new roads. They purchased agricultural products such as rice and corn from farmers in remote regions, for shipment to municipal marketplaces. Their information was vital to understanding of different perspectives, that is between B'laan communities and remote barangays on one hand, and municipalities on the other.

Research of criminal activity, in accordance with violence as a destroyer of developmental potential, began with Colonel Dacoco at Philippine National Police provincial headquarters in Marbel. He provided statistics relating to crime in Tampakan municipality. However, just saying how much crime there had been did not explain what kind of crime there was, or in what way it impacted upon development. Inspector Virgilio Carreon and officers at the Tampakan police station assisted analysis of criminal activity taking place within the area of mineral exploration. So did George Dida, Security Co-ordinator at Western Mining. He supplied data relating to criminal activity in the vicinity of the proposed minesite, that had been collated by the Telstar Security Agency - contracted by Western Mining to protect their facilities. Control Risks, an international risk consultancy were also deployed by Western Mining and Bernard Isherwood at their Manila Office provided additional counsel.

Concepcion Salmorin at the Local Amnesty Board in Marbel was another source of information concerning criminal activity. A series of Presidential Proclamations enacted by President Fidel Ramos [1992 - 1998] provided for the granting of amnesty to members of rebel groups in Mindanao. These are the Communist Party of the Philippines, the New Peoples Army, the National Democratic Front, The Muslim Independent Liberation Front and the Moro National Liberation Front, as well as renegade members of the Armed Forces of the Philippines. Local Amnesty Boards throughout the Philippines were responsible for administering the amnesty program by advertising opportunities for amnesty and processing applications. The area of proposed mineral operations coincided with that of rebel organisations whose operations were alleged to involve B'laans.

In order to analyse the Tribal Council - Foundation structure in accordance with the notion of procedural equity within such a developmental apparatus, it was essential to engage with Western Mining directly. To this end interviews with Terrence Gardner, the President of Western Mining [Philippines] Inc., and Geoff Allen, the company accountant on the Foundation Boards, at their offices in General Santos City, were obtained. These two men provided information relating to Tribal Council - Foundation structure and performance respectively. This was important in ascertaining the capabilities of each of the Tribal Councils, and to assembling comparative indicators of performance.

Former members of the Association for Community Concern, Ecology and Social Services, or ACCESS Inc., a developmental consultancy whose survey laid the foundation for Western Mining's Community Development Program in 1996, were also interviewed. They were familiar with prominent Tribal Council members and challenges faced by Councils and explained the everyday workings of the Tribal Council - Foundation structure. This was important in light of potential discrepancies between the 'official' framework and its practical application. Indeed, a rigorous methodology could not have relied upon the evidence of the company alone, which might have had an obvious interest in quiescent Councils.

Perhaps the most complex area of data collection was that relating to traditional structures. Texts such as those by Casino [2000], Rodil [1993 / 1994], and Schlegel [1993], have been cited in section 3. 1. However, the bulk of the data relating to B'laan society was gathered in the course of interviews with B'laan elders and leaders across the region. Drawing on their combined experience, prominent strands provided a basis for comparison of B'laan leadership and organisational structures, with the Tribal Council system promoted by the Office for Southern Cultural Communities and the National Commission for Indigenous Peoples, throughout the Philippines.

Data concerning the grasp of each community of the impacts of mining, depended upon interviews conducted within each community. Each of these typically lasted a whole day, and like interviews with B'laans elsewhere in the region, they were conducted through B'laan interpreters, being translated into Tagalog and then English. However, accessing communities and meeting with all members of Tribal Councils and large groups of community members was difficult. Practical considerations such as swollen rivers, and poor communication meant that journeys were frequently wasted. Co-

ordination was consequently the primary challenge to the collection of data from B'laan respondents.

Western Mining's Tribal Liaison Officers, that is B'laans and other local people hired by the company to assist communication between the company and B'laan communities, also consented to interviews concerning Tribal Council - Foundation affairs. They provided access to documentation held by each B'laan community, that had been prepared as requirement of applications for Certificates of Ancestral Domain Claim. This was valuable to developing understanding of the role of community members within the Tribal Council structure.

The medical relief agency CARE International [formerly known as Co-operation for Assistance and Relief Everywhere] were contracted by Western Mining in 1998 to provide health care services for the communities hosting the Tampakan Copper Project [CARE International 2000]. This came in response to the results of research into infant and child mortality in the vicinity of the Tampakan Copper Project [Lasen and Jackson 1998]. CARE subsequently established a three year project entitled Sustainable Maternal & Child Health Initiatives through Local Government and Education, known locally as Project Smile. CARE's baseline surveys and operations in conjunction with community members offered a means of assessing the capacity of Tribal Councils to manage projects, and of corroborating findings.

Amateur scholars of B'laan society offered important counsel for findings. Principal among these was Cesar Lutero in General Santos City. In the course of his Masteral research he had transcribed over 250 B'laan myths, riddles, proverbs, and songs [Lutero 1986]. Gregorio Ogoy, a municipal administrator in Koronadal, had completed a Masteral thesis which focused on the adaptation of traditional B'laan agriculture to techniques introduced by Visayan farmers [Ogoy 1985]. Ester Sevilla in Cotabato City had based her Ph.D. research on changes to B'laan society brought about by the loss of traditional land and the struggle to get it back [Sevilla 1999]. Others included the Redemptionist Brother, Karl Gaspar, whose work relates to indigenous rights and development in Mindanao [Gaspar 2000].

#### **4. 5. Practical aspects of fieldwork among the five B'laan communities hosting the Tampakan Copper Project.**

This section introduces the practical means by which research was carried out. That is to say what considerations were made for Filipino protocol in the research process, how research assistants were sought, and how information was gathered.

In accordance with Sheshkin's techniques for securing interviews with figures one is not already familiar with [Sheshkin 1985], the first act was to write to Governor Hilario De Pedro III of the Province of South Cotabato, introducing the purpose of the research. Governor de Pedro provided provincial consent and a letter of authority that was carried to Mayor Claudio Barosso of Tampakan, under whose jurisdiction three of the B'laan communities lie, and who also provided a letter expressing support. Having obtained these documents, the project was presented to Mayor Zaharra Paglas in the municipality of Columbio, and Mayor Jaime Caminero in Kiblawan, which municipalities lie outside the province of South Cotabato. Zaharra Paglas gave a favourable response, while Caminero was the most difficult to persuade. He regarded the research as being in the interest of mining and having refused to sign the Principal Agreement with Western Mining, was reluctant to approve. However, he did give permission to interview Jusies Dianga, the Barangay Captain of Kimlawis in which the Bong Mal B'laan community were resident. Unlike Mayor Caminero, Jusies Dianga was supportive of mining and consented to meetings with the Bong Mal community.

Having obtained authority independent of Western Mining and organisations that claimed to speak for B'laans, it was possible to approach the communities at Bong Mal, Danlag, Folu Bato, Salna'ong and S'banken and their respective Tribal Councils through an independently formulated strategy. In order to accomplish this, research assistants were required. These had to be from outside the affected B'laan communities and beyond the influence of Visayans who owned land in the area. That is because both groups perceived potential threats and benefits accruing from research relating thereto. For example, some B'laans regarded it as a means of publicising their plight, while many Visayans feared that it might lead to the diversion of resources from Visayan dominated Barangay Councils and toward the newly formed Tribal Councils. Nevertheless, research assistants had to be intimate with that area and its inhabitants. They were preferably literate and versed in B'laan as well as Visayan dialects.

Typically perhaps, of communities hosting a mining project in such a remote region, all such people appeared to have been either employed by various state agencies and indeed by Western Mining to conduct their Community Development Program, or were participants of the various non-governmental organisations opposed to 'exploitation' by a foreign company. This situation was somewhat akin to that described by Colin Filer;

*"the history of all mining projects in PNG suggests that any government official who possesses the skill, energy and experience required to act as an effective mediator between a mining company and a landowning community will sooner or later be absorbed by the former, rejected by the latter, or promoted to a higher level of government."*

[Filer 1995: 74]

The only apparent opportunity was with former insurgents who had opposed the regime of Ferdinand Marcos [1965-86]. They had generally spent many years living in the mountainous regions of South Cotabato and were familiar with the communities in the proposed mining area. Following the relaxation of Martial Law by the administration of Cory Aquino [1986-92], they had found employment, settled, and established families in the region. Introductions to these men and women were arranged by the staff at the Local Amnesty Board in Marbel. They were interviewed individually for their communication skills, and impartiality towards mineral development and the Tribal Councils, and six of them were engaged. A methodological workshop was subsequently conducted, during the course of which the purpose of the research, the methodological framework, the implications of data collection, and other research contingencies, were presented and discussed.

A driver was also hired and a vehicle capable of reaching the furthest points of access to motorised traffic was rented. This afforded an independent means of transportation which was essential considering that vehicular traffic accessing the mining area was almost exclusively that of Western Mining or agencies connected with the Tampakan Copper Project.

#### **4. 6. A methodology for the comparative measurement of Tribal Council performance.**

Analysis of Tribal Council performance involved the collection of specific information relating to various aspects of Council functioning. The fact that the Office of Southern Cultural Communities / National Commission of Indigenous Peoples had established five Tribal Councils offered an opportunity for comparative measurement of

performance. If reliable results could be obtained, correlation between any pattern of performance and factors regarded as influential of mineral-driven development would render their role worthy of investigation. Prior to embarkation for the Philippines, a detailed methodology was drawn up for this purpose.

Western Mining had stipulated a number of Tribal Council responsibilities. These included undergoing management training, liaison between the company and community, and the employment of appropriate community members for development projects. Also the payment of surface right fees [monies payable for the use of land where mining takes place] to correct claimants, provision of access to drill sites, attendance of regular meetings, and proficiency in handling funds [Western Mining Corporation 1997: 36]. Fulfilment of these tasks might have provided ready measures of performance.

However, the contribution of Western Mining was a significant part of the subject in question. To appropriate their terms for success would imply measurement of the performance of Tribal Councils in contributing to successful mining, rather than to successful development of host communities. As a corporate entity with stock market listings, the parameters of Western Mining for the success of Tribal Councils were unlikely to exceed those necessary to ensure profitable investment - in accordance with Gerritsen's model of Capital Logic [Gerritsen and Macintyre 1991] outlined in section 2.1. Moreover, as the work of Putzel [1997], and Harriss and de Renzio [1997] suggest, relations between Tribal Councils and organisations beyond the boundaries of the mining project were potentially crucial to their success. Thus independent and geographically far-reaching means of evaluation had to be devised.

Gary Libecap has measured the performance of various institutional initiatives in circumstances of mineral resource endowment [Libecap 1989]. These were attempting to manage mineral booms efficiently and in order that all stakeholders would benefit. Thus there were parallels with the position of communities hosting mining projects in Southeast Asia. However, in the case of Libecap's communities, the participants were small-scale miners, constituting a Common Pool Resource scenario. Libecap was measuring their success in overcoming dilemmas of the type presented by Elinor Ostrom [1990]. That is to distribute rights in a profitable yet sustainable manner in situations where the source of wealth [and destruction] is accessible to all. Large scale mining projects on the other hand, are of limited access on account of the huge capital

and technological resources required. Organisations tasked with instigating development at such minesites typically have a fixed budget sourcing from state or company. They are therefore closer to local government units in character than the contractual structures described by Libecap.

Indeed, Tribal Council members were from the outset directly elected by each community under the supervision of the Office of Southern Cultural Communities and the National Commission for Indigenous Peoples. Elections took place on a nominally annual basis and those elected were responsible for development according to the aspirations of each community. They had to identify, plan and implement projects, strategising according to perceived needs. For this they received a fixed monthly salary and communities had the power to elect new leaders in case of failure. Thus the Tribal Councils were representative and how well they 'governed' was fundamental to their performance.

Any measurement of the capacity of representative institutions needed to be comprehensive. That is because the Tribal Councils did many things - they spent money, delivered services and managed internal operations. They also had responsibility for many different areas, such as health, agriculture, public works, education, social services and economic development. Measurement of institutional capacity should also be consistent. Because the Tribal Councils did many things, they had no single 'bottom line' that could be equated with a corporate entity. They might therefore simply have been good at different things - one leading in health care initiatives, while another was better at implementing agricultural projects or had greater accounting skills. Reliability is another important aspect. To be worth explaining, institutional performance must be reasonably durable. Only if the same units governed consistently well, could it be said that performance turned on something more than coincidence. Furthermore, in order to be meaningful, measurement of institutional performance should correspond to the objectives of users.

Robert Putnam's evaluation of twenty Italian regional governments comprises a pragmatic methodology for measurement of institutional performance, the framework of which is presented in the following table. The subsequent pattern of regional government performance provided a basis for his explanation and articulation of the concept of social capital. It must however be noted that this methodology should not be confused with his better-known indicators of *civic engagement*, which he deploys as

evidence of trends in the strength and depth of social capital [Putnam 1995a / 1995b / 2000].

**Putnam's Methodology.**

Putnam's method comprised three sections, [1] Policy Processes [2] Policy Pronouncements [3] Policy Implementation.

First, because an institution's effectiveness depends upon how well it manages its essential internal affairs, Policy Processes focused on the stability of the decision-making apparatus. This family of measures asked whether the institution in question was conducting its crucial internal operations smoothly and with despatch.

Second, because studying the performance of governments means studying policies and programs as well, Policy Pronouncements sought to evaluate the extent to which the regional governments were successful in identifying social needs and proposing innovative solutions. In other words, whether legislation enacted reflected capacity to react comprehensively, coherently and creatively to issues at hand.

Third, appraisal moved beyond words to deeds and included evaluation of the success of regional governments in their roles as problem solvers and service providers. Putnam demonstrated the success of governments in using available resources to address the needs of rapidly changing societies, implementing policy objectives, and how efficient governments were in responding to the demands of individual citizens.

Upon this basis, Putnam devised twelve indicators which reflected the diversity of things that the Regional Governments did to and for their citizens. By combining their scores into a single Index of Institutional Performance, he reduced the idiosyncratic impact of any single measure. While some regions were high-ranked by virtually every yardstick, others were unsuccessful in almost every measure. Thus his composite measure was both comprehensive and internally consistent.

[Putnam 1993: 3-82].

The framework of Putnam's methodology thus provided a basis for rigorous appraisal of local government performance. Furthermore, a means for demonstrating that some governments actually are systematically more effective than others, so that it makes sense to speak generically of success.

The comparative methodology subsequently drawn up in London, prior to departure for the Philippines, therefore sought to evaluate three aspects of Tribal Council performance - Processes, Pronouncements and Implementation. A Council's effectiveness depended, first of all, on how well it managed its essential internal affairs. Thus the stability of the Councils' decision-making apparatus had to be measured. Essentially this family of measures was to ask: Whatever else this institution did, was it conducting its internal operations smoothly and with dispatch? Second was Pronouncements. Studying the performance of Councils would mean studying policies and programs as well. Were they prompt in identifying social needs and proposing

innovative solutions? Did their actions reflect a capacity to react comprehensively, coherently and creatively to issues at hand? Third was implementation. Appraisal had to move beyond words to deeds. The success of Tribal Councils in their roles as problem-solvers and service providers had to be evaluated. Were the Tribal Councils successful in using available resources to address the needs of a rapidly changing society?

The proposed assessment of Tribal Council performance was founded upon twelve diverse indicators, four of Processes, four of Pronouncements, and four of Implementation. These are presented in the following table.

#### **Proposed Indicators of Tribal Council Performance.**

##### **Processes.**

###### **1. Stability.**

This relates to Putnam's first indicator which was based upon the assumption that an institution's effectiveness depends on how well it manages its internal affairs. A broad selection of factors, including regularity, attendance, and recording of meetings were to be accounted for each Council. A scale of 0-10 was to be devised for each category to provide a composite indication for each Council.

###### **2. Promptness.**

This indicator was based upon the monthly Administration and Operation payment made to each Council by WMC and administered with the company as joint signatory. A comparison of how long it took to 'budget' for each month would have demonstrated promptness. The number of days that it took to obtain each signature from WMC was to be noted and averages also calculated for six month periods. Numbers for each Council were to be divided by 10 or 100 to give a score of 0-10.

###### **3. Information Services.**

Assuming that better informed institutions respond more effectively, this referred to the capacity of Councils in managing data on their communities. Much of the socio-economic data for the mining leasehold area was provided by Councils. Examination of the methodology of the socio-economic baseline study by Mindanao State University and WMC social surveys, was to permit Council contributions to be identified. The input of each Council, measured in quantity, means, time, etc. was to be graded on a scale of 0-10, from which averages could finally be calculated.

###### **4. Information outsourcing.**

This indicator also assumed that information correlates positively with performance. The number of outside organisations with which each Council networked offered a potential indicator. Organisations with which each Council met were to be counted, as well as the number of meetings, and any degree of regularity noted. Each of these was to be given a grading 0-10 from which an average could be calculated representing the relationship with that organisation. It was acknowledged that some Councils might have more relationships [more organisations] and some have stronger relationships [higher averages]. Which is better would be impossible to tell because of multiple implications. This indicator relied upon the sum of the average scores for each Council which were in turn to be divided by 10 to provide final scores.

##### **Pronouncements.**

###### **5. Comprehensiveness.**

This referred to the breadth of issues addressed by each Council. Because certain issues were exclusive to particular communities and irrelevant to others, a broad list of issues

relevant to every community was to be prepared. Each Council was to be graded according to the number they addressed compared to the total. The scale ran from 0, representing no issues, to 10, to which the total number was to be converted.

#### 6. Coherence.

Coherence referred to the co-ordination of Council activity. For each Council, the number of linkages between the total number of initiatives was to be counted. Each was to be graded according to the number of linkages, from 0, representing no linkages, to 10, equivalent to the maximum possible, whereby every initiative would be linked to every other initiative.

#### 7. Creativeness.

This indicator was to capture Council performance in the identification of needs, experimentation with services, and creation of incentives for private initiative. Achievements were to be listed for each Council and performances rated 0-10 on a comparative basis. This would have depended upon assessment of Council activities backed up by comparison with evaluations from community members, community development program officers and others whose experience related to the Councils.

#### 8. Innovation.

This indicator assumed, as Putnam had observed in the US, that successful ideas diffuse through local government bodies. The goal was to identify business, environment, education, and agricultural innovations. Despite differing priorities, certain Councils were assumed to be consistent leaders or laggards. The metric to be taken was, of those actions appropriate to all communities, on average, how soon after the first appearance of a model action, was it adopted by each other Council. A Council was to be given 10 points for each action it pioneered, those that adopted it points between 0 and 10 according to the timelag, and those that did not adopt it, 0.

#### Implementation.

#### 9. Financial Proficiency.

As with Putnam's Day Care Centers, an activity was to be found for which there was no 'opportunity cost' to Councils. This was to be achieved by selecting an aspect of Council functioning directly funded by WMC regardless of demand, or one which offered benefits without cost to the Councils. Potential examples included management of compensation. Proficiency in handling funds might have been measured by the number of transactions undertaken by each Council following the establishment of their banking facilities.

#### 10. Training.

This focused on the number of people to have completed training for management of community affairs and initiatives. The number of people trained was to be compared with the number of positions available [or households or adult population] to each community. The Councils were to be ranked 0-10 accordingly.

#### 11. Development Instruments.

In accordance with their developmental priority, Tribal Councils could adopt business, education, agricultural, etc. strategies. By noting which tools each deployed and how quickly they became operational, another indicator of performance could be obtained. Scores from 0-10 were to be awarded for each project and made proportional to the date at which they were instigated.

#### 12. Spending Capacity.

This indicator was to be based upon what fraction of any fixed allocation of funds - such as the Operation and Administration payment, was actually disbursed. Because transactions were assessed by community development officers and countersigned by accountants at WMC, the majority of spending decisions were assumed to be sound. Spending Capacity was to be calculated from the amount of money in each account at the end of each month. By adding all of them for each Council and dividing each total by the number of payments and deducting that from 30 000, the average amount not disbursed each month could have been calculated. The bigger that sum, the less money was on average disbursed. That

amount must always be below 30 000 and the lower the better hence each Council could have been given a value between 10, representing 0 pesos and 0, representing 30 000 pesos.

Putnam [1993]

Data pertaining to these indicators was to be drawn from the period 1995 - 2000, that is after the passing of the Mining Act and creation of Financial and Technical Assistance Agreements. Although the relevance of indicators to institutional performance was clear-cut, their quantification was less exact. Indeed, it is acknowledged that the indicators, particularly Nos. 1., 4., and 7. were subjective. Each was therefore to be discussed with those familiar with the B'laan communities and evaluated from a cultural perspective, as there may have been cultural explanations for events observed. While no single metric taken in isolation would suffice to rate the Tribal Councils fairly, their collective fulfilment would undergird a broad-based assessment of institutional success and failure. This was to be expressed in an Index of Comparative Council Performance formulated from the scores accruing to each Council.

It should be noted that while evaluation of Tribal Council performance measured actions, not only words, it was important not to give Councils credit [or blame] for matters beyond their control. In the language of policy analysis, "outputs" were to be measured rather than "outcomes" - health care rather than mortality rates; economic development programs rather than business profits; agricultural initiatives rather than yields. Mortality rates, profits and yields are important but social outcomes are influenced by many things other than local government units. Health for example was dependent upon factors such as diet and lifestyle, that were beyond the control of Councils. Agricultural yields were obviously even more so. Profits represent worker skill, entrepreneurial talent, world markets - and luck.

While this methodology fulfilled the first three requirements of measurement of institutional performance, that is comprehensiveness, consistency and reliability, correspondence with the evaluations of users remained a problem. That is because none of the five B'laan communities had ever had a Tribal Council prior to the arrival of Western Mining. Moreover, their social and cultural norms were difficult to assess. Expressing success in B'laan terms would require an intimate understanding of every obstacle.

The methodology aimed to address performance in terms of the objectives of B'laan communities by three means. The first was in pragmatic terms. In order to be persuasive, measures of policy performance are not affected by differences in

substantive priorities. While it is not easy for example, to compare the innovativeness, effectiveness and social importance of say, a scholarship program and an irrigation project, the framework reduced such difficulties to manageable proportions. The same themes were to be expressed in interviews with members of all Tribal Councils.

Although the urgency of certain problems varied, all grappled with similar issues - such as health, education and business issues. Admittedly, they did not address these equally promptly or comprehensively, and the results did not equally satisfy members or constituents. Nevertheless, while Tribal Councils could not be expected to pursue targets they did not desire, it could be expected that they would be effective in pursuit of priorities which were strong preferences.

The second means of addressing the objectives of the host communities was by comparison itself. Instead of either resting upon the ideals of Western Mining, or attempting to capture those of B'laans, which would have involved an anthropological undertaking, the Tribal Councils were to be compared with each other to identify strengths and weaknesses. What is more, no point of absolute success or failure was to be adopted. All the data collected and the quantitative representations they provided were to provide for comparison of the performance of one Council with another, rather than with any external scale.

Third, corroboratory evidence relating to correspondence with the objectives and evaluations of constituents and protagonists was to be obtained from those organisations familiar with the Tribal Councils. Although these were limited in number, it was possible to obtain assessments of Council performance independent both of this research and Western Mining. That is because these organisations included church groups, local businesses, and B'laans themselves, and data could subsequently be triangulated in order to identify consistencies in the findings.

#### **4. 7. The pilot methodology and its findings.**

Before comparative research was attempted in earnest, the proposed indicators were piloted in a twofold manner. First, they were presented to Western Mining's Tribal Liaison Officers, former members of ACCESS Inc. - the Association for Community Concern, Ecology and Social Services which had been contracted by Western Mining to conduct a socio-economic baseline survey of affected communities in 1995, as well as Professor Elipidio Octura at the Mindanao State University's College of Agriculture in General Santos City, and Emeritus Professor

Richard Jackson, who had processed the results of that survey and who were all therefore familiar with Tribal Council capacity. Secondly, questions to be asked of Tribal Council members were translated into Ilonggo, which was the most familiar Visayan dialect among B'laan communities in the vicinity of the proposed minesite. Measurement of Tribal Council performance was conducted in full at Folu Bato, the B'laan community closest to the poblacion of Tampakan.

Professors Octura and Jackson suggested that some of the questions that needed to be asked in order to fulfil planned indicators were not practical, because data was either not available or too ambiguous. For example, No. 4., Information Outsourcing, for which the number of organisations with which a Tribal Council consulted for developmental information and advice were to be counted. With the onset of mineral exploration, it was apparent that oppositional organisations had thrust themselves toward, rather than having been consulted *by*, Tribal Councils. Distinguishing between 'consulting' and 'thrusting', as well as accounting for varying means of participants and the depth of contacts was difficult.

Moreover, the information provided by Tribal Liaison Officers et. al. and evidence observed in Folu Bato, indicated that the Tribal Councils were not performing many of the functions for which, under the terms of their agreement with Western Mining, they were responsible. Not all Councils appeared to be undergoing all of the management training intended - all were doing some but the extent varied and there was an obvious shortfall. Neither were they all providing liaison between Western Mining and community members. Again the extent varied, in the case of Salna'ong relations seemed to have broken down completely. Performance in terms of assisting administrative functions such as the employment of appropriate community members for development projects, payment of surface right fees to correct claimants, providing access to drill sites and payment of appropriate compensation for drill sites to the correct landholder was also weak. Moreover, there appeared to be confusion as to what these tasks entailed.

Indeed, several Tribal Councils were not sending representatives to meetings with Western Mining personnel. As Western Mining had themselves conceded in October 1997;

*"It is early days, and the process has not been without its difficulties. Problems have been experienced with budgeting and transparent accounting procedures. The Tribal Councils are working to improve their performance, and support is being provided by external training, non-government organisations and WMC community development workers."*

[Western Mining Corporation 1997: 37]

On arrival in Mindanao, a considerable gap was apparent between the ostensible responsibilities of Tribal Councils and what they were actually doing. The pilot study indicated that they did not have the skills or the capacity for their role. Thus the definition of Council success adopted had 'missed the target', providing an inadequate fit with prevailing circumstances. Expectations that had oriented methodological design were found to be ambitious, supposing too much of the Councils. Conversely, the Councils might be said to have failed to meet expectations, the poor fit reflecting under-achievement.

#### **4. 8. Subsequent adaptations to the comparative methodology.**

The findings of the pilot methodology necessitated a number of changes to the comparative methodology. These were in order to refocus measurement of Tribal Council performances upon the progress that they had made and the tasks that they were so far able to engage in.

First, the three aspects of Council functioning according to which indicators had been categorised, that is Processes, Pronouncements and Implementation, were not appropriate. While the Councils had been successfully established and were participating in regular meetings, elections and so forth, the extent to which they identified needs, proposed solutions and provided services was less than had been anticipated. Indeed the creation of the Councils and the fact that they were in existence seemed to have been the most significant achievement. Processes was therefore enlarged. Pronouncements and Implementation on the other hand, were subsumed into a new section entitled Operations.

In the changes made to the Processes section, indicators of Promptness, Information Services, Information Outsourcing and Frequency of Elections were dropped. Promptness had to be excluded because the monthly Administration and Operations payments were made without any budget being prepared by the Tribal Councils. Rather, the only budgets were those calculated by Western Mining accountants and applied to payments made for projects agreed upon by the Foundation Boards. Information Services was impractical because socio-economic data was gathered at the behest of Western Mining and usually by their Community Liaison Officers, which made it difficult to establish the level of participation by Council members. Information Outsourcing was impossible to calculate on a comparative basis because awareness on the part of Councils, of which organisations to consult and for what purpose, was limited. Moreover, opportunities to initiate contact were also minimal due to the isolation of the area. Contact with outside organisations was almost always at the instigation of the external party and usually managed by either Western Mining or groups opposed to mining. Frequency of Elections was dropped because the communities were oblivious to the principle of regular elections, which were not promoted by the National Commission for Indigenous Peoples.

Despite these changes to the first section, aspects of Council Stability remained valid and provided inspiration for three new indicators. These were Meetings, according to which, regularity, location, attendance, and recording, were all addressed.

Representation provided scope for assessment of the extent to which representative leadership had taken hold in an otherwise clan-based society. Concomitant with representative leadership, Female Participation examined the contribution of women to the Tribal Councils and ranked them accordingly.

Indicators of Comprehensiveness, Coherence, Creativeness, and Innovation, which made up the Pronouncements section, and Financial Proficiency, Training, Development Instruments, and Spending Capacity, which comprised Implementation, were also extensively altered. The new Operations section included Expediency, Training, Comprehensiveness, and Spending Capacity. These adhere to the concepts that oriented Pronouncements and Implementation, but were more closely attuned to the circumstances experienced by the Tribal Councils.

Comprehensiveness proved viable and remained largely unchanged in the new methodology. Coherence on the other hand was dropped because Tribal Council

initiatives had not, at least until 1999, arrived at a level of sophistication that reflected integration. Initiatives were being deployed in response to overwhelming primary needs for increased productivity, health, and education. Creativeness was also hampered by the novelty of the Tribal Councils, and the necessity of basic services. Innovation was likewise severely constrained by the limited activities of Councils. There were some examples such as the rattan business with which the Folu Bato and Danlag communities had become involved, but they were too few to provide a demonstrative sample.

Of the indicators that had constituted the Implementation category, Financial Proficiency was dropped because no activity was available for which there was no opportunity cost to the Tribal Councils. Bank deposits and withdrawals might have sufficed, but these were performed by the Foundations. Because of the limited number of initiatives adopted by each Council and proximity to Comprehensiveness, Development Instruments was incorporated into Comprehensiveness. Spending Capacity was preserved, albeit in a different format. Rather than being calculated on a monthly basis, this was done bi-annually according to the balance or deficit in the account of each Foundation just prior to each of the six-monthly payments by Western Mining. Using the Foundation accounts was considered safe in this instance because Western Mining employed professional accountants who had an obvious interest in financial stability. Mismanagement in the form of excessive unspent funds or deficit was therefore presumed to be the result of inexperience or otherwise on the part of B'laan members.

Training was maintained. Through the Tampakan Copper Project bulletin, 'Project Update' it was possible to follow the training in which Tribal Council members and communities participated. These activities were verified through interviews with the affected communities and provided an impression of new skills. Another new indicator introduced following the pilot study was Expediency, which reflects the time it took each Council to progress from its creation to the formation of a Foundation. This presumes that having signed the Principal Agreement, a Council intends to participate in a Foundation - the timelag should therefore correlate directly with its efficiency.

It is also necessary to note that in indicators dependent upon data deriving from Foundation participation, that is Expediency, Comprehensiveness, and Spending Capacity, one of the communities - Salna'ong - was problematic. As preliminary

observation had established, it had not signed the Principal Agreement and subsequently had no Foundation. Thus, Salna'ong was barred from comparison in terms of indicators dependent upon participation in the Foundation structure. However, it was not intended to exclude Salna'ong from a complete analysis. Corollary explanations of performance were to be evaluated and ranking points awarded respectfully.

Thus, procedural difficulties encountered in the course of the pilot study and preliminary investigations were accommodated. However, it should be noted that the changes do not suggest the methodology devised in London was conceptually defective. Rather, indicators such as Coherence and Creativeness may well become appropriate after a period of further maturation by the Tribal Councils.

Finally, the observation was made that it was simply too soon to begin measuring Council performance and that they should have been given more time to function properly. As Richard Jackson pointed out in his review of the proposed methodology;

*"Indeed, if you were planning on doing your PhD over a twenty year period, this would be an excellent topic. . . only if one takes this study over the life of the mine would I conceive it to be a whole study."*

The constraints of a three year Ph.D. to measurement of institutional performance in such a traditional environment are acknowledged. James Eder for example, collected data among the Batak people on Palawan over a period of fifteen years [Eder 1993: vii] which enabled him to say a great deal more about the overall process of change to traditional institutions. Likewise, Stuart Schlegel spent eight years among the Teduray in western Cotabato [Schlegel 1999: 1-20]. In measuring the performance of Italian regional governments, Robert Putnam himself repeated his methodology six times between 1977 and 1988 [Putnam 1993: 78].

Nevertheless, the advent of a mining project and inputs accruing therefrom, may create an institutional hothouse, in which pressures and responses evolve more quickly than would otherwise be the case. Moreover, apparent disparity between Tribal Council performances suggested that there was a lot to be learned. While the pilot study identified Danlag, Folu Bato, and S'banken as having participated in various projects, relations between Salna'ong and Western Mining had broken down almost completely.

What is more, the affected population was of a suitable size for a single researcher, and its isolation enabled comparisons to be drawn with other B'laan communities not affected by mining. Division of the affected population into five separate communities, each under the jurisdiction of its own Tribal Council, meant that trends could be distinguished from an early stage. For these reasons such a study was considered viable.

## **Chapter Five.**

### **Southern Mindanao and regional obstacles to mineral-driven development.**

The first part of the methodology focused on the 'national' arena, to ascertain the impact of political and legal factors upon host communities in the context of mining projects. The second was concerned with the performance of Tribal Councils themselves in order to assess 'local' factors affecting developmental initiatives. This structure provides the basis of the following three chapters. Chapter Five concerns the environment into which Western Mining entered, and problems sourcing therefrom. Chapter Six presents the findings of the indicators of Tribal Council performance, and the pattern of Council performance. Chapter Seven examines aspects of the local area that correlated with this pattern, and that might explain the progress of mineral-driven development.

Those 'national' issues included violence, the decision-making process which governed the construction of roads, and the tenurial security of B'laan communities. They had implications for procedural equity on the part of host communities within the Tribal Council - Foundation framework, and the power to build upon developmental opportunities within the prevailing political context.

#### **5. 1. The impact of violence upon communities hosting the Tampakan Copper Project.**

As even a cursory visit to the proposed mineral development area would have confirmed, violence was commonplace. There were estimated to be 500 000 unregistered firearms in the Philippines [Rasul 1993: 64-5]. According to the Local Amnesty Board in Marbel, there was at least one for every household in Bong Mal and Salna'ong. Those observed included revolvers and automatic hand guns, pump-action shotguns, 'long arms' such as the M16, as well as home-made "surit-surit" and "paltik" rifles. Members of ACCESS Inc. had recommended a policy of disarming B'laan communities to Western Mining in 1996. This was discounted as impractical considering the tense nature of relationships in the region.

Western Mining had contracted the Telstar Security agency to ensure physical security at their facilities. They had also engaged Control Risks to assess strategic threats to the Tampakan Copper Project. Control Risk operatives provided ongoing assessments of political, military and para-military activities in the region.

Moreover, on the occasion of the opening of CARE International's Tampakan office in April 1999, Country Director David Stanton explained the strategy to be implemented by Project Smile. Because of frequent violence, the Project was only to be introduced in the three communities closest to the Tampakan municipal poblacion. That is to say Folu Bato, Danlag and S'banken. Participants from Bong Mal and Salna'ong were travelling to those places to avail of the CARE services.

Indeed, during the first five years [1995-2000], a number of prominent members of the B'laan community had been killed. Whether Council processes could continue smoothly, let alone be expanded upon was therefore questionable. Violence was clearly impacting upon community life in the manner witnessed by Moser and Holland in Jamaica [1997: 23-5]. This supported the hypothetical importance of violence as a limiter of local mineral-driven development.

However, in order to qualify this, it was necessary to address a number of important aspects of the violence encountered. First of all, whether the proposed mining project played any part in the pattern of violence was not known. In light of disputes engendered at minesites elsewhere in Southeast Asia, it was important to establish this. Secondly, whether the level of violence would force all developmental initiatives to proceed in a truncated form - as was the case for David Stanton's Project Smile, was unclear. Third, how deeply rooted the causes of violence were within the social structures of southern Mindanao, and whether they might be influenced in a positive manner, by developmental initiatives, was uncertain.

Analysing violence was a complex task. The multitude of apparent causes of crime meant that categorisation was necessary in order to make any rigorous assessment. In accordance with Putzel and Harriss' insistence on the importance of political structures, an initial distinction was made between that violence which was ostensibly political, and that which was not.

#### **5. 1. 1. Political violence.**

Evidence of politically motivated violence, stemming from clashes between each of the two main alternative ideological perspectives - Marxism and Islam, and the Philippine state in Mindanao, was frequently encountered in the course of research. The New People's Army [NPA] - the military wing of the Mao inspired

National Democratic Front, and the secessionist Moro Islamic Liberation Front [MILF], were active in the mountainous regions of South Cotabato, Sultan Kudarat and Davao Del Sur provinces. In April 1999, the NPA raided a military camp in the municipality of Columbio. Arms and ammunition were 'confiscated' from the 25th Special Forces Company based in Tupi. In February 2000 the MILF intensified their campaign over a period of several months, including bombings of department stores General Santos City and Marbel.

Units of the Armed Forces of the Philippines and Civilian Home Defence Geographical Units [local militia] were consequently deployed throughout Mindanao, including Tampakan and Columbio. Many leaders of Visayan militia, such as Barangay Captain Claudel Magbanua in Tablu, maintained a tight military, political and economic grip on remote areas. Skirmishes between these militia and rebel forces, and their potential to erupt into something worse, served to heighten tensions within the area - particularly between Visayans in the lower regions of the municipality and B'laans further up.

Moreover, because NPA and MILF bases lay in remote regions, and as such places were the scene of much of the combat between them and the military, B'laans had inevitably been embroiled. The Local Amnesty Board provided evidence of participation by B'laans in rebel organisations. Presidential Proclamations 347 and 348 granted amnesty to any surrenderees whose application was filed between April 30th 1994, and June 1st 1995 for political crimes on or before April 30th 1994, and which were subsequently approved. They were followed by Proclamations 723 and 724 granting amnesty to surrenderees whose applications were filed between December 20th 1996, and March 20th 1997, for political crimes that occurred on or before June 1st 1995, and which were likewise approved. Proclamation 21 followed, offering amnesty for applications filed between March 24th 1999, and March 23rd 2000, covering all political crimes on or before December 31st 1996. Tables 1. and 2. present the outcomes of surrender applications. On analysis of this data with Amnesty Board members, it was estimated that twenty-five percent of applications under proclamations 347 and 348, and thirty percent of those under proclamations 723 and 724, had been made by B'laans.

**Table 1. Summary of amnesty proceedings conducted by the Marbel Local Amnesty Board under Presidential Proclamations 347 and 348, as of January 7th, 2000.**

Rebel Affiliation	Granted Amnesty	Denied Amnesty	Cases Pending	Total
CPP / NPA / NDF	67	20	3	90
MILF	33	1	2	36
MNLF	0	0	0	0
*Military	1	2	0	3
Total	101	23	5	129

\*Military, Paramilitary and CHDF, now CAFGUs, or Civilian Armed Forces' Geographical Units represent those rebels originating from the military.

**Table 2. Summary of amnesty proceedings conducted by the Marbel Local Amnesty Board under Presidential Proclamations 723 and 724, as of January 7th 2000.**

Rebel Affiliation	Granted Amnesty	Denied Amnesty	Cases Pending	Total
CPP / NPA / NDF	98	15	55	168
MILF	32	12	61	105
MNLF	4	18	29	51
*Military	1	0	1	2
Other	0	1	0	1
Total	135	46	146	327

\*Military, Paramilitary and CHDF, now CAFGUs, or Civilian Armed Forces' Geographical Units represent those rebels originating from the military.

However, it must be noted that the Amnesty Board had difficulty in determining genuine surrenderees. That is distinguishing perpetrators of political crimes from those motivated by other factors - namely personal gain. Indeed, sometimes no division existed. There had been many instances in South Cotabato of both Visayans and B'laans, when wanted by the police in connection with various crimes, filing applications with the Local Amnesty Board. Whether or not they had committed any political crime was often not even the issue, rather the lengthy application procedure provided a means of 'buying time'. The Curriculum Vitae of Gog Cafion - see the following table, illustrates the complexity of the relationship between B'laans and the NPA / MILF, and the broader scope of criminal activity.

**The relationship between B'laans and the NPA / MILF.**

During the 1970s Gog Cafion, a Fulong from Bong Mal, fought at sporadic intervals against loggers and the loss of land to Visayan settlement of the Quezon mountains. During the 1980s he participated with the NPA of which his membership, surrender and application for amnesty were accepted by the Marbel Amnesty Board under Proclamation 724. In 1996 and 1997 he was employed by Western Mining as a Tribal Liaison Officer, within their

Community Development Program. As a Fulong, he was also a traditional leader and on occasion a fighter, and possessed firearms. On the morning of September 17th, 1998 Gog Cafion was killed in an ambush while riding a horse en-route to Maklak, a sitio in Bong Mal. According to the report filed by Telstar security, the killing was perpetrated by rival B'laans and allegedly took place as revenge for the theft of a horse.

Thus, while it seemed clear that a considerable number of B'laans had participated in the activities of the NPA and MILF, the degree to which they had really been members was ambiguous. The majority had certainly not studied Marxist / Maoist doctrine nor the teachings of the Koran, as the titles of those organisations suggest would be requisite to membership. Rather, the relationship between them and B'laans was for the most part motivated by a shared experience of marginalisation. The NPA in particular had a recognised political strategy, which B'laans had never managed to achieve. To say that they were simply 'hitching a ride' wherever they could, would be a more accurate expression of their participation in political rebellion. The acceptance of applications such as Gog's, as well as those of fourteen other B'laans in the first six months of 1999, enabled them to avoid jail, but in reality the relationship was very weak.

It is acknowledged that there was a 'hypothetical' potential for the NPA to encourage B'laans to reject a foreign owned mining project, or attempt to extort some form of 'revolutionary tax' from the company, which might have embroiled the Tampakan Copper Project in political violence. That was because such methods were a familiar tactic of the NPA. Two of the buses that plied the route from Marbel to General Santos were destroyed in Tupi in October 1999, when the Yellow Bus Line refused to make such a payment. Likewise, the MILF might conceivably oppose the entry of Western Mining into an area of traditional Muslim patrimony, Western Mining's FTAA marking the southern tip of a region of strong Muslim influence.

However, despite these uncertainties and potential sources of conflict, no direct connection was found between political violence in southern Mindanao, and the Tampakan Copper Project. Neither were B'laans considered to have posed a sufficient threat to the Visayan community to engender any deep structural basis for aggression.

Nevertheless, it should not be assumed that B'laan development was completely isolated from the effects of ideological conflict. Indeed, there was an indirect connection between B'laans and politically motivated violence. In the minds of the Visayan community and the context of State-Insurgent and Christian-Moslem violence, B'laans were guilty of

association. Moreover, units of the Armed Forces of the Philippines periodically raided B'laan settlements within the Tampakan Copper Project area, including Salna'ong, Datal Biao, and Bong Mal. These visits took place without warning, and while no one was killed, B'laans were turned out of their houses and saw their property confiscated. Such incidents were recorded in November 1997, September 1998, June 1999, August 2000, and in February 2001. On the latter occasion, Juanito Malid, came to the Cathedral compound in Koronadal to tell staff at the Social Action Center that soldiers had forcibly entered the house of his brother Gorrelmin, before dawn. The family had been roused, from their sleep and their home ransacked. Rice and tools had been 'confiscated' which the family witnessed at gunpoint. Following this, Gorrelmin was hiding in the mountains, while Juanito reported the incident to the Diocese, who would then protest to the military authorities, in the light of which publicity it might be safe for Gorrelmin to return home. These actions reflected popular distrust on the part of the dominant Visayan community. They also fuelled resentment among B'laans, many of whom regarded the military as being on the side of the mining company, and operating to remove potential objectors. These sentiments placed an incremental cost upon B'laan development. Indeed, while these findings were being written up in 2002, this researcher was informed by Rose Romano, the Indigenous Peoples Officer at the Social Action Center, that Gorrelmin Malid had been murdered, allegedly by local Visayan militia.

### **5. 1. 2. Non-political violence.**

Aside from political and ideologically directed violence, records supplied by George Dida, Security Co-ordinator at Western Mining, of crimes committed within the vicinity of their exploration activities, as well as those of the Telstar agency, indicated numerous instances of, and reasons for, non-political crimes.

In respect of the authority of the Philippine National Police, research began with the Tampakan police. They were asked to order the barangays of Tampakan according to the approximate level of violence in each. Their answers are listed in the first column of the following table. These are then compared with rankings according to distance from the poblacion and those barangays in which majority B'laan communities were present, which are represented in the higher case.

**Violence in the municipality of Tampakan - June 1999.**

	Criminality Ranking	Distance Ranking	Population*
DANLAG [Danlag]	1	3	2 159
TABLU [S'banken]	2	1	1 841
PALO	3	2	1 182
PULA BATO [Folu Bato]	4	4	1 358
LAMPITAK	5	9	1 912
BUTO	6	6	1 502
ALBAGAN	7	5	960
Kipalbig	8	8	3 707
Poblacion	9	13	5 851
Maltana	10	12	2 548
Lambayong	11	7	1 768
Liberty	12	10	1 859
San Isidro	13	11	1 609

\*Source: Tampakan Municipal Planning Office.

The table expresses correlation between violence, distance, and B'laan communities. The six most 'violent' barangays all embraced B'laan communities. Five of them were the most distant from the poblacion, although Lampitak was an interesting exception, which might suggest that the fact that the population were B'laan rather than remote was the reason for violence - or at least police activity there. That is to say that Lampitak was comparatively close to the poblacion, yet the level of violence there was higher than in other barangays close to the poblacion. Although Datal Blao [Salna'ong] and Kimlawis [Bong Mal] were beyond their jurisdiction, the Tampakan police regarded these barangays as more violent than those in Tampakan, and an external threat to the municipality. Moreover, much of the Bong Mal community remained at Bong S'bang in S'banken at least partly because of the high incidence of "banditry" associated with the Bong Mal area. In summary, it was the opinion of the Tampakan police, that the five barangays in which the communities affected by mineral development were located, were the most violent areas. A list following the order of such activity would have begun with Kimlawis in Kiblawan, followed by Datal Blao in Columbio, Danlag, Tablu, and Pula Bato respectively.

It should however be noted that the Tampakan police were seriously under-resourced. Ronny Labrador, one of the police officers at Tampakan police station explained that during 1999 they had no vehicle and relied upon being able to borrow a dumptruck from

the Office of the Mayor, for operations outside the población. This he said depended upon the goodwill of the Mayor who might or might not immediately co-operate. This gave rise to an impression of policing in Tampakan as something which took place at the discretion of municipal authority, which police officers did not discourage when it was put to them. Moreover, according to provincial police statistics, the municipality of Tampakan had registered ninety-seven cases of homicide or attempted homicide between January 1st 1995, and May 31st 1999, which indicated a relatively high crime rate. It was therefore understandable that the Tampakan police force, who numbered twenty-seven personnel with seventeen rifles, judged themselves under-equipped to respond adequately to crime in the municipality. On several occasions, commanding officer Virgilio Carreon expressed reluctance to intercede in reported misdemeanours in remote barangays for fear of being overextended. Another point is that the Tampakan police force were entirely composed of Visayans and might therefore have been susceptible to perception of traditional B'laan land as a source of criminal activity. These factors must all be taken into account when evaluating the data and that only a portion of the actual violence taking place had been processed and could not therefore, as with criminal data anywhere else, be regarded as complete. Nevertheless, the correlation does demonstrate that whatever the cause, B'laan lands were the scene of a comparatively large proportion of the violence in Tampakan.

During the course of speaking to both B'laans and Visayans in the area affected by the proposed mine, a large amount of anecdotal evidence relating to violence was gathered. Through discussions with community members, three generic sources of violence were identified. These were land disputes, marijuana, and feuding, which correlated with accounts of crime gathered from the Social Action Center at the Diocese of Marbel, and Western Mining's community development personnel. The following case studies outline these three sources.

#### **Land disputes.**

With the vast influx of Visayan settlers into the region - outlined in section 3. 2., loss of traditional land was everywhere a challenge to B'laan communities. 'Landgrabbing' was an ongoing reality in the remoter regions of South Cotabato [Rodil 1994: 37-40 / Ogoy 1985: 1-14]. By its very nature, mineral exploration enhances the perceived value of land. In the event of mineral development, the target of landgrabbers is to obtain some form of veto power through rights to land in which mining will take place. This provides a potential 'gatekeeper' role, ensuring a share of royalties. Attempts to secure title to land within the FTAA leasehold, were commonplace. Western Mining had also attracted migrants hoping to find work within the Project. Indeed, the Tampakan Copper Project was popularly perceived in association with the cult of 'treasure hunting', symbolised by

tales of the 'Yamashite Gold' allegedly hidden by the Japanese during World War Two [Lopez 1992: 7], which induced further speculation.

To draw a comparison with the 'goldrush' phenomenon at minesites in Brazil, the scramble for rights to land is typically lawless as a result of the absence of any mechanism to regulate demands created by new situations - see for example, Alcida Ramos [Ramos 1993: 271-313]. In the case of traditional B'laan land, at the time of the arrival of Western Mining, this was under the jurisdiction of the Department of Environment and Natural Resources, and was subsequently awarded Certificates of Ancestral Domain Claim. However, illegal acquisition of CADC land suggested that this particular mechanism was not appropriate for the task. It is within the context of these circumstances that land disputes, as well as Visayan encroachment in general, should be understood.

#### **Marijuana.**

According to the Tampakan Police, marijuana was being cultivated within CADC lands in S'banken, Bong Mal and at Datal Biao in Salna'ong. Indeed, one of the prison cells at the Tampakan police station was being used to store a quantity of 'evidence' collected in Salna'ong and several prominent B'laans, including members of the Salna'ong Tribal Council, were alleged to be growers.

Marijuana was a controversial subject but had undoubtedly been a substantial cash crop for many B'laans during recent decades. The typical mechanism by which this economy operated was explained by B'laan elders in Benigno Aquino, a part of barangay Miasong. Marijuana had been cultivated in the area since the late 1970s, beginning at Lamalis, in S'banken. It was introduced to the B'laans at Bong Mal in approximately 1980 by one Mr. Chua, a Chinese-Filipino timber concessionaire from Davao City. Having logged the area in question, he then explained the necessary cultivation techniques to the B'laan residents and instructed them to sell to him. Although Chua had departed, this basis for cultivation and supply was still in place.

Marijuana production functioned as a result of remoteness - the area being effectively beyond the law. All of the police information regarding these activities was supplied and pinpointed by occasional informants, few B'laans having sufficient empathy with the police to volunteer information. Police expeditions into these areas were hampered by their lack of transportation and the frequent opportunity for ambush offered by the terrain. Military helicopters were occasionally deployed for the purpose and were observed in Kiblawan, but were not sufficiently effective. Poverty was also a persistent motivation, few alternative means of generating such income being available.

The majority of the marijuana was sold outside of the area and there was no apparent evidence to suggest B'laans as consumers. While many of its offenders were indeed B'laan, the source of instigation was not indigenous. Indeed, it was doubtful that B'laans would be so engaged without the encouragement of certain Visayans. The Tampakan police explained their proposed link between drug trafficking and mineral exploration in terms of the renovation of logging roads and increased vehicular traffic in and out of the area.

### **Feuds.**

A certain amount of crime specific to B'laan communities was also evident. Almost all B'laan respondents testified to and related experience of feuds. Typically a woman being taken or simply eloping from the house of one man to that of another from a different clan, and a revenge party being mobilised to exact retribution, resulted in a series of tit-for-tat skirmishes. Inter-clan cattle rustling or the occupation of the land of another clan without consent provoked similar results.

Feuds provided a basis of power within B'laan society as has been documented since Fay Cooper-Cole visited the area in 1910 [Cooper-Cole 1913]. However, during the intervening years they had been made more lethal by the introduction of firearms. They had also been rendered more difficult to resolve internally due to the vacuum created by the demise of the indigenous system of justice known as Kasfala. They remained difficult to resolve externally because of its incomplete replacement by the Filipino justice system, for which there were two reasons. First was the remote nature of B'laan land and the lack of resources available to the Philippine National Police. Second was the cultural divide between Visayan and B'laan sections of society.

The latter point was evident from the way that the causes of B'laan feuds were referred to as "wife stealing" or "wifennapping" and regarded as indicative of promiscuity, by Visayans. Such references were based upon the assumption that the Roman Catholic concept of marriage extended to relationships between B'laan men and women. Marriage rites were observed among B'laans and several detailed accounts of them exist within the anthropological literature on Mindanao - see for example the Encyclopedia of Philippine Art [CCP 1994]. However, B'laan marriage was a more flexible institution than that of Visayans. Polygamy was practised by many Fulongs, and as Espinosa explains, a form of 'divorce' was also common [Espinosa 1974: 49-55]. Indeed, Malayon, Juanito and Piring Malid each had several wives.

The hegemony of Visayan and broader Filipino value systems had led to perceptions of B'laan institutions as primitive and backward. Aside from a few communities such as at Lamkwa in Polomolok, Rang-ay in Banga, and El-Gawel in Koronadal, who had sought legal representation, formal judicial proceedings frequently failed to take customary law into account and subsequently lacked appropriate sensitivity. This served to alienate B'laans, and seemed to obstruct the development of their respect for the law and modern institutions.

Quantification of the cost imposed by violence upon mineral-driven development initiatives defied conclusive explanation. While it might have been possible to state explicitly what facilities the communities of Bong Mal and Salna'ong had lost on account of the disinclination of CARE Philippines or other specific services to visit those areas, violence impacted indirectly too. For example, through the reduction in travel by community members and those upon whom they depended for business and administration. Sporadic instances of violence restricted movements within the area, with messages having to be 'sent ahead' to announce any visitor and secure safe

passage. The possibility of violence meant that transportation to more remote communities would frequently be terminated and some communities became "no go" areas. Thus violence had a greater impact upon remote communities and less among the communities at Folu Bato and Daniag, which were comparatively close to the Tampakan poblacion and the floor of the Koronadal valley. Indeed Salna'ong, Bong Mal and large parts of S'banken lay beyond the reach of the Tampakan police. It was harder still to judge the impact of the voluntary curfew observed by the majority of B'laans and Visayans, but there can be no doubt that crime impacted directly upon local mineral-driven development.

Crime affected local mineral-driven development processes through a depressive effect upon social capital. That is to say that opportunities for associational life and the development of trust between individuals and sections of the population, upon which initiatives depended, were limited. Claudel Magbanua and Amirh Musali wore sidearms wherever they went, and all mayors were accompanied by bodyguards. Such groups travelled in four wheel drive vehicles with reflective windows - as did Western Mining personnel. This prevented local people from knowing who was approaching them or who had entered their area, which was an intimidating matter for B'laans. Moreover, the military presence in the area was visible on a daily basis. Soldiers clad in battle dress and armed with rifles would commonly congregate in dining rooms and other public places. While this may or may not have reduced the actual level of violence, it palpably heightened the sense of danger and subsequent tension.

Perceptions among the Visayan population, of crime in remote regions, negatively influenced attitudes and the 'idea' of, if not real violence, served to marginalise B'laans through images of insecurity and potential threat. Young people, in urban areas of General Santos City, with whom this researcher socialised in the course of his stay in Mindanao, regarded visits to the Quezon mountains with shock. Ricardo Dalisay, the thirty-two year manager at Gensan Duratrak, a chain of tyre shops in Mindanao, stated that anybody visiting B'laan communities "*would need a bodyguard*", because "*visitors to those regions will be targetted*" and "*likely to be robbed*" and that B'laans would "*not fear being caught because nobody would find you*". Sincerely held attitudes like these restricted activities and interrelationships between the Tribal Councils and businesses and services in the region, and thereby retarded their capability - particularly those in remote areas - to access markets. This occurred in a general but significant sense.

Barring specific incidences, the effect of criminality was a slowing down of Council and community capacity building.

## **5. 2. Roads as an indicator of power relations between B'laan and Visayan communities.**

As explained in section 2. 6., the methodology also set out to evaluate the level of power held by those communities hosting the Tampakan Copper Project. This was hypothesised to be essential for successful mineral-driven development.

Means of transportation of goods and people to and from remote regions of southern Mindanao, were controlled by Visayans in municipal poblacions. Rodolfo Gagnao, the Visayan owner of the 'buy-and-sell' store in Barangay Miasong, a part of the municipality of Tapi which bordered Tampakan, explained how B'laan farmers brought their produce to the nearest roadhead or buy and sell store, from where he said, it would be picked up by Visayan traders such as himself, who were middlemen between the mountain and the market. *"B'laans can receive cash for their produce, but most often it is exchanged for rice, sugar, coffee, tinned fish, tobacco, and other goods that B'laans cannot produce in the mountain."* Indeed, Visayans such as Gagnao would extend goods to B'laans in advance, and many were in a position of "utang", whereby they owed their production to one Visayan or another. Gagnao introduced several such people while this researcher was in Miasong. The most significant product was maize, which Gagnao would transport to General Santos City where he sold it on to ethnic Chinese traders for cash.

Furthermore, following road construction in remote regions, the 'in traffic' was commonly greater than the 'out traffic', with Visayan settlement penetrating traditional B'laan land. Combined with the wholesale loss of forests, roads oriented towards poblacion marketplaces had eroded barter economies and kinship modes of production, and B'laans' livelihood base had shifted toward cash crops and Visayan marketplaces. Many B'laan communities had altered their settlement patterns in order to avail of road use, upon which they had come to depend. B'laan households were often strung out beside roads, where families squatted in lieu of Visayan ownership. Visayan penetration had also served to isolate B'laan communities from each other. Therefore, if B'laans happened to have benefited from road use, it was generally incidental, as the majority of roads were not built for them or with their needs in mind.

The orientation according to which roads were built and the lack of attention paid to their impact upon communities raised questions as to whose interests roads served. The most obvious point was that where a road cut into an area of traditional B'laan occupancy, particularly where no title or legally recognised security of tenure was held, then the effect was disruptive. No such consideration was made prior to the creation of logging roads and very little was in evidence at the time of research. This situation exemplified B'laan vulnerability to Visayan hegemony in regional economic development. Thus roads provided an opportunity to test the ability of B'laans within the proposed mining area to articulate themselves in the context of mineral-driven development gains and Visayan institutions.

A number of prominent B'laans and Visayan leaders within the area affected by the Tampakan Copper Project had called for the construction of a road linking sitios in Bong Mal with Salna'ong, and the existing road to Tampakan poblacion, in order to provide opportunities to their communities. These men included Dot Cafion, the Chairman of the Bong Mal Tribal Council, and Jusies Dianga, the mestizo-B'laan Barangay Captain of Kimlawis, in Kiblawan, of which Bong Mal was a part. The project was also supported by Amirh Musali and Jonathan Consad, Barangay Captains of Datal Blao and Danlag respectively, whose barangays were relatively remote, as well as being home to majority B'laan populations.

The road proposed by the leaders of those communities hosting the Tampakan Copper Project would have connected communities in three municipalities, Salna'ong straddling the border between barangays Danlag in Tampakan and Datal Blao in Columbio, while Bong Mal was part of barangay Kimlawis in Kiblawan. Vehicular transportation between the agriculturally dependent communities would have thereby improved their ability to market products and empowered B'laans within the local economy. Moreover, according to Engineer Richard Corpuz, there was a possibility of Western Mining entering into a co-construction project with the Department of Environment and Natural Resources, under whose jurisdiction Non-Alienable Land falls. Thus Western Mining might have shouldered part of the financial burden.

Despite these apparently favourable conditions, the proposal was dependent upon municipal authority. Seen from this perspective, the market in the poblacion of Tampakan was only fifteen kilometres from the area in which the road would be built, compared with thirty kilometres to those in Columbio and Kiblawan. Thus the road

would, in all probability, have attracted trade toward Tampakan at the expense of Columbio and Kiblawan. This would have been magnified by the fact that the Tampakan marketplace had over thirty stores as well as closer proximity to Marbel and General Santos City. Columbio on the other hand had fewer than ten stores and because of the barrier of the Quezon mountains which lie between the poblacion and the sea, there were no fresh fish available there, other than a single freshwater variety brought from Lake Buluan. Kiblawan poblacion also had a very small market with less than ten stores, as the majority of its people travelled to the poblacions of Padada and Digos to engage in trade. The new road would have encouraged an already apparent trend for people in the southern and western districts of Columbio and Kiblawan respectively, to gravitate toward Tampakan. As a consequence, the Office of the Mayor of Columbio had rejected the plan.

What is more, proposals for such a road were apparently being ignored by Claudio Barroso, the Mayor of Tampakan, who rejected the suggestion when interviewed. Any economic analysis was subservient to the ongoing 'conquest' of the area. Mayor Barroso talked in terms of Tampakan as the 'frontier' of Filipino society, and saw his role as a protector of his people [read Visayans] and propagator of Filipino nationhood. This was reminiscent of the language of Teodulo Ramirez, chronicler of the expedition to, and settlement of, the region by Major-General Paulino Santos in the 1930s. Strategies for economic development that were not owned or controlled from the municipality, and the possible benefits of income distribution to the region as a whole, were not taken seriously. Indeed, while municipal resources were clearly stretched, such a road would have clashed with Claudio Barroso's personal interests, as they did for many mayors in similar municipalities. The Barroso family controlled the 'buy and sell' business that purchased rice and corn from B'laans in the area affected by the proposed mine. Thus they were able to fix prices and even exchange goods against future harvests. Barring the truck purchased by the S'banken community, the Barrosos also owned the only transportation into the area, that is the the Santa Filomena truck, which went as far as sitio Palo 19 in Danlag. This was the only form of public transport to enter the area aside from Skylab motorcycles. If a new road was built, new traders would likely enter the market, forcing the Barrosos to compete and depressing their profit margins. Any fiscal gains from increased trade on the other hand, would flow into national rather than municipal coffers.

No discernible consideration had been given to the possibility that the medium to long-term economic growth offered by the Bong Mal - Salna'ong road might outweigh any shift of trade from one market to another. No tri-municipal negotiation of the subject had been broached. Indeed, until June of 1999, the actual provincial boundary between Sultan Kudarat and South Cotabato, which bisects the Salna'ong area, had not been officially demarcated, and the respective municipal planning offices were apparently uninterested in the issue. Priorities were dependent upon Visayan perceptions of development and focused by political expediency.

Without the Bong Mal - Salna'ong road, vital to economic participation by B'laans, Bong Mal remained in economic isolation and Salna'ong a cul-de-sac. S'banken, Danlag and Folu Bato were respectively better off due to their proximity to the Tampakan poblacion and established roads at lower elevations, where Visayan farms were more numerous. Nevertheless, this situation rendered all five communities considerably more marginal than they would otherwise have been.

Moreover, this situation demonstrated that B'laans had little effective power in terms of the municipal structures within which they were located. Indeed, the remote barangays whose Visayan inhabitants shared their isolation, were similarly unable to influence the municipal authorities. On the basis of Roads and the material presented here, it seemed clear that circumstances at the site of the Tampakan Copper Project failed to fulfil the hypothetical recommendation for power vis-à-vis the prevailing political economy within which the proposed mine was located. The following section, relating to tenurial rights, expands upon the issue of power.

### **5. 3. Tenurial security among B'laan communities within the proposed mining area.**

Another means of assessing the power of the host communities with respect to exogenous institutions, was the degree of tenurial security B'laans held over the land on which they lived. On examining maps of the area affected by the proposed mine, there was only a ten percent correlation between the pattern of occupation within the traditional territories of the five B'laan communities recorded by Western Mining, and the municipal land use survey prepared by the Office of the Mayor of Tampakan. That is to say that the municipality identified much more land as being occupied by Visayans, and if Visayans did not actually own land in the area affected by the proposed mine, they clearly regarded themselves as having the right to much of it. This suggested that

B'laans were poorly-prepared to cope with the pressures that would likely accompany mining.

Prior to the arrival of Western Mining, traditional custodianship of land at the site of the proposed mine was not recognised by the Philippine state. B'laans occupied Public or Forest Land, which was non-alienable and under the jurisdiction of the Department of Environment and Natural Resources [DENR]. In 1993 Department Administrative Order No 2, established procedures for issuing Certificates of Ancestral Domain Claim [CADCs]. These provided for DENR recognition of an indigenous groups' claim to traditional association with a particular area, and recognition of their right of occupation and land-use management through an Ancestral Domain Management Plan. Ancestral domain claims were supervised by the Office of Southern Cultural Communities until November 1997, when the Indigenous People's Rights Act was ratified by the Senate and the National Commission for Indigenous Peoples was created.

Western Mining collected necessary data, and sponsored the five B'laan communities in their applications to the DENR for CADCs. These were approved and duly awarded. Western Mining thereby consolidated the position of stakeholders on the land they occupied, ostensibly supporting bonafide signatories to subsequent agreements. Certificates of Ancestral Domain Claim represented the extent of tenurial security on the part of communities affected by the Tampakan Copper Project. They provided the basis upon which the terms of B'laan tenure and corresponding power with respect to the appropriation of their land, could be tested.

As the term 'Claim' indicates, CADCs are not a guarantee of tenurial security that can be equated with title. Datu Migketay 'Vic' Saway explained that the role of the Office of Southern Cultural Communities had been simply to represent indigenous peoples. With the formation of the NCIP, a more pro-active role was possible - the titling of ancestral domains. The IPRA contained provisions for the conversion of CADCs into Certificates of Ancestral Land Title, ostensibly conveying communal title equivalent to that held by individuals [IPRA 1997]. However, administration of CADCs and CALTs, and B'laan tenure with them, was under threat from a series of external events.

First of all, the structure of the NCIP had been problematic from the outset. Established by President Fidel Ramos [1992 - 1998] in 1997, the NCIP comprised seven commissioners, all of whom were presidential appointees. This was itself a source of

weakness, as it produced commissioners whose allegiance was directed up the political hierarchy but not necessarily down. This provided a questionable service to the concerns of traditional communities.

As of July 1999, the NCIP comprised offices and staff in each province, inherited largely from the defunct Office of Southern Cultural Communities. However, two commissioners, including the representative for Central Mindanao, had gone unappointed. Moreover, on taking office in May 1998, President Joseph Estrada had attempted to replace National Commission for Indigenous Peoples' Chairman David Daoas with commissioner Cesar Sulong. This was rejected by the other commissioners, and there ensued a year long period of 'dual chairmanship', before Daoas was reconfirmed as chairman.

There were also accusations of corruption within the NCIP, and related charges had been filed against six of the commissioners, which had hamstrung the Commission. Ostensibly acting to break the deadlock, President Estrada froze the NCIP budget on September 21st 1998. From this moment the Department of Budget and Management released only the salaries of NCIP staff and not the Monthly Operating Allowance, which served to further paralyse the Commission. Considering that the Implementing Rules and Regulations, or 'operating manual' of the NCIP was only issued on June 13th 1998 [IPRA IRR 1998], the NCIP were fully functional for a mere 100 days. Without the Monthly Operating Allowance, the NCIP in South Cotabato, Sultan Kudarat and Davao Del Sur relied upon indigenous representatives to travel to their offices and fund those services necessitated by their cases.

Regarding the communities hosting the Tampakan Copper Project, NCIP members of the Foundation Boards established following the signing of the Principal Agreement by each Tribal Council, were rarely present at Board meetings. When they were in attendance, their effort was provided for by Western Mining. For example, the travel and accommodation of Chairman Daoas on June 21st 1999, to present the Certificate of Ancestral Domain Claim to Danlag Tribal Council, was paid for by the company. Without such contributions, the NCIP would have been unable to provide any services at all. As it was, their offices were entirely bare of tools such as telephones, fax machines, and typewriters, necessary for official function.

Other obstructions included a shortage of qualified NCIP staff. At the South Cotabato office there were ten staff members, of whom only three claimed to speak any of the B'laan language, and certainly none were fluent. Accepting the conservative B'laan census of 100 000, and that half are located within the province South Cotabato, in conjunction with the fact that it is the elder generation who lead B'laan communities, few of whom spoke any other language than their own, this was apparently inadequate.

In March 1999, President Estrada attempted to fast-track ancestral domain claims with Memorandum No. 25, creating the Presidential Taskforce on Ancestral Domain. He appointed Donna Gasgonia, from the Anti-poverty Commission, as Chairwoman in order to circumvent NCIP commissioners. The Taskforce had a six month remit, which on expiration in September, was duly renewed. However, whether the Taskforce was legally empowered to award CADCs was uncertain and indeed, none had been awarded. The NCIP did retain this power because the Supreme Court had not issued any restraining order. Nevertheless, its practical capacity was severely reduced.

Aside from these executive issues, ex-Supreme Court judge Isagani Cruz and one Cesar Europa, brought a suit challenging certain provisions of the Indigenous Peoples Rights Act. They accused it of violating the Constitution in giving indigenous people control of ancestral domains [Cruz 1999]. The point being they argued, that this includes any natural resources that may exist in these areas. They claimed that this contradicts the Regalian Doctrine embodied by the Constitution, which provides that;

*"With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development and utilization of the natural resources shall be under the full control and supervision of the State."*

[Philippine Constitution of 1987, Article XII., Section 2.]

By contrast, the Indigenous Peoples Rights Act describes the ancestral domains as;

*"belonging to the Indigenous Cultural Communities / Indigenous People"* including, *"lands, inland waters, coastal areas and natural resources therein,"* as well as *"ancestral lands, forests, pasture, residential, agricultural and other lands . . . hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources."*

[IPRA 1997: Chapter 2., Section 2a. ]

Cruz and Europa argued that certified ancestral domains cover over 2.5 million hectares scattered throughout the Philippines, which are therefore reserved for

indigenous people to the unconstitutional exclusion of the rest of the population, who are co-owners of the national patrimony [Cruz 1999].

In defence of the IPRA, the NCIP, members of 112 indigenous peoples groups, including B'laans from Salna'ong, S'banken, Pula Bato, the Philippine Commission of Human Rights, the Ikalahan Indigenous People, and the Haribon Foundation for the conservation of Natural Resources, Inc., argued that the ancestral domains of indigenous groups were not covered by the Regalian Doctrine, because these lands had been held by native tribes in the concept of owner, since time immemorial. They could not therefore be claimed by the colonisers when they imposed their rule in the Philippines.

On December 6th 2000, the Supreme Court reached its decision. Voting was divided equally, seven votes were cast for, and seven against the petition of Cruz and Europa. Without a majority the case was dismissed [Proceedings of the Supreme Court 2000]. However, the decision was too close for comfort. Had the petition succeeded, the IPRA would have been repealed and the National Commission for Indigenous People disbanded. Doubts over the credibility of the NCIP engendered during the intervening two year period and the subsequent vote, served to undermine its capacity.

Indeed, there was evidence that Certificates of Ancestral Domain Claim did not have sufficient strength to displace speculation. Engineer Richard Corpuz at Western Mining, acknowledged that increased in-migration to traditional B'laan land by Visayan settlers, as a result of anticipated employment opportunities and speculation over land, was exacerbating challenges facing the host communities.

Although traditional land which had not yet been titled was non-alienable, usufruct 'rights' were being purchased. Employees of Western Mining were reluctant to discuss such sales as they reflected a failure on the part of the CADC system. The police were similarly cautious because they generally had few details of affairs relating to the Tampakan Copper Project. Indeed, police recalcitrance reflected in part, a gap in understanding between themselves and the Office of the Mayor, and thereby with other parties too. For example, in one incident in June 1999, Virgilio Carreon, the commanding officer at the Tampakan police station related one incident that frustrated him. Western Mining had hosted an Australian diplomat at the basecamp without informing the Tampakan police. Carreon expressed resentment of the fact that had any

ambush or other untoward incident happened to the diplomatic party en-route, they would undoubtedly have received a large share of the blame. Carreon stated that his hands were "*tied behind his back*" by the company's "*irresponsibility*".

Nevertheless, physical evidence of illicit landsales was visible in terms of deforestation of ostensibly protected areas, and B'laans provided clues as to how this came about. The process was exemplified by the purchase by 'Undo' Teofilo, a brother-in-law of Mayor Claudius Barosso in Tampakan, of 150 hectares in Datal Biao, from Piring Malid early in 1999. Piring had received an undisclosed sum of cash in exchange for the land, but the sale caused dismay and confusion among B'laans in the Salna'ong community. One B'laan man described it in the following manner, "*We know that this is bad and that by doing so we are losing something we need more than food or water, but it is hard to see what else to do. Piring is wrong but he cannot be blamed for what he did.*" B'laans were thus aware of at least some of the negative effects of losing their land, but were at a loss as to how else to support themselves. Although this sale occurred without legal sanction, its reversal, let alone repurchase by the B'laan community, appeared neither likely nor possible. As far as CADCs represented rights on the part of B'laan communities, they were therefore very weak.

The family of former Mayor Emilio Escobillo provided further insights to problems experienced by B'laans in obtaining rights to traditional land. They were the biggest landowners in the municipality, having acquired title to large tracts of land in barangay Tablu, of which S'banken was part. They also owned the road via Tablu, connecting the poblacion with the Western Mining basecamp. If the proposed mine were successful, they would profit considerably. Chieftain Liwahim Magumway of the S'banken Tribal Council was incarcerated at the provincial jail at Marbel, then having then been imprisoned for one year and two months without charge. He had been implicated in the murder of a Visayan farmer and his two children on February 28th, 1996. According to staff at the Social Action Centre, this was despite the identification of the killers as guards employed by the Escobillos.

In terms of power as a hypothetical precondition for mineral-driven development, the tenurial situation indicated that the host communities were in a vulnerable position. B'laans were clearly weaker in practice than in the terms expressed by the Indigenous Peoples Rights Act. The history of the region was symbolised by Visayan encroachment onto B'laan land and the CADC legislation was simply not strong enough

to halt this precedent. Moreover, there were signs that the prospect of mining was contributing to encroachment. Although this had not taken place on a large scale, circumstances suggested that should mining take place, and with it opportunities for employment, etc., grow, there would be little to prevent a sharp rise in the appropriation of B'laan land.

In the whole of southern Mindanao, there was only one example of B'laans obtaining rights to ancestral land lost to Visayan settlement. That was at Lamkwa in the municipality of Polomolok, approximately fifteen kilometres from Tampakan. Datu Suya, a B'laan chieftain in Polomolok, explained how the Lamkwa B'laans had lived in a similar manner to those in Tampakan, until the 1960s, at which time they were pushed up into the forests of Mt Matutum and the Quezon mountains by sectarian violence. That was between militia groups such as the Blackshirts from Muslim communities and Ilagas from among Christian settlers, who were arriving in increasing numbers from the Visayas. The Lamkwa area was subsequently appropriated by the Dole Corporation, as part of its burgeoning pineapple plantation, and whose security guards forcibly excluded B'laans. The Lamkwa B'laans did not however entirely disappear, and first petitioned for their legal right to return to their land in 1985. This protest gathered momentum, culminating in a picket of the provincial capitol building in Marbel, and the occupation and uprooting of pineapple fields. Ester Sevilla has documented the legal battle sustained by the Lamkwa B'laans, which eventually saw them win the right to return to a portion of the land they claimed, in 1998 [Sevilla 1999: 77]. Although the victory of the Lamkwa community was not achieved in terms of CADC certification, the protracted process involved does indicate some important points for those communities hosting the Tampakan Copper Project.

The apparent success of the Lamkwa community might have suggested that the role of Visayan dominated state institutions was evolving in a manner sympathetic to the B'laan point of view. However, although the Office of Southern Cultural Communities did pursue the legal case brought by the Lamkwa community in the latter stages - albeit in pursuit of a cash settlement rather than title - they did not have a dominant or decisive role. Indeed, it was the media attention devoted to the protest actions, in combination with a legal undertaking on the part of a tribal group, that denoted change. Thus, while state agencies had provided unprecedented support for a B'laan community, it had not been unequivocal or internally motivated. Rather, OSCC and Department of Agrarian Reform support was prompted by the visibility and high profile

nature of the Lamkwa case. That is to say a small community versus a multi-national company.

What is more, the Lamkwa community achieved their victory in terms of a variety of individual and minor clan or extended family based claims, as opposed to a communal claim that is the basis of the CADC system. This was due in part to the processes proposed by the DAR, and the fragmentation of the B'laan claim by individual payments offered by the Dolefil Agrarian Reform Beneficiaries Co-operative Incorporated, an arm of the Dole corporation. However, the variety of claims also reflected divisions within the B'laan community. This was in part due to the fact that they had spent more than three decades in scattered 'exile', during which time they had partially disintegrated. Indeed, the concept of communal land appeared to have been diluted and even rejected by some B'laans as a result of the commodification of land and uncertainty experienced as a consequence of Visayan settlement. Many B'laans insisted upon individual claims to ownership - to the exclusion of other B'laans, which phenomenon functioned to complicate their case.

Despite the award of CADCs at the site of the Tampakan Copper Project, a similar pattern of fragmentation of claims was also apparent. The fact that some individuals, particularly members of Tribal Councils had made independent claims to land, suggested that the CADC system was being similarly superseded. Lindsay Wales, Tribal Councillor, and Treasurer in S'banken, had registered a claim with the municipal land use survey, to land at the site of the Western Mining basecamp. Willy Golaya, the former Tribal Chieftain in Folu Bato, had objected to the plans of Western Mining on the grounds that he was not compensated for the use of land he claimed rights to, in the mining area. This suggested that the presence of the Tampakan Copper Project was at best not counteracting the trend toward disintegration of traditional values, and possibly exacerbating it. That is to say that because of the speculative climate engendered by proposed minerals development, B'laans were abandoning their traditional manner of communal landuse, at the expense of less experienced and less well positioned members of their communities, more quickly than they might otherwise have done.

Moreover, the award of communal title to indigenous people clashes with the aspirations of other groups who are invariably present within their ancestral lands. In the case of the five B'laan communities, their land was everywhere shared with Visayan settlers who bitterly opposed the award of Certificates of Ancestral Domain Claim, and

the possibility of Certificates of Ancestral Land Title. Thus blanket-style communal claims to ancestral land conflicted with the interests of Visayans, who having in some areas acquired title, had a legitimate legal claim. In December 1996, Visayan residents of Tampakan barricaded roads leading to the proposed minesite in opposition to B'laan CADCs, forcing negotiation of agreements with Visayans. Bearing in mind that there is virtually no part of the Philippines where indigenous groups are the sole occupants of their ancestral domains, the award of communal title is in policy terms unrealistic. Indeed, none of the CADCs awarded to indigenous communities had anywhere been granted a Certificate of Ancestral Land Title and none of the NCIP officials encountered were in foreseeable anticipation of doing so. CADC / CALT legislation is therefore concluded to have come too late.

Thus the CADC system implemented and ostensibly managed by the Office of Southern Cultural Communities and the National Commission for Indigenous Peoples respectively, was inappropriate. Not only did it fail to provide tenurial security, and with it power, but it functioned in opposition to the evolution of B'laan aspirations. Moreover, while Western Mining had conducted the research which provided the basis for CADC awards, the extent to which they were or were not aware of these problems was unlikely to have been relevant. That is because the CADC system was a national project, implemented by the state in a uniform manner among indigenous communities across the country.

Finally, in reference to the rights of communities outlined by Bob Muntz and related in section 2. 6., there was a question among reviewers of this research, as to whom the right to development belongs in a situation where a project that may benefit the nation as a whole, has a negative impact upon a local community. The rights of host communities are protected by the International Covenant on Civil and Political Rights [ICCPR 1966] and the International Covenant on Economic, Social and Cultural Rights [ICESCR 1966], both of which are binding in the Philippines, as well as in the Draft Declaration on the Rights of Indigenous Peoples [DUND RIP 1994], the International Labour Organisation's Indigenous and Tribal Peoples Convention [ILO 1989], and the Charter of the Indigenous and Tribal Peoples of the Tropical Forests [CITPTF 1992]. The Philippine Constitution on the other hand, is less clear, extolling the development of a "*self-reliant and independent national economy*" while it "*recognizes and promotes the rights of [traditional communities] within the framework of national unity and*

*development.*" [Hughes 2000: Section 3]. Whether national or local rights prevail is unclear. This uncertainty on the part of the state has implications for mining projects.

In the absence of a clear distinction between the national and the local, the Philippines is obliged to allow national and local rights to be exercised side by side. The 1995 Mining Act and the 1997 Indigenous Peoples Rights Act [IPRA] exemplify contradictions that this situation raises. By charging the government with the right to grant Financial and Technical Assistance Agreements to companies, the terms of the Mining Act - under which Western Mining Corporation established the Tampakan Copper Project - indicate that the rights of the nation takes precedence of those of local communities. On the other hand, the IPRA suggests that communities have the right to reject mining projects. From the perspective of local communities, no certificate of land title had been awarded under the IPRA. Indeed, the Supreme Court very nearly repealed the IPRA in its vote on the petition of Cruz and Europa in December 2000. Needless to say, without the implementation of IPRA, the right to reject an FTAA has never been established in court.

## **Chapter Six.**

### **The comparative performance of Tribal Councils.**

As has been explained in section 1. 3., the Tribal Councils were not indigenous structures. Rather, they were established by the Office of Southern Cultural Communities and ostensibly supervised by the National Commission for Indigenous People as a means of organising traditional communities with the aim of incorporating them into the structure of the state. Thus Tribal Councils provided an elementary local government among the host communities. They were sponsored by Western Mining as the means by which mineral-driven development would be effected and recommendations such as those of the World Bank fulfilled.

While limitations imposed by state structures and the 'national' context, on recommendations for mineral-driven development, have been related in the previous chapter, it was also hypothesised that local factors would influence the development process. That is to say that traditional aspects of host societies and their understanding of the implications of mining had to be accommodated. This constituted the basis for the second part of the methodology - assessment of local factors.

Because the B'laans living within the vicinity of the proposed mine had been divided into five communities, there was an opportunity for comparison of Tribal Council performance. That is to say that if a pattern could be identified, and this correlated with any pattern of traditional social structures, or understanding of the implications of mining, then the case for their contribution to the development process would be strengthened. Moreover, the nature of their role could be more closely analysed.

Chapter Six presents the findings of the comparative measurement of Tribal Council performance. These are subsequently assembled to provide a Comparative Index of Tribal Council Performance. The final section contains an array of evidence corroborating this index.

It is acknowledged that measurement of Tribal Council performance is a qualitative exercise, and that findings may be influenced by assumptions contained within the indicators used. Indeed, the performance issue was a matter of controversy.

Organisations opposed to Western Mining, such as the Social Action Center at the Diocese of Marbel, regarded the Tribal Councils as a means of manipulating B'laan communities. In their view, Western Mining's funding of Council activities constituted bribery. However, to accede to such a viewpoint would be to digress from assessment of the recommendations of the World Bank which is the central aim of this thesis. The Tribal Councils were the supposed manifestation of those recommendations. The purpose of this chapter is to provide a comparative picture of how much they achieved.

### **6. 1. Indicators of Tribal Council performance.**

#### **Processes.**

Before proceeding to evaluation in terms of outputs, the extent to which each Council was operational in the terms determined by their structure had to be assessed. That is to say that before a Council could provide for fulfilment of recommendations for public involvement, social equity in revenue distribution, compensation and other social investments, and partnerships in support of sustainable development, it had to be asked whether the Tribal Councils were representative of their communities. Indeed, World Bank recommendation No. 9 was for the development of mechanisms for the long term representation of stakeholders [Aidan and Davy 1998: 32-4]. The first three indicators, Meetings, Representation and Female Participation, provide for comparative measurement of representation.

#### **1. Meetings.**

The first indicator relates to the organisational qualities of Tribal Council meetings. This was a complex aspect of performance because circumstances in which Councils met, and their composition, varied - no two Councils for example, had the same number of members. In order to accommodate these obstacles, Meetings was broken into four aspects, that is Regularity, Location, Attendance, and Recording of Council Proceedings. This made it possible to identify distinctions for which "Yes" or "No" answers could be obtained. These are in turn collated to provide for a composite indicator of performance.

a] Regularity.

It was difficult to judge the optimum frequency for Tribal Council meetings. However, Foundation Board meetings took place every month, being instigated by Western Mining who provided the venue, transportation, and food for participants. It was therefore supposed that meeting at least once a month would be important in order to digest events at, and to prepare for forthcoming Foundation meetings.

b] Location.

Location is based upon to the extent to which meetings took place independent of the influence of any particular figure. All communities had access to some independent venue, which was assumed to be preferable to the home of the Chief-Chairman, or any specific Tribal Council member.

c] Attendance.

Attendance comprises two parts. First is attendance itself. Second is the capacity of each Tribal Council to impose penalties for non-attendance. Attendance refers to whether or not all members of Tribal Councils actually attended Council meetings. It is based upon the assumption that attendance is closely connected to Council performance and is therefore regarded as a positive factor. The imposition of penalties is based upon whether or not each Council enforced any penalty for non-attendance by their members. Such penalties are presumed to be indicative of Council strength in terms of discipline and recognition of the importance of participation, and are accorded a positive value.

d] Recording of Council proceedings.

This aspect of meetings is likewise split between two parts. The first is based upon whether minutes were taken at Tribal Council meetings. The second on whether these were backed up by tape-recordings. Maintenance of such records are regarded as important to the efficiency of Councils. Foundation Board meetings were held in accordance with corporate board meetings elsewhere, with both minutes and recordings being taken. Council members were therefore familiar with the practice and the majority expressed approval, regarding some form of recording as important in order to preserve accountability. When a carrot growing project was discussed at a meeting of the Folu Bato Council, no recording was made. When the project eventually failed, the funds allocated by the Folu Bato Foundation could not be accounted for. A disagreement between Folu Bato

and Western Mining ensued, that wasted co-operative effort. Indeed, the recording of Council meetings had come to be recognised as important for winning the approval of Western Mining Foundation Board members, to whom the Councils had to apply for project funding.

Data gathered in relation to these four aspects of Tribal Council meetings, are presented in a Yes-or-No format and compiled into the following composite indicator of performance:

**Summary indications of Council meeting procedures.**

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
<b>Regularity</b>					
Monthly meetings held?	No	Yes	Yes	No	Yes
<b>Location</b>					
Independent meeting place?	Yes	Yes	No	Yes	No
<b>Attendance</b>					
By all Council members?	No	Yes	Yes	No	No
Penalty for non-attendance?	No	Yes	Yes	No	No
<b>Recording</b>					
Minutes taken?	Yes	Yes	Yes	No	Yes
Tape-recordings made?	No	Yes	No	No	No
<b>Total Yeses</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>1</b>	<b>2</b>
<b>Ranking</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>4</b>

In terms of meeting procedures, the totals suggest that Danlag was most successful, while Folu Bato was close behind. S'banken and Bong Mal were some way back, and Salna'ong fared least well, with only one Yes.

**2. Representation.**

Aside from the conditions under which meetings took place, there were opportunities for gauging the performance of Tribal Councils in terms of their constitution. The Councils were elected and therefore representative bodies. Indeed, World Bank recommendation No. 5., *Recognize public involvement as integral to project sustainability*, stressed that "special care be taken to ensure the representation of indigenous people" and that "democratic consultative decisionmaking processes may help to develop an awareness of issues". An important indicator of Council performance could therefore be obtained from the breadth of representation of community members.

Dominance by specific groups or factions was manifested by 'autocracies' and 'oligarchies'. Autocracies occurred wherever there was a prevalence of Council members related to, or in close allegiance with the chairperson. Although kinship networks were difficult to ascertain, family ties were relatively simple and were therefore relied upon. Alternatively, representation might be reduced by oligarchies. In such a case, members of a clique of families would dominate a Council to the exclusion of lesser families and the majority of the population of each community. Therefore the Tribal Councils were examined for evidence of either phenomenon and compared according to their relative strength.

Part 1: Autocratic tendencies.

The presence of members of the chairperson's family would indicate a potential for exploitation of the wider community represented thereby. Conversely, relative absence of members of the chairperson's family from each Tribal Council would indicate comparative progress in adopting representative principals. Because the number of members varied between Councils, those not related to the chairperson were calculated as a proportion of each, following which the Councils are ranked accordingly.

**Number of Tribal Council members related to the chairman.**

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
No. of Council members [excluding the Chairperson]	10	13	10	11	10
No. related to the Chairperson	3	0	1	8	2
Proportion as a % related to the Chairperson	30	0	10	73	20
<b>Rankings:</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>3</b>

From this table it is clear that the Danlag Tribal Council exhibited absolutely no autocratic tendencies. Bong Mal, Folu Bato and S'banken all reveal the influence of the chairperson's family, albeit to a slight degree. Salna'ong however, shows a strong degree of vulnerability to autocratic influence.

Part 2: Oligarchic tendencies.

However, just because the family of the chairperson did not dominate a particular Tribal Council, does not mean that another family or other families did not. For example, while chairwoman Dalina Samling was the only member of her family present upon the Danlag Council, three members of the Tokaydo family were. Indeed, just as the dominance of the family of the chairperson would indicate

neglect of the representative principal, so too would an oligarchy, through the dominance of a group of families. Therefore it was important to test the extent to which an oligarchy persisted within each of the four remaining Councils. First of all, the number of families represented as a proportion of total membership had to be considered, which data is presented below.

**Number of families present within each Tribal Council.**

	Bong Mal	Danlag	Folu Bato	S'banken
Total membership.	11	14	11	11
No. of families represented.	7	10	8	8
Proportion as a % of total.	64	71	73	73
<b>Rankings:</b>	<b>4</b>	<b>3</b>	<b>1.5</b>	<b>1.5</b>

Furthermore, those families represented by a single member as a proportion of the total number of families was also indicative of oligarchic tendencies. This is an important point because those Tribal Council members who did not come from separate families, may or may not all come from one family. For example, while five out of eleven Council members may come from five families, the other six may come from one family or three families, that is to say two from each, as was the case for Folu Bato. This aspect must be accounted for if the presence of oligarchies is to be addressed.

**Number of families represented by only one Council member.**

	Bong Mal	Danlag	Folu Bato	S'banken
No. of families.	7	10	11	8
No. represented by 1 member.	5	7	5	6
Proportion as a % of total.	71	70	45	75
<b>Rankings:</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>

The three sets of data all express different aspects of adherence by the Tribal Councils to the principle of representation. By adding the rankings for each and dividing the totals by three, a combined indication of performance was obtained.

**Overall rankings according to representation.**

	Bong Mal	Danlag	Folu Bato	*Salna'ong	S'banken
Total Rankings:	8	7	7.5	/	5.5
<b>Overall Rankings:</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>1</b>

\* Because Salna'ong demonstrated a distinctly autocratic character, with one family rather than a clique of families clearly dominating, the scope for an oligarchy was inevitably limited and useful ranking points could not be gathered.

It should be noted that when the Total Rankings were compiled, the highest possible score was three and the lowest, fifteen. According to these terms, barring Salna'ong, the results were quite close, particularly for Bong Mal, Danlag and Folu Bato. Nevertheless, the results from each aspect of the indicator do express consistency, and the overall rankings are consistent with those of other indicators.

### **3. Female participation.**

Neither the Berlin Guidelines, nor the World Bank Discussion Paper make considered reference to gender issues. However, the recommendations of the National Councils for Sustainable Development in Asia [see Appendix 2] for implementation of Agenda 21, state that indigenous women should be integrated in all social uplift efforts. They stipulate that *"Their myriad roles in promoting the interests of their families, communities and groups should be promoted and strengthened."* [NCSDA 1995]. This point coincides with the concepts of stakeholdership and social equity encompassed by World Bank recommendations Nos. 5. and 7. respectively. Female participation was therefore considered to be a valid indication of Council performance.

Inexplicable absence of female participation was regarded as potentially negative, and the number of females to have held Tribal Council posts accorded a positive value. However, whether there was any female participant of a given Tribal Council at the time of research could not be taken as the sole basis for indication. That is because of the possibility that women had been voted from, as well as to Councils. It was therefore necessary to record female participation in a retrospective manner.

#### **Female Representation.**

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
Total Council participants.	11	14	11	12	11
No. of female participants.	0	5	0	3	1
Ranking according to proportion of total	4.5	1	4.5	2	3

It must be noted that for Bong Mal and Folu Bato there had never at any time been any female member of the Tribal Council. Therefore the data could not be elaborated in any way which would distinguish between the two. Hence the fourth and fifth places have been split to accommodate them.

## **Section Two. Operations.**

Having provided comparative indicators of Tribal Council performance in terms of their constitutional structures, analysis turned to their output.

### **4. Expediency.**

Expediency refers to the amount of time it took each Tribal Council to progress from its creation to the signing of Principal Agreements with Western Mining. This is based on the assumption that these Agreements were essential to accessing local development funding, provided by the company in accordance with the recommendations of the World Bank. A shorter time is therefore regarded as reflecting a positive performance, and Councils are ranked according to time taken.

#### **Expediency.**

<b>Bong Mal</b>
June 25th, 1995 - First meeting of the Bong Mal Tribal Council.
Oct. 20th 1998 - Bong Mal signs Principal Agreement.
<b>Time taken: 3 years 4 months.</b>
<b>Danlag</b>
January 18th, 1995 - First meeting of Danlag Tribal Council.
Nov. 14th, 1997 - Danlag signs Principal Agreement.
<b>Time taken: 2 years 10 months</b>
<b>Folu Bato</b>
August 2nd, 1995 - First meeting of Folu Bato Tribal Council.
Feb. 23rd, 1998 - Folu Bato signs Principal Agreement.
<b>Time taken: 2 years 6 months</b>
<b>Salna'ong</b>
January 12th, 1995 - First meeting of Salna'ong Tribal Council.
<b>Time taken: 5 years so far</b>
<b>S'banken</b>
July 5th, 1995 - First meeting of S'banken Tribal Council.
Nov. 16th, 1997 - S'banken signs Principal Agreement.
<b>Time taken: 2 years 5 months</b>

The data shows that the S'banken, Folu Bato and Danlag were very close, all being within five months of each other. Bong Mal was in fourth place, while Salna'ong was the exception, not having signed the Principal Agreement. The subsequent ranking positions were as follows;

#### **Rankings according to Expediency.**

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
<b>Rankings:</b>	4	3	2	5	1

## **5. Training.**

Another measure of Tribal Council performance in terms of provision of services, was the number of people to have completed training for management of community affairs. Accepting that some community members may have participated in more than one training program, the number of incidences of training undertaken is regarded as correlating positively with Council performance.

Although Council members might naturally be biased contributors to any assessment of their own performance, they were considered a reliable source of information. This was on account of a degree of prestige clearly associated with participation in such programs. Hence they were more likely to overestimate than forget instances of participation, and bias therefore flowed in the right direction, providing an incentive rather than disincentive to disclosure.

This information was then triangulated with other sources to obtain verification. Dates and other details of training courses were compared with those provided by other communities. They were also compared with newspaper articles relating to events among communities affected by the proposed mine. The Office of the Mayor in Tampakan municipality and the staff of agencies such as the Social Action Center at the Diocese of Marbel also provided information relating to training courses.

Another point that should be noted was the critical observation that the use of training courses as an indicator of performance may be vulnerable to influence by non-B'laan organisations. It was pointed out that the budget and facilities of organisations involved in training, frequently determined the number of places available on programs. For example, a trip to Nusa Tenggara in Indonesia was sponsored and organised by Western Mining. If all members of any given Tribal Council had wished to see the Newmont mine in operation, it would not have been possible due to the limited capacity of the company. Hence it has been argued that the participation of Council members was constrained by conditions beyond their control.

In defence of training as an indicator, it must be pointed out that there was no evidence to suggest that Tribal Council members were in any way forced to participate, and there were instances of Council members failing to do so. Nor

was there anything to suggest that the number of places available for any given training was related to whether or not they were all taken. Participation in training was therefore regarded as subject to free will, and thus indicative of desire to acquire new skills in an environment where organisational and technical skills of all kinds were in short supply. Moreover, training courses related to agricultural developments were demanded by Councils and facilitated without any inspiration from outside organisations. That is to say that certain Councils made proposals which were unequivocally agreed upon and subsequently made available by their Foundation Boards. What is more, a considerable number of training opportunities had been available - sufficient for trends to have become apparent.

Descriptions of courses, their duration, the number of participants, and dates, were tabulated. Each Tribal Council was subsequently ranked according to the number of courses, their duration and the level of participation. This is based upon the presumption that all three are important aspects of training and provide each other with a degree of corroboration. These are then added for each Council and divided by three to produce a combined ranking of performance.

**Rankings of performances according to Training.**

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
Number of courses.	4	2	3	5	1
Number of days.	4	1	2	5	2
Number of participants.	4	3	2	5	1
<b>Totals:</b>	<b>12</b>	<b>6</b>	<b>7</b>	<b>15</b>	<b>4</b>
<b>Combined Rankings:</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>1</b>

The results show that the S'banken Tribal Council had up to the period of research, participated most keenly in training opportunities, being second only in terms of the number of days. Danlag and Folu Bato were close behind, while Bong Mal was some way back, and Salna'ong were last in all categories.

Once more, a pattern in which Danlag, Folu Bato and S'banken were clear leaders, and along with Bong Mal, were on a progressive performance curve, was evident. Again too, Salna'ong were non-starters. This demonstrated that Danlag, Folu Bato and S'banken were respectively more successful in terms of acquiring skills necessary for Foundation functioning and agricultural and business initiatives. Bong Mal were conversely less successful. Not only were Salna'ong least successful but their participation was almost negligible. This suggested that

something more serious had taken place and that rather than not being able to participate as successfully as the others, that they were actively *not* participating.

#### **6. Comprehensiveness.**

Comprehensiveness refers to the scope of each Tribal Council's activities. It is based upon the assumption that the wider the range of challenges tackled by any Council, the greater its capacity for action, and hence performance.

It is acknowledged that particular issues may be exclusive to certain communities and irrelevant to others. That might occur because the needs arising from the different social and environmental factors experienced by each community were inevitably diverse. Therefore, rather than ask whether Councils all implemented particular projects, issues were categorised into Business / Agriculture, Education, Transport and Health, which are important for every Council. This provided leeway in terms of specific projects implemented. While some Councils expressed a leaning toward particular categories according to particular need, i.e. transportation projects for more remote communities, measurement in terms of categories provided a broad indication of comprehensive performance.

However, categorising diverse initiatives was a difficult task in the sense that some appeared to fit more than one category. Thus categorisation was a somewhat general basis for comprehensiveness. Moreover, as the tables below show, the resulting rankings were bunched, which hindered distinction between Tribal Councils' performance. Where Councils had acted in the same number of categories, their ranking places therefore had to be split between them, out of respect for the comparative measurement. For example, if two Councils shared third place in the rankings, third and fourth place would be split and each would be accorded 3.5, as was the case for Bong Mal and Folu Bato in the first table. Therefore, comparison of the categorical basis alone was insufficient. In order to improve the distinctive quality of the indicator, the number of initiatives within each category was factored in, and Councils are also ranked according to the number of participants.

Moreover, the verbal accounts of Tribal Council members could not be relied upon. Not only were their accounts naturally imprecise where exact numbers over periods of time were concerned, but there was apparent motivation for overestimation in terms of the temptation to exaggerate their efforts. Double-

checking with Western Mining's community development personnel, who were the only other figures with comprehensive knowledge of this matter, would not necessarily have provided for more concrete data. That is because it would realistically have been in their interest to elevate the contribution of Councils, with whose success their careers were linked. Nevertheless, over the course of research, two alternative sources of data were obtained from Western Mining. The first was the balance sheets from the Foundation accounts for the fiscal year December 1998 to November 1999. With the establishment of Foundation Boards, a great deal more of the affairs of Tribal Councils came to be recorded. Although Foundation data comprised non-B'laan inputs, the detailed accounting structure employed by Western Mining permitted the isolation of Council actions.

A list of all the projects implemented by each Foundation was drawn up from the left-hand columns of the balance sheets. Following discussion with Geoff Allen, the respective accountant at Western Mining, those actions which Council members and communities had proposed and participated in, were taken aside for use as an indicator.

Projects which had been rejected by the Foundation Boards were not included. This was because the reasons for rejection were overwhelmingly related to impracticalities therein. That is to say that they did not withstand technical appraisal. Indeed, many could be regarded as millennial, considering the extent to which they lacked economic viability - some Tribal Council members apparently assumed that a business venture of any form was bound to be profitable. This must be read in conjunction with the fact that rather than there being a flood of proposals, the number was in fact limited. This threatened Western Mining with the awkward position of not having sufficient scope to spend the development budget allocated to each community. Thus, whether or not a proposal was implemented was directly related to its 'seriousness', there being no other discernible motive for the Foundation Boards to reject them, the impetus running in the opposite direction - toward implementation.

The second source was Western Mining's monthly bulletin, 'Project Update', which was published from April 1997 until July 1999, and carried details of initiatives made by and on behalf of the Tribal Councils. Indeed, Project Update was informally touted as a Public Relations exercise by which Western Mining

heralded the developmental successes of the Project. Once again, bias flowed in the right direction, tending to exaggerate rather than overlook. This made a considerable amount of detail accessible, which could be triangulated with Foundation balance sheets and with outside agencies involved. It was thus possible to assemble a list of initiatives for each Council.

These two sets of data are presented in the tables below. They are maintained as separate for several reasons. First of all, they provide a further opportunity for distinction between the performance of the Tribal Councils when the rankings are finally incorporated into a single indicator of comprehensiveness. Secondly, because they provide each other with a degree of corroboration. In an environment where there was a significant lack of concrete sources, and many of those concerned had motives for bias, corroboration was a valuable commodity. However, it should also be noted that initiatives implemented between December 1998 and May 1999, might be registered twice. Indeed there was an unavoidable degree of overlap between the two sources. This point having been stressed, there was nothing to suggest that such overlap worked for or against any Council, and did not therefore affect the comparative qualities of this indicator.

**Projects initiated and projected by the Foundation Boards in fiscal year December 1998 - November 1999.**

	Bong Mal	Danlag	Folu Bato	*Salna'ong	S'banken
Agriculture	5	3	2	/	3
Education	2	4	4	/	5
Transport	0	1	0	/	2
Health	1	1	1	/	2
<b>Total categories:</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>/</b>	<b>4</b>
<b>Total initiatives:</b>	<b>9</b>	<b>11</b>	<b>8</b>	<b>/</b>	<b>14</b>

**Projects reported in 'Project Update', April 1997 - June 1999.**

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
Business / Agriculture	4	6	2	0	3
Education	2	1	0	2	1
Transport	0	2	1	1	1
Health	0	1	1	1	1
<b>Total categories:</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>4</b>
<b>Total initiatives:</b>	<b>6</b>	<b>10</b>	<b>4</b>	<b>4</b>	<b>6</b>

Following the collation of data extracted from the Foundation accounts and Project Update, the total categories and initiatives were ranked for each Tribal Council.

These were then added up, divided by four, and ranked accordingly. This calculation provides a combined ranking of Council performance in terms of the comprehensiveness of issues addressed by each.

**Rankings according to Comprehensiveness.**

	Bong Mal	Danlag	Folu Bato	*Salna'ong	S'banken
<b>Foundation data.</b>					
Ranking according to categories:	3.5	1.5	3.5	/	1.5
Ranking according to initiatives:	3	2	4	/	1
<b>Project Update.</b>					
Ranking according to categories:	5	1.5	3.5	3.5	1.5
Ranking according to initiatives:	2.5	1	4.5	4.5	2.5
<b>Combined Ranking:</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>2</b>

\*Because the Salna'ong Tribal Council had not yet signed the Principal Agreement, no data could be obtained for them from the Foundation accounts. In the Project Update data however, they emerged joint fourth and fifth both in terms of categories and initiatives. Therefore, in conjunction with the fact that not having signed the Principal Agreement is a negative factor in terms of the Tribal Council / Foundation model, Salna'ong are accorded fifth place.

Although the data remain bunched, The Foundation accounts and Project Update were nevertheless mutually consistent. In the combined rankings, Danlag were first, followed by S'banken, Bong Mal, and Folu Bato, while Salna'ong were last.

**7. Spending capacity.**

Financial management represents an important aspect of Tribal Council functioning. Indeed, should mining proceed, the management of funds accruing therefrom will be essential to the development process. Moreover, competency in executing financial responsibilities would reflect capacity for independence and sovereignty on the part of host communities.

To summarise the Tribal Council - Foundation accounting structure, there were three accounts - the Development Account, the WMC Direct Account, and the Foundation Bank Account. The Development Account and WMC Direct Account each received a 250 000 peso payment from Western Mining twice a year. The Foundation Bank Account, for operations and administration, received 42 000 pesos per month. The financial year began in November, and May marked the

midpoint. These half yearly watersheds represent the points of calculation for measurement of spending capacity. Balances for December 1998 express the starting point, and are compared with those for May 1999 in order to obtain a ranking.

The following charts present the sum of receipts and expenditures for each account;

#### Development Account

	Dec. 1998	May 1999	Ranking	November 1999	Ranking
	[projected]				
Bong Mal	494 000*	164 707	4	196 042	4
Danlag	175 644	-22 587	1	42 995	2
Folu Bato	138 010	-107 261	2	-7 425	1
S'banken	184 053	46 487	3	-15 114	3

\*As of February 1999.

#### Foundation Bank Account

	Dec. 1998	May 1999	Ranking	Nov. 1999	Ranking
	[projected]				
Bong Mal	556 486*	239 633	4	290 116	4
Danlag	202 904	31 097	2	14 573	1
Folu Bato	183 325	-7 713	1	84 620	2
S'banken	243 385	164 659	3	124 897	3

\*As of February 1999.

#### WMC Direct Account\*

	December 1998	November 1999 [projected]	Ranking
Bong Mal	750 000	271 127	4
Danlag	997 867	-5 841	1
Folu Bato	955 000	-76 862	3
S'banken	861 654	-28 553	2

\* Data available for the WMC Direct Account was less detailed than that for the others and only the end of year balance was available - hence the data was not broken down into two parts.

Payments made by Western Mining represented a fixed allocation of funds to each Tribal Council. This indicator was based upon Putnam's ninth indicator - *Agricultural Spending Capacity*, which assessed performance according to the percentage of a fixed fund actually disbursed [Putnam 1993: 65-72].

If too much money was spent, accounts fell into negative equity, necessitating repayment, restricting scope for future investment, and incurring banking charges and interest payments. It is acknowledged that negative equity may reflect the implementation of a project that provides benefit. Indeed, negativity depends on the balance between losses in terms of debt service etc., versus future gains from the services provided. However, of those Foundations which had overspent, none were marked by the success of any particular project sufficient to outweigh the impact of the corresponding debt. Moreover, it should be noted that there was evidence of the mismanagement of funds by community members - such as the failure of carrot production in Folu Bato. This had resulted in a tightening of the processing of proposals by the Foundation Boards and greater supervision following approval. Therefore, in the prevailing context, negative equity was regarded as indicative of negative performance.

However, this does not mean that positive equity could be taken to mean positive performance. It was difficult to assess the impact of unspent funds because the benefits that might have been gained defied calculation. Moreover, the bigger the sum that remained in accounts at the end of each financial period, the less money that had been disbursed. That is to say proposals had generally been too weak to merit investment. At a time when Councils were in their infancy, and the successful utilisation of resources was most vital, surplus funds were also regarded as negative. Positive performance was therefore identified in terms of proximity to a zero figure on the bottom line of Foundation statements, regardless of whether it was above or below zero.

Before each Tribal Council is ranked, one exception should be explained. First, because Salna'ong had not signed the Principal Agreement, it did not have the funds that came with it. Therefore no data was available. In terms of the model for local mineral-driven development which is the subject of this research, it is regarded as faring least well and is accordingly ranked fifth.

In order to arrive at a conclusive comparative indicator of performance in terms of spending capacity, the rankings observed for each Tribal Council were added up and divided by their number. This figure was converted into a simple ranking as follows:

**Combined rankings of performance in terms of spending capacity.**

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
Total Ranking Points	20	7	9	/	14
Combined Ranking:	4	1	2	5	3

In these terms, Danlag had best managed its spending responsibility. Folu Bato and S'banken appeared to have tracked the performance of Danlag. Of the four Councils which had a Foundation, Bong Mal had performed least well, having a noticeable surplus of funds at the end of each accounting period. It must be noted that the Bong Mal Foundation was not formed until December 1998, only becoming operational in January 1999. Hence data was only available from February 1999 onwards, compared with November 1998 for the others, which had more time in which to spend. Moreover, because of its very recent formation, Bong Mal members were least well acclimatised to the proposal-making process, and a considerable portion of project finance was pending rather than unspent.

Critics have pointed out that the data used derived from the decisions of Foundation Boards and not Tribal Councils. It has therefore been argued that the bottom lines of Foundation accounts were not an expression of host performances. The first point is undeniable, but the numbers used are nevertheless indicative of local ability. This is because, while the Foundation accounting procedures were conducted by Western Mining, the subject of the accountancy depended upon the Councils. That is to say, the Councils were responsible for proposing developmental initiatives and carrying them out.

Moreover, Western Mining were assumed to make better economic judgements than Tribal Council members. This is for two reasons. First, by merit of the greater financial experience of professional accountants. Second because the experience of the affected communities was very local, while that of Western Mining encompassed the region. Their development expertise sourced from Community Development Officers hired from various parts of southern Mindanao, who had a greater appreciation for the viability of various proposals within regional markets. Therefore, while accounting performance might have been much worse without the input of the company, it is assumed that deficiencies therein did reflect the varying progress of Councils.

Furthermore, data was representative of each Tribal Council rather than Foundation performance because there was only one Western Mining and the same staff members participated on each of the Foundation Boards. Tribal members on the other hand, were obviously different individuals. Hence there was a greater degree of consistency in the contribution of Western Mining, which reinforces the argument that variation can be attributed to the role of B'laan members.

#### **6. 2. A Comparative Index of Tribal Council Performance.**

Having collated and ranked the data gathered for each of the ten indicators, the following Comparative Index of Tribal Council Performance was drawn up. This is an important stage in the methodology if a definitive comparison of Council performances is to be achieved. By constructing such an index, the effect of idiosyncrasies within particular indicators can be reduced through the identification of cumulative trends. While the gap between outside researcher and subject Councils may never be overcome, it can be brought within meaningful bounds. Indeed, the fact the comparative methodology comprised two sections meant that performances in each can support or refute performances in the other.

All of the indicators, despite differences in complexity or the quantity of data gathered, are given an equal status. Each is ranked on a scale of one to five, one being the highest, five the lowest. Considering that there are seven indicators, potential performances therefore range between seven and thirty-five.

**Comparative Index of Tribal Council performance.**

	Bong	Mal	Danlag	Folu	Bato	Salna'ong	S'banken
<b>1. Meetings.</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>3</b>		
<b>2. Representation.</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>1</b>		
<b>3. Female Participation.</b>	<b>4.5</b>	<b>1</b>	<b>4.5</b>	<b>2</b>	<b>3</b>		
<b>4. Expediency.</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>1</b>		
<b>5. Training.</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>1</b>		
<b>6. Comprehensiveness.</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>2</b>		
<b>7. Spending.</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>3</b>		
<b>Total:</b>	<b>26.5</b>	<b>11</b>	<b>20.5</b>	<b>31</b>	<b>14</b>		
<b>Combined Rankings:</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>2</b>		

The index provides a summary of comparative performance. It shows that in terms of the strategy pursued by Western Mining, and in accordance with the recommendations of the World Bank, Danlag was the 'winner', having led both

Processes and Operations. S'banken and Folu Bato were close to each other. Bong Mal was some way behind them. Salna'ong had the lowest rankings. Indeed it appears that Danlag, S'banken, Folu Bato and Bong Mal were all on a similar trajectory, with Danlag in the lead and Bong Mal catching up. Salna'ong was the obvious exception to the pattern, where relations with mineral-driven development had broken down.

### **6. 3. Corroboratory evidence for the Comparative Index.**

The Comparative Index reflects important, coherent differences in Tribal Council performance. In order to test it for anomalies, sources of corroboration were sought. That is to say individuals and organisations who dealt with Council members and were familiar with the workings of the Tribal Councils. These included CARE International and Community Aid Abroad.

According to CARE's Community Based Doctor, Arlene Cardos, as of March 2000, Danlag was the first community in which Project Smile had been adopted, in April 1999. Folu Bato followed soon after, also in April 1999. Next was S'banken in the following month. Bong Mal started in January 2000, but for Salna'ong there was no plan in place to provide services. Presuming that speedy participation in Project Smile is indicative of positive Tribal Council performance, the five B'laan communities may therefore be ranked as follows;

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
Ranking:	4	1	2	5	3

This table correlates with the Comparative Index of Tribal Council Performance. Only Folu Bato and S'banken differ, with rankings two and three reversed in comparison with the Index. It might however be noted, that in the summary of rankings, these two Councils were the closest, differing by only half of a single ranking point. This data is thus interpreted as positive corroboration for the index of performance.

Doctor Cardos also supplied data relating to actual attendances by community members in Project Smile activities in 1999, which are displayed in the chart below. As the Bong Mal and Salna'ong communities had not as of 1999 participated in the Project, they could not be included. The first of each dual set of

columns shows the number of people that participated, while the second expresses this as a percentage of the total population.

	Danlag		Folu Bato		S'banken	
	No.	%	No.	%	No.	%
1 <sup>st</sup> quarter	0	0	0	0	0	0
2 <sup>nd</sup> quarter	48	8.23	23	6.13	47	6.39
3 <sup>rd</sup> quarter	64	11.03	14	3.73	64	8.71
4th quarter	104	17.93	44	11.73	355	48.23

Judging by the percentage figures, Danlag appears not to have participated as thoroughly as S'banken. Folu Bato is in third place. Because Bong Mal had agreed to initiate Project Smile and was at the time of research preparing to participate, while there are no figures, it may therefore be ranked fourth.

Salna'ong's failure to reach any agreement with Project Smile's co-ordinating officers, suggests that it may be ranked fifth. Therefore, if the Tribal Councils were ranked according to performance in terms of the percentage of the communities that each of them represents, in the activities of Project Smile, their positions would be as follows;

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
Rankings:	4	2	3	5	1

Once more, the data relates closely with the Comparative Index of Tribal Council Performance. Again, the positions of only two Tribal Councils differ from those of the Index. These are Danlag and S'banken, which occupy second and first places respectively, as opposed to first and second in the Index.

The second opportunity to obtain corroboration for the Comparative Index of Council Performance came from Community Aid Abroad, an Australian affiliate of the Oxford Committee for Famine Relief network, or Oxfam, who had been active in the area for seven years [Community Aid Abroad 2000]. They were opposed to the plans of Western Mining on the basis that they represented exploitation of indigenous communities by Australian corporations. During the latter half of 1999, CAA carried out feasibility studies among the five B'laan communities in order to assess their requirements in terms of support programs independent of mineral development.

Bob Muntz, Community Aid Abroad's Southeast Asia Program Co-ordinator, regarded Danlag as the most successful Tribal Council. He considered Danlag Council members to be most aware of the plans of Western Mining, and that it was only in Danlag and S'banken that any members understood the fact that signing the Principal Agreement committed them to mining. He found that other Tribal Councils had only a hazy idea of what mining involved, or in the case of Bong Mal, none at all. Bob Muntz also noted that chairwoman Dalina Samling in Danlag had a relatively clear idea of what she wanted to do with potential royalties. She had a plan to establish a B'laan highschool. None of the other Councils with whom he spoke had any such long term plans. Moreover, Danlag also had the best defined and successfully implemented community development program, using the money from Western Mining.

Bob Muntz also regarded the Danlag Tribal Council as the strongest of the five because they had led opposition to Western Mining's plan to pay for Project Smile from the Development Fund allocated to each community. Indeed, it must be noted that because Community Aid Abroad were opposed to mining, they were also judging the capacity of communities in terms of their ability to articulate themselves independently of the interests of the company.

To summarise the corroboratory evidence provided by Bob Muntz and Community Aid Abroad, Danlag were clearly the strongest of the five Councils. S'banken were tentatively second place. Folu Bato, Bong Mal and Salna'ong were all very weak. These findings correlate with the Index of Council Performance.

Thus a pattern of performance was established for the five Tribal Councils. This provided a basis for those limiting factors located within the confines of the Tampakan Copper Project. Correlation with for example, any pattern of traditional lifeways, would support the idea that traditional structures had a role to play within strategies for mineral-driven development. Moreover, it was hoped that the nature of such correlation, be it positive or negative, would provide for further understanding of limiting factors raised by the literatures reviewed. Evaluation of local hypothetical factors forms the basis of Chapter Seven.

## **Chapter Seven.**

### **The Tampakan Copper Project and local obstacles to mineral-driven development.**

As explained in section 1. 4., aside from violence, and power, three of the five hypothetical preconditions for successful mineral-driven development were located within the confines of the Tampakan Copper Project. These were an understanding of the implications of mining on the part of host communities, incorporation of traditional structures into the development strategy, and equity for local parties within those development structures. Chapter Seven tests the Tampakan Copper Project for each of these.

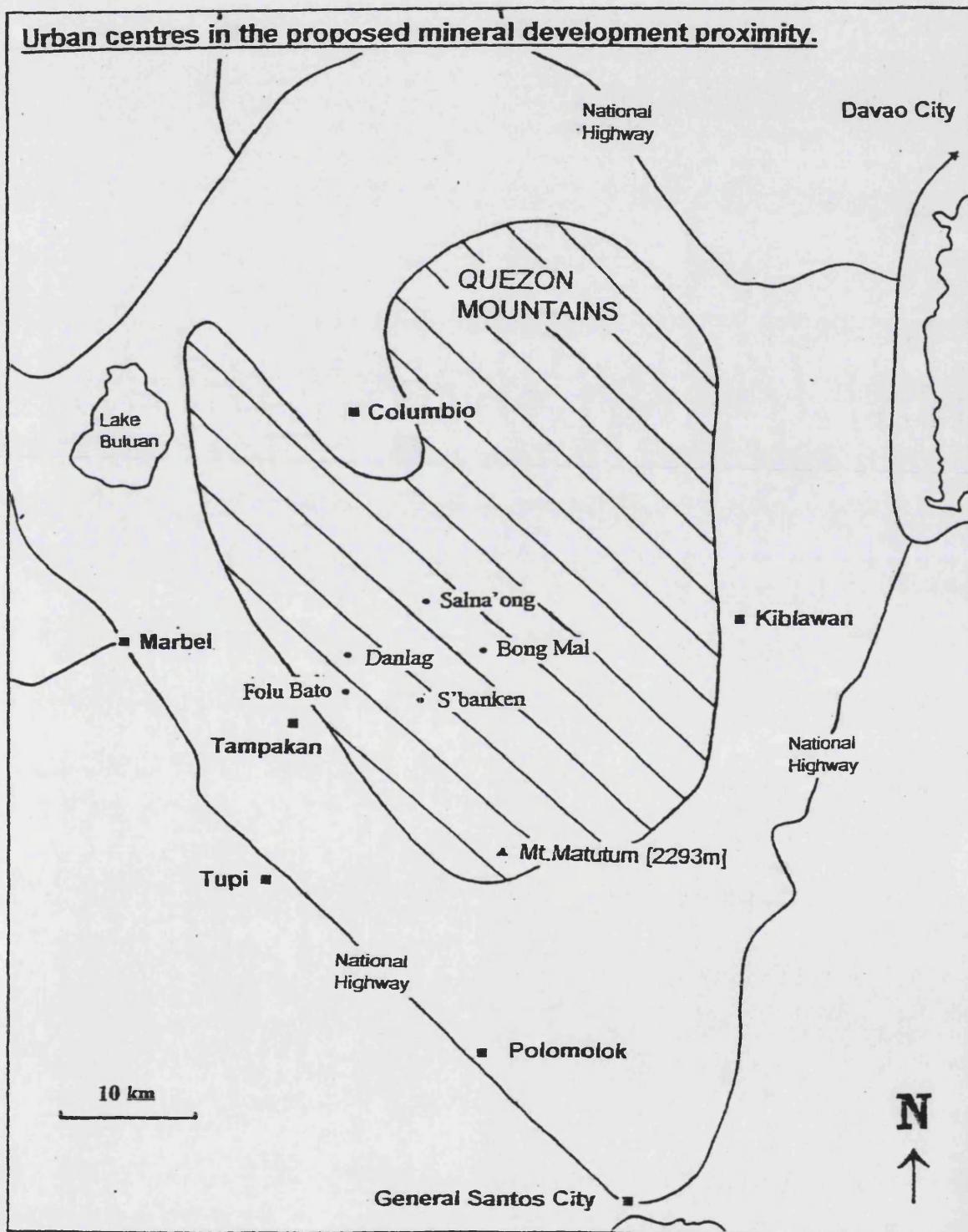
First however, despite the apparent similarity between the five communities hosting the Tampakan Copper Project, that is to say in terms of their uniform population size, cultural background, agricultural production systems, etc., there was a significant difference. That is in terms of local geography. Some communities were close to the Tampakan municipal centre, while others were very remote. This had an obvious physical impact upon the delivery of development initiatives, which should not be ignored, and is an important part of the context in which this thesis is situated.

#### **7. 1. Proximity to urban centres.**

The institutional literature presented in Chapter Two stresses the influence of path dependence over institutional change. Moreover, that the strength of tradition may directly affect institutional outcomes. In terms of the hypothetical point that the incorporation of traditional structures is important for the success of developmental institutions at minesites, this raised the possibility that distinctions might evolve in Tribal Council performances according to familiarity with modern institutions. The apparent spectrum of tradition, and conversely, of modern forms, between the five communities, offered an opportunity to study not only the influence of tradition upon modern structures, but also of the relationship between modernity and tradition in the institution building process. This further underlined the importance of comparative analysis.

The five communities affected by the proposed mine comprised a total population of approximately 6000, more or less evenly spread. One distinct difference between them was their proximity to Visayan settlements, the nearest being the Tampakan poblacion, to which Folu Bato was closest, followed by Danlag, and S'banken respectively, with Bong Mal and Salna'ong furthest away - see Map 4. Although this difference did not appear

Map 4.



Source: WMC Information Center, Tampakan.

significant on a map, all being within twenty kilometres of Tampakan, it was extended by steep terrain, poor roads and limited transportation.

In order to establish the degree to which each community was acquainted with various urban centres in the region, a census of people who had travelled outside the confines of the territories administered by their respective Tribal Councils, was conducted. This exercise was intended to obtain an indication of familiarity with formal institutions, and hence modernity, within each community. The following table shows the percentage of the population of each community to have travelled to various places.

**The percentage of people in each community to have travelled to urban centres across the region.**

Destinations	Bong Mal %	Danlag %	Folu Bato %	Salna'ong %	S'banken %
Tampakan poblacion	55	100	100	60	95
Columbio poblacion	25	12	3	35	20
Kiblawan poblacion	20	30	20	25	50
Tupi municipality	10	90	100	4	95
Polomolok municipality	2	70	80	3	10
Marbel poblacion	45	90	100	50	80
General Santos City	15	85	95	3	50
Davao City	5	20	20	5	10
Totals	177	497	518	185	410
Rankings	4	2	1	5	3

As might be expected, the rankings matched comparative distance from the Tampakan poblacion. The Folu Bato community were most familiar with urban centres, Danlag second and so on. Indeed, as noted in section 5. 2. in relation to the potential impact of road construction, Tampakan poblacion was the urban center with which all communities were most familiar, regardless of whether they were in the municipality of Tampakan.

However, because the five B'laan communities straddle the tri-boundary of three provinces and municipalities, provincial and municipal allegiances might have skewed travel data. Because of this possibility, the five communities were also compared according to travel within their home provinces. The numbers gathered are displayed below.

**Travel within home province: South Cotabato\*.**

Municipal poblacions	Folu Bato %	Danlag %	S'banken %	Bong Mal %	Salna'ong %
Surallah	5	5	2	1	1
Tampakan	100	100	95	55	60
T'Boli	5	5	3	1	0
Tupi	75	50	80	30	3
Lake Sebu	10	10	4	1	1
Norala	10	10	5	0	0
Tantangan	2	2	1	5	0
Santo Nino	6	5	1	0	0
Banga	20	10	4	10	0
<b>Totals:</b>	<b>233</b>	<b>197</b>	<b>195</b>	<b>103</b>	<b>65</b>

\*As has been stated, it is important to note that all of the South Cotabato municipalities are closer to all of the five communities than any of the municipalities in any of the other two provinces in which Bong Mal and Salna'ong are located.

**Travel within home province: Sultan Kudarat.**

Municipal poblacions	Salna'ong %	Bong Mal %	Danlag %	Folu Bato %	S'banken %
Columbio	35	25	12	3	20
Lutayan	1	5	10	15	3
President Quirino	0	0	5	5	0
Tacurong	1	3	10	10	5
Lambayong	1	1	5	5	1
Bagumbayan	3	2	3	4	2
Isulan	15	10	25	30	10
Esperanza	5	3	10	10	5
Ninoy Aquino	3	0	10	10	5
Palimbang	1	0	5	5	5
Lebak	1	0	3	5	1
Kalamansig	1	0	5	5	1
<b>Totals:</b>	<b>66</b>	<b>49</b>	<b>103</b>	<b>107</b>	<b>48</b>

**Travel within home province: Davao Del Sur.**

D. D. S. Municipal poblacions	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
	%	%	%	%	%
Kiblawan	45	30	20	25	50
Jose Abad Santos	0	0	0	0	0
Don Marcelino	0	0	1	0	0
Malita	5	0	0	0	0
Santa Maria	10	2	0	0	0
Malalag	15	2	0	0	1
Sulop	20	0	0	0	0
Padada	20	0	0	0	0
Matanao	20	5	0	7	5
Hagonoy	10	0	0	0	0
Magsaysay	0	0	0	5	0
Bansalan	2	0	0	5	0
Santa Cruz	10	0	0	0	0
Sarangani	0	0	0	0	0
<b>Totals:</b>	<b>157</b>	<b>39</b>	<b>21</b>	<b>37</b>	<b>56</b>

Data for travel within home provinces reinforced the observation that the Folu Bato community were best travelled. They had more exposure within both South Cotabato and Sultan Kudarat than any other community. Danlag were in second place both in South Cotabato and Sultan Kudarat, which corroborates the Folu Bato result.

Salna'ong were in fifth place for travel within South Cotabato, fourth within their home province of Sultan Kudarat, and an albeit indeterminate fourth in Davao Del Sur, for which four communities came within twenty-five percentage points of each other.

Thus, while all five communities faced similar conditions regarding mineral development and the implementation of a uniform Tribal Council model, their resources in terms of institutions located in urban centres were different. Access to markets and services varied, with Bong Mal and Salna'ong being markedly more remote than Folu Bato and Danlag.

With regard to the importance of understanding of implications of mining, it was therefore anticipated that Folu Bato and Danlag would have more experience of the modern business and infrastructural institutions that would accompany mining. Traditional institutions among communities close to Tampakan poblacion might also have been eroded by dependence upon Visayans, and offer less of an obstacle to formal initiatives.

## **7. 2. Tradition and the Tribal Council model.**

This section addresses the hypothetical necessity of incorporating antecedent structures into developmental apparatus. As the literature review explained, institutional theory predicts that traditional value systems and existing organisational structures will influence the success of new institutional models and processes of modernisation. That is to say that the strength of traditional institutions and the influence of path dependence over institutional change, may directly affect outcomes.

Assuming that traditional systems were weak in urban centres and stronger in remote regions, correlation between distance from Tampakan and Tribal Council performances suggests that tradition had a bearing on the 'formal' Council model. As demonstrated in section 7. 1., Salna'ong and Bong Mal were furthest from Tampakan and their constituents were least familiar with urban centres and modern institutions therein. Folu Bato, Danlag and S'banken were on the other hand closer, and people from those places were much better travelled, and hence familiar with urban or modern institutions.

In order to engage with tradition as a means of explaining Tribal Council success, ways in which traditional aspects of B'laan life influenced Council processes had to be identified. Those aspects which lay at the interface of traditional and Council practices included leadership styles. That is the capacity of otherwise traditional B'laans to manage the modern, representative and executive leadership responsibilities entailed by the Council model. Second was the perceived legitimacy of the Council model among traditional B'laan communities. Each had multiple outcomes. Section 7. 2. is divided into two parts which address each of these explanatory factors.

### **7. 2. 1. Leadership.**

Acquaintance with the Tribal Councils indicated that the 'personalities' of chairpersons / chieftains and Council members, and the type of leadership they provided, had a strong relationship with Council performance. However, subjecting such idiosyncrasies to rigorous evaluation is a complex task. At least as important and better suited to such analysis are qualifications for leadership. This explanator comprises two parts.

The first focuses upon Tribal Council leadership in the context of modernity. This begins with a comparison between Dalina Samling, the chairwoman of Danlag Tribal Council, whose leadership has already been referred to in section 6. 3., and three members of the Salna'ong Tribal Council, Chieftain Malayon Malid and two of his sons, Juanito and Piring.

According to the Index of Tribal Council Performance, Danlag was most successful. What is more, all observers conceded that the leadership of Dalina Samling was important. Dalina understood the Foundation system, to which Bob Muntz of Community Aid Abroad and Geoff Allen, the accountant at Western Mining, each testified. Her opposition to the plan of Western Mining to fund the work of CARE International from their Foundation account indicated grasp of financial process, and a view as to how else it should be disbursed.

Malayon Malid provided a dramatic contrast. As the most experienced leader among the Salna'ong community, he had duly been elected chairman of the new Tribal Council. However, he was elderly. He could neither speak nor read Visayan or Pilipino, and did not have anyone close to him who did. These factors meant that all of his authority had to be channelled through others, namely his sons, several of whom were traditional Fulongs and also members of the Tribal Council. This had the effect of freezing the Council from the early stages. The reason was that the most dynamic of his sons, Piring and Juanito, were diametrically opposed in their perceptions of how to progress. Broadly speaking, Piring was in favour of Western Mining's Community Development Program and had been employed as a Tribal Liaison Officer. Juanito was more critical, rejecting the company and seeking an independent path toward community development.

As well as their rivalry, and skirmishing between the respective camps, neither Piring nor Juanito were able to read or write in any Visayan dialect. They were only intermediate in their ability to speak Visayan, let alone English or Pilipino. Subsequently, both had various Visayan 'advisors'. However, the commitment of these figures to the welfare of the B'laan community at Salna'ong was uncertain. In particular, the Visayan 'secretary' of Piring was one Berling Pito, a resident of the municipality of Banga, twenty kilometres from Salna'ong. In one incident early in 1999, Berling bought a motorcycle from Piring, which had belonged to the Tribal Council. He had also withdrawn funds allocated to the Council by the Department of Environment and Natural Resources for fulfilment of their Ancestral Domain Management Plan. In April 2000, Piring was attempting to file a complaint against Pito at the Regional Trial Court in Marbel.

This comparison has presented two contrasting leadership styles. The informed leadership of Dalina Samling in Danlag, and the apparent leadership vacuum in Salna'ong. It was clear that the new Tribal Council structure demanded new skills of leaders of the B'laan community and that these were crucial to performance. They included communication, which was different in that it involved new languages. Also a grasp of formal legal process in terms of Filipino law and constitution. Moreover, financial aptitude, that is to say, understanding of

market principals in order to develop business initiatives, and the ability to manage bank accounts, credit and deficit. These represent important aspects of institutional capacity, which the Salna'ong leadership did not have.

However, the absence of such skills cannot explain the entire pattern. Why was it that although Bong Mal and Salna'ong occupied fourth and fifth rankings respectively in the Comparative Index, Bong Mal exhibited some success while Salna'ong had consistently failed to participate? For this reason, the second part of the leadership section factors-in the contribution of traditional leadership and considers whether it was related in any way to Council performance.

As Castro explains, the Kasfala system that comprised the legal basis for B'laan society, had been undermined by the creation of barangays [Castro 1997: 17]. No Kasfala had been conducted among the Folu Bato and Danlag communities for some years. It had apparently died out in S'banken also, where Liwahim Magumway had performed such duties. He was in prison and did not expect to resume. However, Kasfala persisted in serving to settle feuds in Bong Mal and among the Bong Mal community resident at Bong S'bang. Also at Datal Biao in Salna'ong, under the auspices of Malayon Malid and Danuan Gula-e.

Thus, traditional leadership exerted significant influence in Bong Mal and Salna'ong. However, these two communities provided a distinct contrast. Respect for the leadership of Danuan Gola-e continued in Bong Mal, but in Salna'ong, cohesion had been damaged by discord in the Tribal Council. The argument over whether to enter agreement with, and accept the company's money, or whether to reject it, went on, with Juanito, Gorelmin, and Deling in favour of rejection, and Piring and Ramonal wanting to take the money and decide later about whether to support mining. These viewpoints were presented at Kasfala by representatives of each party, but Kasfala meetings did not address the mining issue successfully. There did not appear to be sufficient trust in the company, and there certainly was not sufficient trust between community members. Outside of the Kasfala, Gorelmin and Piring had each threatened the other with violence, if they did not get their way, and much of the community was a no-go area to members of each side.

Because of Malayon Malid's reliance on his sons for dissemination of authority, their ensuing dispute had divided the community into two factions. That is the 'Piring' faction, centred on the settlement at Datal Biao, and the 'Juanito' faction in Salna'ong. The contrasting experiences of Bong Mal and Salna'ong suggests that in the absence of modern leadership qualities, traditional leadership was better for the Tribal Council structure than no leadership.

The following statements can subsequently be made of the relationship between modern and traditional leadership. Under Dalina Samling, the Danlag Tribal Council appeared to have made the leap from traditional to modern, and indeed traditional leadership qualities were second to those modern in terms of their contribution to local organisation.

Although the Bong Mal Tribal Council demonstrated only minimal command of modern structures, because of the strong traditional leadership of Danuan Gola-e, the Bong Mal Council were on a positive course to do so. Moreover, as of the period of research, it was intent upon the task. Danuan Gola-e and Tagum Bayan, another of the Bong Mal councillors, in particular, were sincere and generous in the co-operation with this research. Visits to Bong Mal took a long time to organise and involved a days travel, by Skylab motorcycle and horseback. This burden was lessened by Gola-e and Freay who travelled to Lampitak Crossing at the foot of the Quezon mountains, to speak at greater length and to answer the inevitable questions that cropped up after interviews had been conducted. However, as has been noted, whether Bong Mal's commitment to the Tribal Council - Foundation system will prove consistent has yet to be demonstrated. The Bong Mal Foundation had only recently been established and pressures of decision-making had not come to bear to the extent that they had elsewhere.

In Folu Bato the dispute between former chairman Willy Gulaya and Western Mining had disrupted the traditional pattern of leadership. The community were divided into two camps, those behind Celso Dok who were for mining, and those with Willy Gulaya, who were against. Celso Dok had been elected chairman but did not embody strong credentials for traditional leadership. Indeed, Gulaya and Dok were both in their twenties and of very modest stature in terms of B'laan tradition. Furthermore, the 'misplacement' of funds allocated to specific projects indicated that formal leadership qualities were also lacking.

In S'banken, traditional leadership was relatively strong. It provided a source of institutional gravity which bound the Tribal Council together in spite of their dubious command of modern leadership skills and the Council / Foundation structure. Although, as related in section 5. 3., chairman Liwahim Magumway had been in prison for a period of almost two years, he remained a highly respected leader. In his absence, the Tribal Council was led by acting chairman, Tinga Freay and treasurer Lindsay Wales, whose Visayan husband Tommy Sarvilla provided important counsel. The fact that their elderly chairman was absent during this crucial stage in their development might be

regarded as paving the way for younger Council members to move ahead with business, education and agricultural initiatives. That is to say, in the absence of the 'obstacle' of traditional ways of doing things. Thus, while traditional leadership was intact, progress was being made on the basis of engagement with, and a growing grasp of, Foundation processes and accumulation of modern leadership skills.

Due to the weakness of Malayon Malid, traditional leadership within the Salna'ong Council had on the other hand collapsed, before any modern system could take hold. Indeed, a vacuum ensued in both traditional and modern terms. Moreover, not only did the modern fail, but in doing so, it severely damaged traditional leadership, which resulted in a degree of anarchy.

This examination indicates that the Salna'ong collapse was partly due to failure in apprehending modern leadership qualities. However, this would only have served to delay participation. The problem was compounded by the associated collapse in traditional leadership under pressures of modernity, the speed of which outstripped the capacity of the Salna'ong leadership to develop accordingly. A similar problem was faced by the leadership of the Folu Bato community. However, because of Folu Bato's close proximity to the Tampakan poblacion and at least partial ability to engage with modern institutions, they were better able to cope with, and develop according to, modern requirements.

To summarise the extent of modern and traditional leadership in each Tribal Council;

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
<b>Modern leadership.</b>	None	Yes	Some	None	Some
<b>Traditional leadership.</b>	Yes	Yes	Some	None	Yes

Both traditional and modern leadership can be said to have important consequences for the Tribal Councils. Analysis of interactions within the Tribal Councils suggest that success clearly depended upon modern leadership qualities. That is an easy statement to make. However, the timelag between instigating such a model and the emergence of appropriate skills created contradictory pressures within the leadership of communities. The failure of both the Kasfala and Tribal Council in Salna'ong suggests that traditional leadership may not be able to contain these pressures. The elderly Malayon Malid was the rightful traditional leader but could not resist the conflicting influences exerted by his

sons in the context of the modern structure. Thus the demands of modernity worked to undermine his leadership.

This suggests that two processes were underway. Both relate to the 'speed' at which changes took place and relate to endogenous and exogenous aspects of change. The first is the speed at which new demands were being placed upon leadership. The second is the speed at which leadership could accommodate these changes. If the speed of the first outstrips the second, the findings suggest there will likely be tensions. Albeit to a different extent, this was the case for all the Tribal Councils. Indeed it is attested to by their limited success in terms of the performance indicators.

Regarding the hypothetical contribution of tradition to mineral-driven development, the obvious assumption of leadership as an explanation for performance, was that modern leadership would translate as successful Tribal Councils. Much less obvious was the significance of traditional values. These were an important part of the initial leadership material which formed the basis of each Council, and had to be built upon in order to acquire modern competency. Council leadership was vulnerable to exogenous economic, political, and cultural forces wherever those forces moved at a speed that exceeded the ability of leadership to cope. Exogenous pressures such as the encroachment of Visayan settlers, the loss of forest, and the growth of cash as the basis of exchange, were far from new when mining arrived, but because the establishment of Tribal Councils and Foundations was an exogenous process and the ability to cope with transition had not been quantified, there was always a danger that it would be too fast. Moreover, it is clear that the speed at which Councils could absorb such changes varied from one to another which further complicated the issue.

This implies that for some communities, particularly those closer to the Tampakan población, and with leaders who were more aware of formal process and modern institutions, such as Daniag, the Tribal Council – Foundation framework was viable. In others, which clearly included Salna'ong, it was not. In practical terms therefore, the system established by the Office of Southern Cultural Communities and sponsored by Western Mining, was something of a misfit.

Features of B'laan organisation such as Kasfala meetings and Diandi pacts suggest that traditional precendents could have been incorporated into the Tribal Council structure to a far greater extent. However, much of the anthropology conducted by

figures such as Joseph Lalo [1997], and other anthropologists hired by Western Mining, or which already existed – see for example Ogoy [1985] and Lutero [1986] - was apparently ignored by Western Mining's Community Development Program.

Moreover, traditional leadership was also very vulnerable and once lost, there was no evidence from any B'laan community that it could be revived. Indeed, Salna'ong fell through the net, unsupported by either traditional or modern structures. This suggests that the gap between traditional and formal value systems was simply too big for the model in question to address. The Tribal Council – Foundation system was inappropriate for the context presented by the host communities – particularly those which were more remote, affording no opportunity for smooth institutional transition. The project stumbled, and in Salna'ong, it fell. This also implies that some sections of the B'laan community were simply not ready for mining - a conclusion which has been drawn in relation to communities hosting mining projects in similar circumstances elsewhere [Filer 1990].

The final point is that elections were to take place every year, so that leadership could evolve in a representative manner.

#### **Tribal Council Elections**

Elections among B'laan communities, and other indigenous communities in southern Mindanao, were supervised by the Office of Southern Cultural Communities and the subsequent National Commission for Indigenous People. Those that this researcher witnessed were conducted by using ears of maize rather than ballot papers. Community members would assemble at the time of the election, when aides of each candidate would haggle with each other over what each candidate had to offer, or planned to do. There would be considerable shouting back and forth between community members, these aides, and sometimes candidates themselves. Once a consensus had been reached about who would or would not do what, or more likely, an impasse had been arrived at, the impatient and indeed mocking government officials would order the community to line up outside whatever public building was nearby. In this building would be placed glass jars, marked according to the candidates identities. These jars had been stoppered so that you could pop a ear of maize in but not get it out. Community members would then enter one by one to cast their vote, following which procedure, the ears of maize would be counted and the 'winner' announced.

In fact, among the five communities hosting the proposed mining project, only a few elections had been held. Prolonged incumbencies might have indicated approval of the Tribal Council / Foundation system, and been interpreted as positive. However, it was apparent that elections were only deployed in response to specific problems as perceived by outside agencies. At the time of research only two Councils had seen a change of chairman. In Folu Bato, Willy Gulaya, who was opposed to the plans of Western Mining, was removed from his position as chairman in July 1998. This was by resolution of the Council rather than election. He was replaced with then vice-chairman, Celso Dok. In December 1999 there was also a change in S'banken, where in the continued absence of Liwahim Magumway, Usman Tagum, a B'laan living in the Tampakan poblacion, had been elected. Never having appeared on the Council membership list, nor a signatory to the Principal Agreement with Western Mining, Tagum was an unfamiliar name. In fact he was from Barangay Assumption, in the municipality of Koronadal, eighteen kilometres distant. He was associated with Claudel Magbanua, the Visayan Barangay Captain of Tablu, who had impressed upon the B'laan community to elect him.

Thus there did not appear to have been any decisive 'pick up' of representative principles embodied by the Tribal Councils, among the B'laan communities. This suggested that B'laans were ambivalent towards the Tribal Council system, and the principles it ostensibly represented. Moreover, that because of this situation, the Tribal Councils were vulnerable to manipulation. Indeed, it appeared that Barangay Tablu was in the process of 'capturing' the S'banken Tribal Council.

### **7. 2. 2. Legitimacy.**

This section builds upon the fact that traditional B'laan social structures persisted most distinctly in remote regions. The contribution of legitimacy to the hypothetical importance of tradition for performance of developmental institutions is based upon the assumption that Tribal Council members participated more successfully within structures that they perceived as legitimate. Conversely, such institutions are assumed to be least successful where their legitimacy is weakest.

The Tribal Councils represented potential new foci for institutional capacity. That is to say, indigenous capacity as opposed to external support for B'laans through for example, the financing of particular livelihood projects or cultural aspects of B'laan life. By the encouragement of institutional capacity, dependency upon the company might

be evaded, and local 'sovereignty' retained, enhancing confidence and identity, and in due course providing the necessary conditions for B'laan self-resurgence. So goes the theoretical case for greater institutional capacity and fulfilment of World Bank recommendations.

The vulnerability of this 'seeding' of new institutional capacity can be explained by analogy with a transplant operation in which a 'donor' organ is introduced to the human body. Once in place, the new kidney or liver may be accepted or rejected, depending upon a match of blood types and other physiological features. So it is when a new institution is introduced to a society, be it a new trade agreement or law, or in the case of B'laans, a Tribal Council, the nature and indeed delivery of the institution is critical to whether or not it will be successful.

Without entering into an anthropological project, the basic precepts of traditional B'laan leadership, that is by Fulongs and through Kaspala, expressed a clear distinction from those of the Philippine constitution, based upon the U.S. model, and 'democracy'. Among the most obvious features of comparison between the 'host' society and 'donor' institution, was the fact that such processes as formal elections and representative authority were a significant break from traditional leadership.

Each Tribal Council was made up of approximately twelve elected members including a chieftain / chairman and vice-chairman, as well as appointed treasurers and secretaries. This system replicated the Barangay Council - the smallest socio-political unit in the Philippines, which has an elected Barangay Captain, Vice-Captain, Treasurer, Secretary and approximately ten council members. Indeed, considering the comparatively large geographical size of the Tampakan barangays within which the Tribal Councils were located - an average of 5023 hectares, compared with 1373 for the remaining ten barangays, the growing population, and frequent creation of new barangays in the region, there was scope for Tribal Councils to evolve according to the barangay model. Jose Villamor, an anthropologist at the Western Mining office in General Santos City, explained that this had been the intention of the Office of Southern Cultural Communities. Such a path cannot easily be prejudged, as barangay status and incorporation into the formal political sphere may convey future benefits to B'laan communities. Nevertheless, it does betray a lack of appreciation for indigenous leadership structures, which may displace legitimacy.

What is more, Tribal Councils were organised on a basis of one per barangay, as was the policy of the Office of Southern Cultural Communities / National Commission for Indigenous Peoples, throughout the country. They had been established between 1994 and 1995, incentive coming from the Local Government Code which stipulates the formation of Tribal Councils in barangays where traditional communities are located [IBON 1999: 22]. Indeed it appeared that different sitios and minor B'laan settlements had been collected within new representative boundaries as they would not otherwise have been. This had the effect of furthering the imposition of 'modern' boundaries upon otherwise traditionally defined communities, which itself had consequences for the legitimacy of Tribal Councils among B'laans. The fact that the OSCC implemented a model for the B'laan communities identical to those across the country, supports the impression that they had little sensitivity to B'laan traditions, or diversity in general. Once again, this served to undermine the principle of smoothness identified in Chapter Two as being crucial to the process of institutional change. It also exemplified the conflicting themes of local and national identity noted by Rundstrom [1991], Woods [1992], and Winichakul [1994].

Research contracted by Western Mining in support of Ancestral Domain Claims by B'laans, did address the question of boundaries, and the limits of traditional territories, or 'Banwus' overlapped political boundaries in several places. Salna'ong was shown to straddle the border between Danlag in Tampakan and Datal Blao in Columbio, while S'banken came to include Lamalis which is part of the municipality of TUPI. However, as noted in section 5. 3., these were only claims, and nowhere in the Philippines had a Certificate of Ancestral Domain Claim been converted into title. Moreover, in delimiting the area of traditional habitation and land use management, B'laans and Western Mining alike, were handicapped by opposition from the municipality of Tampakan, whose own land use survey clashed in almost its entire extent, being very much in favour of Visayan settlers.

The research presented in the Certificates of Ancestral Domain Claim expressed significant drawbacks. Reading indicated that it had focused upon three tasks, identification of stakeholders, delimitation of their occupancy, and estimation of the time they and their ancestors had been resident there. These purposes were in accordance with the commitments of the company to host communities under the terms of the 1995 Mining Act. That is to say, legitimate claimants had to be found, and negotiating parties secured. However, as was observed of the Office for Southern Cultural Communities /

National Commission for Indigenous Peoples, Western Mining had devoted little attention to developing practical understanding of B'laan socio-political structures. Although ostensibly cultural documents intended to support B'laan traditions, meaningful analysis was largely absent from the CADC research, or that contracted in support of the Principal Agreements. The company adopted and built directly upon the Tribal Council structure provided by the OSCC. They paid monthly salaries to Council members and negotiated formal contracts with them. Following the signing of Principal Agreements, Foundation Boards were based entirely upon the workings of modern management and commercial institutions.

These breaks with B'laan tradition demonstrate that rather than institutional capacity *building*, the OSCC, NCIP and Western Mining had embarked upon a course of *institution creation*, in defiance of the laws of institutional gravity presented by Robert Bates [1981]. This suggests that a fundamental distinction can be made between strategies aiming to strengthen institutional capacity. Providing that legitimacy is indeed important to success, whether existing institutions are built upon and improved, or new institutions are grafted onto societies, is significant. By building upon existing structures, legitimacy is more likely to be preserved. New institutions on the other hand, pose a break in institutional evolution. Although the relative size of the break and strength of existing legitimacy, as well as other factors may influence outcomes, institutional theory therefore predicts that the challenge facing such a Tribal Council model will consequently be strong.

Events in Salna'ong already related, were also significant for legitimacy. The persistent focus of Tribal Council affairs upon a struggle between the sons of the ageing chieftain, and the division of the community into respective camps, highlighted the fact that despite optimistic rhetoric, representative democracy had made little headway into the psyche of traditional B'laans. Indeed, a 'victory' of one brother over the other would likely reinforce this. This scenario signals important flaws in the structure of the Tribal Councils as vehicles for B'laan development.

This situation heralded the complexity of requirements for representative leadership among B'laan communities. Education was essential in order that constituents could make informed decisions about the new world, and for leaders to ably represent them. A degree of wealth, or at least the absence of poverty, was also necessary. Without it individuals could not afford choices. Security, both physical and in terms of tenure, was

important too. In its absence, B'laan constituents voted for immediate gains, rather than the long-term strategies that would be of greatest benefit.

Without a sense of legitimacy to anchor representative principles and formal process within B'laan life, the imposition of the Tribal Council model upon a traditional environment had resulted in its inevitable 'capture' by traditional means of social organisation. Rather than each member of the Tribal Council being democratically elected, each was in fact the strongest man within each of the largest of the settlements in the new constituencies. This was particularly the case in Salna'ong and Bong Mal, and to a lesser extent in S'banken, Folu Bato and Danlag respectively. That is to say they were either the most wealthy or heavily armed, a Fulong under the traditional system, or all of these.

Thus there was a perpetuation of tradition rather than an embrace of the formal. Indeed, constituents were no more aware of themselves as within, or even heading in the direction of democracy, than they did before the representative structure was initiated. Besides which, the shortage of people within Salna'ong and its environs, who possessed the necessary skills and grasp of formal processes, made this conclusion inevitable. It was not that B'laans did not want Tribal Councils to succeed, or had in any way sabotaged them. Rather, they did not know what the project was, nor how to make it work.

This problem was compounded by the dearth of positive role models that might have instilled a sense of legitimacy among B'laans. Research among B'laan communities in the municipality of Kiblawan noted that;

*"Officially there are Barangay Councils, made up of the Barangay Captain and Kagawads, for every barangay. In practice, these Councils do not operate as collective structures. The Barangay Captain exercises individual authority over the community."*

[Castro 1997: 17-8]

Observations made during the course of this research correlate with Castro's findings. In barangay Datal Blao for example, Amirk Musali was just such a Barangay Captain. Furthermore, he owned a six-wheeler truck which was the only motorised vehicle in the barangay and upon which the whole community depended for the transportation of agricultural produce to the market in Columbio. Musali was the only member of the community with a tertiary education, having undertaken a course of agricultural study at

the University of Marawi. Considering that the local economy was entirely dependent on agriculture, this decidedly added to his importance. Musali also occupied the only concrete house, in which all Barangay Council meetings were conducted. Moreover, Musali's grandfather had been the first Muslim Datu in the area. Thus it was difficult to envisage anyone other than Musali ever holding the position of Barangay Captain, barring on the completion of his three terms, the election of a candidate approved by him.

Claudel Magbanua, the Barangay Captain of Tablu was a similar example. When interviewed at his home in Tablu, he began by listing his credentials. He had led the civilian militia which drove the New People's Army from Tablu during the early 1980s. He was officially the largest landowner in Tablu. His family owned a construction business which had completed several contracts with Western Mining. He was also closely allied to the Escobillo family, who were one of the two prominent dynasties in the municipality of Tampakan. Indeed, the May 1998 election of Mayor Claudius Barosso was at the time of research under challenge from his electoral opponent Emerico Escobillo, son of former Mayor Emilio Escobillo, a recount being awaited. Since the creation of the municipality of Tampakan in June 1969, the name of the Mayor had only ever been Barosso or Escobillo, and these two families controlled the majority of business and public affairs within the municipality.

This is not to allege that Musali, Magbanua, Barosso, or any elected leader in the area had exploitative intentions. Musali's efforts and ambitions for his community appeared progressive and development-minded. Nevertheless, opportunities for abuse of leadership in a democracy subject to such circumstances were plentiful and obvious, should any leader be disposed to take them. Indeed, a number of studies explain how this can take place - see for example Anderson [1988] and McCoy [1993].

Thus the role model for political participation in the region, and toward which state agencies were steering B'laan communities, was one in which strongmen played a dominant role. Rather than engender democracy, the Tribal Council model and the funding accruing from mineral development might thus function to corrupt what remains of traditional B'laan authority.

### **7. 3. Grasp of the implications of mining among Tribal Council members.**

The hypothetical importance of understanding is based upon the presumption that grasp of the implications of mining is fundamental to the relationship between mining projects and host communities. Western Mining had sponsored a variety of initiatives to raise awareness of mining and to educate their prospective hosts, the most obvious being the Information Center in Tampakan poblacion, a building which housed photos and exhibits explaining various aspects of the mining industry. These efforts however, had clearly met with mixed success. The apparent focus of the Information Center was upon the wonders of technology rather than their effect upon the area and the people living there. Moreover, visitors were found to be dominantly outsiders, typically school parties and municipal delegations from around the region, rather than local people. B'laans on the other hand, were apparently discouraged by the official appearance of the new building, its location in the town centre, expensive vehicles parked outside its door, the businesslike manner of Visayan staff and so on. Thus the Center served international standards and outward appearance rather than local needs.

Western Mining also commissioned an elaborate topographical model of the proposed mine, which was useful. The model was periodically transported into communities to whom it offered a means of overcoming the gap in literacy, formality, etc. However, there was only one such model and a substantial proportion of the B'laan community had not seen it. Moreover, while the model portrayed the physical features of the mine, they were weakly linked with temporal processes, the nature of which, in the absence of relevant studies of B'laan society, could not be known. That is to say the model could be dissembled according to the progress of the mine, stage one five years, stage two ten years, and so on, but the ability of B'laans to appreciate consequences ten years and more hence, was a matter of apparent doubt.

Perhaps the most valuable means of developing understanding of the implications of mining are visits to operating mines. Western Mining did organise a visit to the Newmont mine on the island of Sulawesi in Indonesia. However, this was a one-off event and not part of a co-ordinated educational-awareness program. As interviews conducted in Salna'ong in particular revealed, a single visit for a limited number of community members was not sufficient to convey the potential impacts of such a project. Some community members had not wanted to participate because they were afraid that they would not be able to come home. Those that had taken part said that they had been exhausted by the journey, and that there had been no time to rest. They

said that they had seen each other sleeping when employees of the mining company spoke to them. All agreed that they had not had any chance to visit the communities of local people in Indonesia, and that that they had only been entertained by the company.

This section comprises two parts. The first assesses competency in language. The fact that many of the B'laan signatories to Principal Agreements had done so with a thumbprint indicated a high degree of illiteracy among Tribal Council members. Indeed, only the Danlag Tribal Council knew where their Principal Agreement was - their copy was in the house of Luz Aligata, the Council Secretary. After a period of three months, none of the other Councils could produce their Agreements, and were not therefore able to make any specific reference to it. This situation raised questions as to how much of the one-hundred-plus page documents had actually been read. Capacity of Council members in terms of language, is therefore assumed to correlate positively with understanding of commitments to local mineral-driven development. The second part aims to assess understanding of the physical realities of mining, contractual obligations, and the timescale and subsequent future needs of communities, within each Tribal Council. Accounts are gathered and an Index of Understanding assembled for each section.

#### **7. 3. 1. Competency in key languages as an indicator of Understanding.**

Considering the social, cultural, and financial divide between the Tampakan B'laans and Western Mining, effective communication was essential to their relationship. In the course of meeting with Tribal Councils and discussing the prospects presented by mining, the issue of language and its importance for gathering information and articulating problems, was constantly apparent.

Language as an indicator of understanding is based upon the fact that although Western Mining did employ Tribal Liaison Officers from within each of the B'laan communities, none of their contractual agreements were conducted in the B'laan language. Like relations with the Department of Environment and Natural Resources, and all other outside organisations, they were conducted in Visayan dialects, Pilipino which is the national language, and even English. The National Commission for Indigenous Peoples did employ staff conversant in B'laan dialects. However, as noted in section 5. 3., at the office in General Santos City, that was responsible for relations with the three B'laan communities in South Cotabato, that is Folu Bato, Tablu and S'banken, there were only four Visayan-B'laan mestizoes

able to speak B'laan, none of whom were assigned to the communities hosting Western Mining. At the Sultan Kudarat office in Isulan, ostensibly responsible for the Salna'ong community, there were no staff members able to speak B'laan.

Moreover, translation pertaining to assistance in contractual negotiations depended upon relations with outsiders. Visayans such as Luz Aligata, the Visayan secretary of the Danlag Tribal Council, and Tommy Sarvilla, the husband of Linsay Wales in S'banken, were part of the affected communities and fully accepted therein. They lived within those communities, and were barely distinguishable from them. However, they were the exception rather than the norm. Barring Pedro Balolo, who had a home in Danlag as well as Koronadal City, Tribal Liaison Officers employed by Western Mining lived outside of the affected communities, and were regarded as biased in favour of the company and generally distrusted. 'Advisors' such as Bering Pito, from whom Piring Malid sought advice, were apparently in pursuit of personal gain. Affected communities therefore had few such resources to draw upon for interpretation of contracts.

The ability of members to speak and write in Visayan, Pilipino, and English was recorded at meetings with Tribal Council members. It must however be noted that which of these languages was most important to the functioning of Tribal Councils was difficult to quantify. For example Visayan was necessary for interaction with local agencies and businessmen, Pilipino for relations with national organisations and visitors from elsewhere in the country, and English for communication with foreign representatives of international agencies and expatriate company employees. That is to say that gains from each differed, and so the languages cannot be regarded as equal in importance. Comparison of the contribution of specific language skills was therefore impossible. However, by including all three languages in both written and spoken form, a degree of self-corroboration was incorporated. Indeed, a clear trend was obvious and there were no cases of any Tribal Council being successful in terms of one language but not another. The numbers of Council members competent in each language category were added up for each and expressed as a percentage of the possible total. That is the number if all Council members were competent in all categories which would be the ideal situation. The results are presented in the table below.

### Literacy across Tribal Councils.

	Bong Mal	Danlag	Folu Bato	Salna'ong	S'banken
No. of Council members.	14	17	15	13	10
Can speak Visayan.	10	16	15	9	8
Can read / write Visayan.	3	10	8	0	2
Can speak Pilipino.	0	1	1	0	1
Can read / write Pilipino.	0	0	1	0	0
Can speak English.	1	1	1	0	1
Can read / write English.	0	1	1	0	0
<b>Maximum possible.</b>	<b>84</b>	<b>102</b>	<b>90</b>	<b>78</b>	<b>60</b>
<b>Totals.</b>	<b>14</b>	<b>29</b>	<b>27</b>	<b>9</b>	<b>12</b>
<b>% of Maximum.</b>	<b>16.66</b>	<b>28.43</b>	<b>30</b>	<b>11.53</b>	<b>20</b>

The data shows that Danlag and Folu Bato had the highest degree of language proficiency among the Tribal Councils, while Salna'ong had least. The totals reflect a division and a line could easily be drawn, separating Danlag and Folu Bato from Bong Mal, S'banken and Salna'ong. However, what is most obvious is that no Council came anywhere close to the maximum [that would express 'parity' with outside agencies] and that the latter three were at 20% or less. Language therefore indicates that the scope for communication between partners was unlikely to be sufficient to fulfil the hypothetical precondition of understanding for mineral-driven development. The following section pursues this point in a manner specific to mining.

#### 7. 3. 2. Mining, contracts, and planning.

Group interviews were conducted in order to develop meaningful statements regarding the grasp held by Tribal Council members of mineral development realities. Discussions took place in accordance with the following three themes;

##### 1. Physical aspects of open-cut mining.

Important issues were whether the Tribal Councils were aware of what open-cut mining is, and what infrastructural changes it would involve. Moreover, how it would affect the environment and what social changes it might incur.

##### 2. The terms of the Principal Agreement.

Discussion was directed at whether Tribal Councils were aware that the Principal Agreement would commit them to mining. Secondly, whether they understood the purpose of the Foundations established under the terms of the Principal Agreements. Finally, whether they understood that Western Mining had veto power over proposals made by the Tribal Councils.

### **3. The timescale of mineral-driven development.**

Points for determination of understanding were whether Tribal Councils knew when mining might happen, and what respective medium to long term plans they had. Also, if they had a co-ordinated plan for utilising future funds in the event of mining.

Responses to these themes were gathered and collated for each community. They were then condensed, and are presented in the following sections.

#### **Danlag.**

Danlag Tribal Council members understood that mining would mean removal of forest and soil by machinery. They did not know exactly where, only that it would take place somewhere above them on the upper part of the Quezon mountains. They knew that this would mean construction, much of which would gain access to the minesite through their area.

Chairwoman Dalina Samling had a clear idea of the commitment to mining contained in the Principal Agreement. What is more, members of the Danlag Tribal Council appeared to have a good grasp of the purpose of the Danlag Foundation. It was they said, the place where they could obtain expertise and funding for their initiatives.

However, this is not to say that the Danlag Foundation was without upsets. At Foundation meetings in October and November of 1999, Dalina Samling and other members of the Danlag community clashed with Western Mining over the CARE health program.

During 1999 the entire cost of the work of CARE was borne by Western Mining, being paid from the WMC Direct account. However, it was the intention of Western Mining that from January 2000 this would change. From that time, half of the cost would be met by each of the five barangays in the area affected by mineral development, with the remainder coming from the Development Fund account of each B'laan Foundation.

Danlag Tribal Council resented the use of the Development Fund for this purpose. That money they conceived of as their own and objected to its disbursement without Tribal Council consent. Dalina Samling claimed that the Tribal Council had not been consulted by Western Mining over the budget allocation for the work of CARE International and Project Smile. This suggested that rather than a lack of understanding, the matter had not been discussed at sufficient length. Moreover, the

incident also served to remind the Danlag Tribal Council of the veto power vested in the Foundation members from Western Mining.

Regarding the timescale of the project, Danlag Tribal Council members understood that it would be "years" before mining began, but had no idea of how many. Although they had no grasp of geological or engineering practices, they did appreciate that certain technical requirements had to be met, and that Western Mining were addressing them through "exploration".

In terms of their development, the Danlag Tribal Council had an array of projects underway, including a truck which was being used to haul agricultural goods to market, the operation of which expressed a relative degree of co-ordination and foresight. Dalina Samling also had several plans for what should be done with the royalties that would flow if and when mining proceeded. These included the establishment of a B'laan highschool to provide a continuation of B'laan based education following graduation from the new elementary schools.

Thus it might be said that while the hypothetical understanding of the implications of the Tampakan Copper Project were by no means complete, the Danlag community were in a state of considerable preparedness. The dispute over the budget for Project Smile indicated that they were taking a proactive role, and their plans for the future suggested constructive, if not integrated, aspirations.

#### **Folu Bato.**

Despite being supportive of Western Mining, Folu Bato Tribal Council had only a limited idea of what mining involved. They knew that it would involve "digging" but did not appreciate that it would be a copper mine and some members suggested that gold and diamonds were the real object of Western Mining's efforts. They knew that mining would not take place in Folu Bato - that is to say the mine itself, but appreciated the importance of the road traversing their area.

The Folu Bato Tribal Council did not know that signing the Principal Agreement committed them to mining. Tribal Chieftain Celso Dok explained that the Principal Agreement; "*is a contract between the Western [Mining] and Folu Bato leaders. Western have already done a lot of things and travel through our area every day. When they want to build a mine, then we will talk about agreement to mine.*" Nevertheless,

the Folu Bato Tribal Council clearly approved of the proposed mine for the attention and money that it would bring. This they said, they needed in order to survive.

However, apparent consensus toward mining at the time of research had resulted from a power struggle within the community. Former chairman Willy Gulaya had opposed Western Mining because of a dispute over a parcel of land which he claimed to own within the area of the proposed minesite. He was voted out of the Council chair in a snap election held by the Office of Southern Cultural Communities. This event seemed to reflect a degree of outside interference in Council proceedings and therefore consensus was not interpreted as deriving from understanding. The new chairman, Celso Dok, and other members, were anxious to avail themselves of funds and were supportive of mining.

Folu Bato Tribal Council members attended Foundation Board meetings, but regarded them solely in terms of a source of funds. Their participation in the Foundation process was by their own admission, oriented by whatever strategy they thought was most likely to obtain money. Indeed, the Folu Bato Tribal Council described the Foundation as a kind of test. If they could propose projects that would pass the scrutiny of Western Mining's Board members, they would obtain money. Whether projects proved economically viable was a secondary consideration, if a consideration at all. Of the proposals they had made to their Foundation Board, several agricultural projects had been approved and paid for, but failed because harvests had not been timed in accordance with the market, or crops had simply not been planted in the first place.

The apparently persistent sense of dependency that prevailed in Folu Bato could not however be attributed simply to dishonesty. Factionalism within the community had given rise to mistrust, and obstructed consensus in the decision-making process. Moreover, focus on internal 'political' objectives rather than relations with outside agencies and developmental initiatives had thwarted the process of engagement with market institutions, such as banks, Visayan businesses, and the poblacion marketplace. Indeed, problems of acquaintance with the workings of the market economy in which the Foundation structure demanded the community participate, were hindered by the obvious illiteracy and inexperience of Celso Dok, who sat passively through meetings.

The lack of understanding, not only of the realities of mining, but more importantly, of the workings of formal institutions, among the Folu Bato Council members, was a direct

obstacle to developmental initiatives. Moreover, it also worked to drag them backward. Once again, experience confirmed the hypothetical importance of understanding of the implications of mineral-driven development.

Because of the budget and implementation problems, Western Mining Foundation Board members had denied further funding to the Folu Bato Tribal Council. Council members were therefore aware of the veto power of Western Mining, which was a cause of disillusionment. Moreover, the short and medium term plans of the Folu Bato Council were dominated by the insistence of Western Mining Board members, that they extricate themselves from deficit. According to Doming Collado, Tribal Council member and colleague of chieftain Celso Dok; *"Western [Mining] were helpful to us but now they have stopped. . . How can we have development if we cannot do farming or do any business. We need to pay for seed, for urea [fertilizer] and for food and salary. What can we say that they [Western Mining] will give help?"* As of the time of research, the Council were still at the stage of grasping and incorporating economic principals of profit and accumulation into their process of proposal design, which limited their future plans to the short term. Those tentative proposals that they had, did not express any degree of co-ordination. Moreover, Folu Bato Council members did not know when mining would happen, and assumed that Western Mining might begin at any time. Neither did they have any long term plans in the event of mineral development.

#### **S'banken.**

S'banken Tribal Council members were aware that open pit mining would involve some environmental change in terms of the loss of forest and soil and that there was a danger of water sources being polluted. However, they did not know how this would come about.

S'banken Tribal Council members and leaders showed some understanding of the fact that signing the Principal Agreement committed them to mining, although only one member, Lindsay Wales, had a definite understanding of this. Chairman Liwahim Magumway expressed no idea of the consequences of signing the Principal Agreement.

Moreover, while the S'banken Tribal Council had a relatively good grasp of Foundation processes, having engaged themselves in various projects, including the purchase of a truck that afforded them a degree of vertical expansion in the local market, they were having difficulty developing viable business proposals. As the data for the indicator of

Spending Capacity in section 6. 2. shows, the S'banken accounts were running at a deficit. There remained a sense among the community that the Foundation Boards were a source of money and attention was focused on rights rather than responsibilities. On the occasion of each Board meeting at the Western Mining office in General Santos City, fifty or more community members would cram the S'banken truck for the journey. Once in General Santos they would await the outcome of the meeting and the monthly Operation and Administration payments, at the house of Tommy Sarvilla, the Visayan husband of Linsay Wales. These occasions were distinctly millenial in character.

With respect to the hypothetical importance of understanding, this signalled a failure in S'banken, to grasp formal processes. However, there was no apparent link between such 'millenial' actions and traditional values. Rather, in light of experience at other mines, see for example that related by Filer of Bougainville [Filer 1990 / 1992], this suggested that something else was taking place. Formal initiatives did not seem to be working, but rather than relying upon traditional means, the community were looking directly to the company for their subsistence. Failure to 'understand' combined with the superior means of the company were contributing to dependency.

The obvious conclusion would be that failure to grasp formal processes was because those opportunities presented by the Tribal Council - Foundation structure, and the supporting resources provided by Western Mining, were too sophisticated for the community to manage. However, this would be a shallow reading of the situation and perhaps an insult to the community. It seems more likely that cultural differences underlay the gap between tradition and modernity. That is to say the culture that oriented dominant organisational and economic norms, both of Visayan society and the foreign company, were different from those of B'laan society. Thus understanding may be connected with the hypothetical importance of traditional structures to such developmental delivery systems as Tribal Councils.

The purchase of the truck represented an investment which encouraged the S'banken Tribal Council to contemplate the future and make efforts to co-ordinate agricultural initiatives not only within the community but with other communities such as those at neighbouring Lampitak and Albagan, who availed of its service. Moreover the truck was a source of pride and keeping it on the road was an obvious achievement, and an indicator of developments which had taken place. In this respect the S'banken Tribal

Council were developing plans for the short to medium term. However, they did not have any idea when mining might begin, saying that it could be next year or in ten years, depending upon when Western Mining were ready. Nor did they have any long term plans in the event of mineral development.

### **Bong Mal.**

Through meetings with the Bong Mal Tribal Council, it became clear that Council members had no idea about what open-cut mining is or involves, that is to say the size of the mine or by what means mining might be carried out. Nor were they aware of any infrastructural considerations such as facilities for processing ore and accommodation for employees, that would accompany a mine. However, during the late 1980s and early 1990s, the Bong Mal area had been the scene of fighting between the Armed Forces of the Philippines and elements of the New People's Army and Moro Islamic Liberation Front. There had also been violence stemming from banditry. These events appeared to influence their relationship of the Bong Mal community with mining. Although their community was one of the most remote, Bong Mal Council members regarded the presence of Western Mining and the developments they hoped it would engender, as a source of future stability. According to tribal chieftain, Danuan Gola-e; *"The most important thing is for a road, and for a school, and a hall for meetings. Western Mining will help us to do these things. . . and these things will help us to stay on our land. They will show outsiders that this is our place, and that to interfere will have bigger consequences than before. . . Western have been friendly to us and we agree to them."*

No members of the Tribal Council were aware that the Principal Agreement committed them to mining. Their decision to sign the Agreement had been based upon the fact that a Foundation Board would be a source of increased funds. Participating in a Foundation was also regarded as a source of status that would afford the community greater recognition from outside agencies and local government. The Council felt this was important because they regarded their community as marginalised and remote, and as having already missed many opportunities. Indeed, they expressed a desire to "catch up".

However, they had very little understanding of how the Tribal Council - Foundation system was intended to operate. Foundation Board meetings were regarded as a primarily prestigious event at which the relationship between themselves and Western

Mining would be periodically 'celebrated'. Proposals by the Bong Mal Tribal Council were dominated by essential services and improvements and none involved the deployment of new skills on the part of community members. This situation was however, undoubtedly symptomatic of the relative youth of the Bong Mal Foundation. Indeed, none of the Bong Mal Council members knew that Western Mining participants could reject any initiative that they might propose.

In terms of the future, the Bong Mal Tribal Council were not aware of the timescale implied by large scale open-cut mining. They did however, have three medium term demands. First, for the construction of a school. Second, for the extension of the road to Bong S'bang in order to link settlements such as Datal Alyong and Tokay Mal with Tampakan municipality. Third, for the construction of a meeting hall.

#### **Salna'ong.**

Salna'ong Tribal Council members expressed divergent opinions as to what mining would involve. Several had participated in the trip to Indonesia, where they had witnessed the Newmont mine. It might have been supposed that they would therefore have a clear idea of what would happen within their own lands. However, this was not the case. Physical aspects of the Newmont site could not be clearly recounted by participants. This seemed to have been brought about by various factors. The time lapse between the trip and the period of research had apparently eroded perceptions. The extreme locality of Council members, as evidenced by the small number of community members to have travelled outside the area - see section 7. 1., may have restricted their ability to relate processes observed elsewhere to their own land. The novelty of the trip to Indonesia, which was described as an 'event', the flight, accommodation, and food being most readily recollected, and the fact that the trip had all taken place within the span of one week, might have blurred the purpose of the journey.

Indeed discussions of the physical processes of mining had a distinctly 'mythical' character. It was unclear whether the Salna'ong community actually believed that the nearby Bolul Mot - or Mossy Mountain - could be excavated by human effort. Large scale open-cut mining was therefore a myth in reverse - something that might or might not happen in the distant future, rather than the past, depending on whether or not you believed the 'tales' you heard. On one occasion in 1996, this researcher rested for a week in Datal Biao, a part of Salna'ong which lies at the foot of Bulol Mot. When he

pointed to the mountain and suggested that mining would remove it entirely, B'laans laughed. They regarded it as a joke, and as impossible. This was not an uncommon response. When faced with the same point, other B'laans later reacted as though they had heard a ghost story. Some believed it, some did not. It was an upsetting prospect and no-one could explain it.

Moreover, discussion of the trip to Indonesia raised another point which had repercussions for the hypothetical precondition of understanding. In accordance with the process of incorporation into the 'geobody' of the nation identified by Winichakul, whether all B'laans in Salna'ong were even aware of themselves as Filipinos, was unclear. While they recognised symbols such as the ubiquitous national flag, prominently displayed at all public buildings, there was nothing to indicate that they regarded it as theirs. Moreover, the fact that Indonesia was outside of the Philippines, while Luzon and Manila were part of it, seemed to be of no relevance to them. Such observations suggested that lack of understanding of formal structures ran very deep.

The Salna'ong Tribal Council did not recognise the fact that the Principal Agreement would commit them to mining. This point was underlined by the fact that not one member of the Salna'ong Tribal Council could read. Indeed, the fact that they had not signed the Principal Agreement did not reflect strength or independent analysis of the facts. Rather, it had its origins in differences within the Tribal Council, which was split into two constituent groups, each led by a prominent son of the elderly chairman, Malayon Malid. Without internal means of understanding and consensus building, each relied upon organisations outside the community. The Piring Malid faction was ostensibly pro-mining, but in pursuit of as much money as might be extracted therefrom in order to enhance personal power. The Juanito Malid faction was opposed to mining on the grounds that it would exploit B'laans. They drew support from the Diocese of Marbel and the Legal Rights and Resources Center, who were opposed to Western Mining. Thus neither side was willing to consent. Their rivalry reflected a lack of robustness and distinct vulnerability. The Salna'ong Council was too weak to develop understanding through an independent process of decision-making and the reverse was underway. That is to say that in the absence of understanding and analysis, pressures for and against mining fuelled by financial aspirations, misinformation and mutual suspicion, had contributed to an anarchic collapse of consensus.

Salna'ong Council members had no idea as to when mining might proceed and supposed that it would occur when Western Mining had control over the area. Indeed, they held this view as to the source of money from Western Mining, assuming that the company would give them money when they had control. One B'laan Tribal Councillor in Salna'ong stated that; *"We do not know exactly what Western Mining wants from us. . . We do not know what to ask in return. Therefore, we do not know whether it is right for us to say yes or to say no to them."* As the conversation went on, the B'laan perspective became more pessimistic. *"In the end they will do what they want."*

Moreover, when pressed as to what 'control' meant, this term was found to have connotations of security. Because of their remoteness, the suspected presence of rebels, animosity between Visayans and B'laans, and perhaps other reasons too, there had been a comparatively high level of militarisation in the area. The Philippine Armed Forces, and indeed civilian militia, were seen by some B'laans in Salna'ong, as a means by which outsiders exerted control over B'laans. Consequently, a section of the Salna'ong community felt that they would be harrassed by the military until they signed agreements.

Community members in Salna'ong expressed a persistent perception of themselves as incidental to the plans of Western Mining. That is to say, rather than as an integral and contributive part of the mineral-driven development framework represented by the Tribal Councils.

The Salna'ong Tribal Council had no plans for the future. At the time of research, Western Mining were resigned to their ongoing dispute, and had excluded them from the community development process, apparently preferring to work around them rather than with them. As Salna'ong comprised much of the actual mining area, how this relationship will develop in future is a matter of concern.

These events provided for some comparative analysis of understanding as a hypothetical requisite for mineral-driven development. They suggested that Salna'ong on one hand, and Bong Mal, Danlag, Folu Bato, and S'banken on the other, were on opposite sides of a threshold of understanding. While the latter communities had difficulties in terms of the formal economic and organisational principals necessary to partake in mineral-driven development, they had enough to participate. Salna'ong on the other hand had insufficient grasp of such institutions. In their case, the gap

between the traditional structures of B'laan society and the formal requirements of the Tribal Council - Foundation structure, was apparently too great.

However, it must also be noted that timing may have contributed to this outcome. Malayon Malid, chieftain of the Salna'ong Tribal Council was an elderly man, and the community was split between adherents of his sons. Moreover, the experience of Bong Mal and Fulu Bato suggested that they were living on borrowed time. Bong Mal were enjoying a 'honeymoon' period of goodwill with the company, but had not demonstrated grasp of developmental principals in terms of practical initiatives. Fulu Bato had 'stalled' and a lack of understanding seemed to have been holding them back.

Having collected a large number of statements, it was important to convert them into a uniform format in order to demonstrate the extent of understanding. By breaking the received information down into three categories and identifying particular points, it was possible to obtain 'Yes', 'No' and 'Maybe' type answers from responses. These were then attributed scores of two points for a Yes, one point for a Some, and none for a No. Such an approach enabled the basic clarification of an otherwise qualitative and subjective area of Tribal Council capacity.

#### **Understanding of circumstances facing host communities.**

	Bong Mal	Danlag	Fulu Bato	Salna'ong	S'banken
<b>Physical aspects of mining.</b>					
What is Open-cut Mining?	No	Yes	Some	Some	Some
<b>Terms of Agreement.</b>					
Commitment to mining.	No	Yes	No	No	Yes
Foundation Processes.	Some	Some	Some	No	Some
Western Mining veto power.	No	Yes	Yes	No	Yes
<b>Timescale of development.</b>					
When will mining take place?	No	Some	No	No	No
Short-term plans.	Yes	Yes	Some	No	Yes
Long-term plans.	No	Some	No	No	No
<b>Totals</b>	<b>3</b>	<b>11</b>	<b>5</b>	<b>1</b>	<b>8</b>

The data shows that all Tribal Councils, barring Salna'ong, had developed some understanding of Foundation procedures. However, responses to such issues as the physical consequences of mining, what is meant by the Principal Agreements, and what future plans Tribal Councils had in the event of mining, were broadly negative. That is to say that no Tribal Council could answer these questions with a comprehensive and unequivocal Yes. Even where the answers seem convincingly positive, they did not

extend to all members of the Council concerned. There were clear indications that traditional and local values pervaded procedures to negative effect, that Council members were ill-prepared for economic endeavours, and that some members had become disillusioned by the local development project presented to them by Western Mining.

The hypothetical requirement for understanding of the implications of mining cannot therefore be said to have been satisfied. Indeed, the lack of understanding observed seemed likely to have repercussions for the process of mineral-driven development in the manner noted at minesites elsewhere [Clark 1992, Filer 1990 / 1992, Thompson 1990]. That is for misunderstanding to fuel disputes within communities, and with companies.

What is more, this has a bearing upon equity between the company and community. That is to say that without a sound understanding of mining and the workings of formal institutions, communities are less likely to be able to proceed as equal partners with the developmental apparatus - both in contractual negotiations, and Foundation meetings.

#### **7. 4. The relationship between Foundation Boards and the Tribal Council model, and procedural equity.**

This section examines the Tribal Council – Foundation relationship in order to assess the level of equity held by the host community within the developmental framework. This is in accordance with the hypothetical point that procedural equity, or at least a sense thereof, is a requisite of successful local mineral-driven development.

In terms of the regional-local division of findings expressed by Chapters Five and Seven respectively, procedural equity is something of a 'black sheep'. Like regional factors, it applies to all Tribal Councils in an even manner. However, being an aspect of the Tampakan Copper Project itself, it must be treated as a local factor.

On arrival among the host communities in 1999, it was clear that changes had taken place since the signing of Principal Agreements. The Foundations had effectively replaced the Tribal Councils, leaving them largely redundant in the decision-making process. Foundations decided upon the proposals made by Tribal Councils. They also facilitated the concerns of the company and state institutions, providing the resources with which their decisions could be implemented.

The authority invested in the Foundation Boards indicated that they offered an appropriate point from which to evaluate the Tampakan Copper Project in terms of procedural equity. The position of B'laans within that structure, by comparison with that of the company and government agencies, offers an indication of procedural equity as it is hypothesised to be essential to the long term success of local mineral-driven development.

Three aspects of the Foundation Boards were of concern. First, Board members representing communities were outnumbered by company and government members two to one, there being three from Western Mining, two from the National Commission for Indigenous Peoples and one from the Mines and Geosciences Bureau, compared with three B'laans. Thus the company and government had a stronger hand in the 'one man one vote' system for deciding what was important and what was not.

Second, the majority of Foundation meetings were held either at the Family Country Homes and Hotel, or the offices of Western Mining themselves, both in General Santos City. Thus many important decisions were made outside of the traditional territory of each community and under conditions determined by the company. Tribal Council members from Bong Mal and S'banken explained that this put them under pressure, placed a sense of obligation upon them, and weakened their 'bargaining' position. Fani Ginga from Bong Mal stated that; *"When you are at Western [office] you can see how clever the Western people are. They are so serious to see and so we think that they must be right. It is difficult to have a disagreement with them."* Filo Gaping at S'banken said; *"When you see a problem in the mountain and when you see the same problem in the city, they seem to be very different . . You forget what it was you came to say to the company."* Both men lamented their own 'foolishness', and those other B'laans who were present laughed at them sympathetically. Embarrassment in the presence of outsiders seemed to be a familiar sentiment among B'laans.

Third, Western Mining Foundation Board members held veto power over all spending decisions. Although the number of Western Mining members would be reduced to one, and the veto dropped at such time as B'laans demonstrated that they could successfully manage the Foundations themselves, no mechanism or circumstances, nor target date for this were ever stipulated. Western Mining Board members acknowledged their dominance of the Foundation Boards during interviews, which they justified by arguing

that communities were unprepared for technical responsibilities. Geoff Allen, an accountant at the Western Mining office in General Santos City stated that to give B'laans any authority over spending decisions would be problematic, because money would be disbursed without heed to the consequences. Furthermore, that these consequences could potentially include the purchase, through direct or indirect means, of firearms, which would be unacceptable to the company. Moreover, that profligacy would likely fuel a syndrome of dependency among B'laans, which would draw increased criticism of the company both locally and in Australia. Nevertheless, no parameters that would provide for the establishment of a more equitable framework were set forth in the Principal Agreement, being entirely at the discretion of the company and government.

This contradicted earlier statements. For example;

*"The thrust of both the Principal Agreements and Foundations is 'ownership and control' by the people."*

[Western Mining Corporation 1997: 40]

The dominance of Foundations by Western Mining, and their veto power meant that they would provide an effective cap for any B'laan aspirations that did not conform with those of the company. That is to say that B'laans had limited means to oppose the strategy chosen by the company, within the terms of the development structure. To do so would mean breaking the rules and straying outside of agreements, which would threaten continued compensation, royalties and other benefits, as well as invite reprisals from the state, should the company-state revenue stream be threatened. Indeed rule-breaking behaviour would absolve the company of legal responsibility for future dilemmas.

Examination of the Foundation structure revealed no guarantee of procedural equity and considerable scope for dominance by the company. While it would not have been pragmatic [or indeed equitable to Western Mining], to give full authority over spending decisions to the Tribal Councils, and Councils had admittedly already made errors in their decision-making, B'laan Foundation members could only be effective where they could obtain the consent of company members. This arrangement might be regarded as constructive in a paternalistic sense. However, there was a distinct aspect of 'capture' by the company, of each community, from the moment at which they signed

**the Principal Agreement, that bound them to mining and participation in Foundation Boards.**

## **Chapter Eight.**

### **Conclusion.**

The findings of this thesis, presented in Chapters Five, Six, and Seven, provide scope for a number of debates relating to the hypothetical points made at the outset of this thesis. The first theme to be presented here is one of interactions between companies and communities in their pursuit of development. The company was found to be blinkered in its approach to the host communities, by Western-centrism. This position was rooted in a corporate-industrial culture that was not displaced by rigorous analysis of local ways of doing things. It is also the case that the degree to which the company was willing to adopt local strategies was partly dependent upon politico-historical processes and the subsequent unwillingness of the state to countenance political diversity. This latter issue is addressed in section 8. 3.

The first issue to be addressed is problems with the index for measurement of Tribal Council performance. While it was valid to test the use of this approach in this thesis, the results nonetheless point to problems with the use of this index, notably, that its lack of connection to any normative referent renders it a tool of limited utility. An effort is also made to link community differences as revealed in Chapter Six to the discussion of empirical findings in Chapter Seven – such as differences in community understanding of the process and implications of mining development in the vicinity.

The second section presents a debate which focuses upon the relationship between peace and development, and the consequences for mineral-driven developers. The popular question of whether development leads to peace or peace leads to development posits two obvious strategies for dealing with violence. Examination of the various causes of violence in Tampakan found differing degrees of political causation associated with all of them. It is therefore concluded that companies must at least assess the potential for violence as part of their planning process.

Another debate is over the apparent gap between the interests of states and companies, and consequences this has for host communities. Coverage of local-level mineral disputes in media gives a general impression that host communities are aggrieved by mining interests, while companies and governments work hand in hand in the implementation of mining projects. This thesis found that while the ultimate objectives of companies and states may be similar, their resources and respective

political constraints are very different, and hence their ways of doing things are also different. These differences are unaccounted for by the World Bank and are concluded to pose significant obstacles to mineral-driven development.

A second theme comprises anthropology and its potential contribution to local development. Understanding is an obvious prerequisite for agreement, yet examination of mining projects indicated that understanding among host communities of mining contracts, is generally weak. Many tribal people cannot for example, read or write, and many contracts, including the Principal Agreement in Tampakan are signed with a thumbprint. Lack of understanding was therefore considered to be an obstacle to mineral-driven development. In order to address this, anthropological studies of host cultures, and how modern institutions such as mining companies might best engage traditional communities, have been sought. However, the experience of Tampakan indicates that such analyses are inappropriate to the task in hand.

A third debate stemmed from the contrast between group and individual actions. The research undertaken among host communities indicated that due to wider social influences, the five host communities were undergoing immense changes. Many of these changes were manifested by the emergence of the individual as the primary economic unit and the disintegration of traditional community based modes of social organisation. This trend had implications for development strategy. Whether developmental institutions such as companies and government units should adopt individuals or communities as the basis for developmental initiatives, is a question that needs to be addressed. For example, if the law makes only limited provision for communal rights, or communal title to land cannot be obtained, or banks insist on lending only to named individuals, community-based development strategies may need to be abandoned. This point strikes at the heart of policy-making for many funding agencies, as development and modernity imply divergence from traditional cultures.

This conclusion is structured around each of these themes and debates. In successive sections, issues are drawn from this specific study of processes in Tampakan, and examined for the ways in which they inform generic study of mineral-driven development. Recommendations for better practices are made, and areas for further study identified.

### **8.1. Problems of the Putnam Index.**

As explained in section 1.3., the community affected by the proposed mine was split between five banwus, ostensibly traditional territories, the inhabitants of which comprised distinct communities, which were represented to the state and mining company by five Tribal Councils. This offered an opportunity to deepen study of local factors hypothesised to influence mineral-driven development, they being Understanding of Mining, Traditional Structures, and Procedural Equity. That is because any pattern of performance between each of the five Tribal Councils presented a potential correlation with the local factors. If any such correlation could be identified, then greater light might be shed on the process of local mineral-driven development. It was for this reason that this research set out to conduct a comparative measurement of Tribal Council performance.

However, the results presented in Chapter Six point to problems with the use of the Index of Tribal Council Performance, particularly associated with the lack of any normative referent. To begin with, the methodology for measurement of performance could not be based upon any standards or goals set by the company-resourced Community Development Program. That is because as noted in section 4.2., adopting such standards would mean measuring performance of Tribal Councils in contributing to successful mining, rather than the successful development of host communities. These two goals could not be assumed to mean the same thing, on account of the history of negative development experiences at mine-sites across Southeast Asia. Moreover, Western Mining Corporation had not set any specific development targets, nor made any quantifiable promises with respect to the progress of the host communities, that might have been adopted had this research intended to do so.

Furthermore, it was difficult to connect the progress of B'laan communities with internationally recognised or indeed external parameters for development, because so little of B'laan lifeways is known. Indeed, the methodology used assumes that democratic values are a positive phenomena, and judges the Tribal Councils according to how many democratic attributes they display – see for example, indicators 1 and 2 in section 6.1. Reflecting on the research conducted in Mindanao, not only does the comparative methodology lack a normative referent, but it has gone as far as to create its own, which is likely to not only be misleading, but to feed stereotypical impressions of what is development.

This last point is enforced by the fact that remoter communities fared less well in the Index of Performance. Because remoter communities were by default more traditional, the Index therefore gives the impression that traditional attributes were negative or even detrimental to development. This was not necessarily the case, because as was shown of Bong Mal in section 7.2.1., traditional values were able to support inexperienced Tribal Councils in the absence of modern leadership skills. This indicates that the 'Putnam' Indicators of Performance missed important traditional qualities of Tribal Councils and B'laan life. This is not the intention of this research. It also points to the fact that the comparison is not thorough, and highlights the lack of an appropriate referent.

In defence of the Index of Tribal Council Performance, it can be said that a number of the intended indicators were not feasible, either because the data required was not available as was the case for Information Outsourcing, or because anticipated activities were not taking place and thus the data was not there to collect - see for example Frequency of Elections, both of which problems are detailed in section 4.5. The number of indicators was therefore reduced which inevitably affected the depth and scope of the comparison. This could not be foreseen prior to arrival in the field. While a common-pool resource approach had to be abandoned due to the failure to identify a common-pool aspect to the copper resource and subsequent institutional initiatives in Tampakan, other approaches might have been found. Nevertheless, had more data been available, or had the Tribal Councils completed more of the planned activities prior to research, then the comparative index might have been stronger and more informative.

In light of these drawbacks, the Index of Tribal Council Performance might best be regarded as a descriptive tool, and a means of organising complex reality. While it leads the reader towards assumptions about what is good for Tribal Council performance, such as democracy, female participation, familiarity with modern institutions and conversely by implication, that traditional virtues are a negative influence on performance, the comparative exercise helps to clarify the Tribal Council system and explain what each Council is doing. However, the Index of Performance is only selectively useful when it comes to explaining findings pertaining to local obstacles to mineral development, which are presented in Chapter Seven.

### **8. 1. 1. Community differences and empirical findings.**

The community differences revealed in Chapter Six are summarised by the Comparative Index of Tribal Council Performance presented in section 6. 2. Data for the proximity of each community to urban centres, primarily the población in Tampakan, show that

Tribal Council performances correlate closely with familiarity on the part of community members, with urban environments. This finding suggests that where communities are familiar with modern institutions, they are more likely to succeed in operating the Tribal Council – Foundation system.

Indeed, section 7. 2., which presents findings relating to the relationship between tradition or antecedent forms of social organisation and the Tribal Council model, indicates that where traditional norms hold sway, then Tribal Council performances are weaker. This would appear to indicate that not only is familiarity with modernity 'good' for Tribal Councils, but that tradition is bad for Tribal Councils. However, detailed examination of social organisation within the two most remote communities, that is Bong Mal and Salna'ong, presented in section 7. 2. 1., reveals that this is not necessarily the case, and that traditional leadership can support an exogenous institution such as a Tribal Council, even if councillors are unable to make significant progress in formal terms. Hence a successful Tribal Council in a remote region depends upon traditional strengths as well as a grasp of modernity.

Perhaps unsurprisingly, grasp of the implications of mining in each of the five communities presented in section 7. 3., correlates closely with the Comparative Index of Performance. Communities that are least competent in terms of languages and have the weakest grasp of the implications of mining performed most poorly in terms of Tribal Councils. This is somewhat understandable, considering that in representing themselves to the company and to local government and other agencies, they depended to a considerable extent upon their ability to speak languages other than their own, as no non-B'laan encountered in the course of this research is able to speak the B'laan language. Furthermore, if communities had a poor grasp of the implications of a large scale mining project, then it would seem likely that their ability to negotiate Tribal Council – Foundation affairs with their partners from the company and government agencies is also likely to be limited.

Regarding Procedural Equity, each of the five communities hosting the proposed mine was bound by the same terms of engagement with the company in terms of the

procedures of the Tribal Council – Foundation system. It is therefore difficult to select specific differences between one community and another that might be analysed in terms of their position within the Comparative Index of Performance. One point of note was that as of the time of research, Salna'ong had not signed a Principal Agreement and was not therefore participating in a Foundation Board. Examination of the reasons for this, presented in section 7. 2. 1., indicates that this was due to negative reasons, primarily a dispute between members of the predominant Malid 'clan', and Salna'ong was subsequently accorded fifth place in terms of the Expediency indicator. Overall however, as presented in section 7. 4., there were some serious concerns relating to the Foundation system in particular, where it seemed that the company held considerable veto power over the actions of the Tribal Councils, and it was not possible to distinguish further.

In light of the consistencies between the Comparative Index of Tribal Council Performance and the three local obstacles hypothesised to obstruct mineral-driven development presented in Chapter Seven, the Comparative Index can be said to have generally confirmed the relevance of those obstacles. However, it must be acknowledged that the Index of Performance is not connected to any normative referent and is therefore a tool of limited utility. This was apparent in terms of the positive aspects of traditional leadership noted above and detailed in section 7. 2. 1., which escaped the Indicators of Performance. That is to say that the value of traditional leadership for the success of the Tribal Council model only came to light as a result of 'phonemic' interviewing techniques, which identified ways in which the communities in question viewed themselves. Hence it can be said that an exogenous set of indicators such as are represented by the Index of Comparative Performance are only as good as the questions they ask, and are likely to miss endogenous perspectives of how local institutions work, or indeed, the reasons why they fail. This may in turn be to repeat mistakes made by the Office for Southern Cultural Communities and successive National Commission for Indigenous Peoples, and indeed Western Mining Corporation in implementing the Tribal Council – Foundation system in the first place. On reflection, such a set of indicators, based as they were upon measurement of local government performance in Italy, would not be used if this research were to be repeated.

## **8. 2. The contribution of host communities to the mineral-driven development process.**

In Chapter Two it was hypothesised that host communities have an important role to play in local mineral-driven development. This role is in terms of traditional social systems and the part these systems might play within development structures. This section considers the evidence relating to the role of traditional systems and argues that if they were to be acted upon to a greater extent, the potential of communities to contribute to their development and the overall success of mining projects would be enhanced. Furthermore, it was also the case that World Bank recommendation No. 2. states; "*acknowledging the legitimacy of all stakeholder perspectives is very important.*" [Aidan and Davy 1998: XI]. In light of the institutional literature reviewed in Chapter Two, it seemed fair to question whether 'acknowledgement' of stakeholder perspectives would have been sufficient to make a difference to problems experienced by communities at minesites. That is because 'acknowledgement' does not insist that local institutions should be constructed according to local values.

In assessing the context in which the Tampakan Copper Project was situated, Western Mining's grasp of B'laan lifeways was found to be weak. The reflections of Stephen Davis, on the parallels between mining protocol and traditionally accepted social structures, noted in the closing paragraph of section 3. 3., was clumsy. Principal Agreements have long been standard practice in the mining industry, and Davis' article contributed to a body of information indicating that companies sought local customs to suit their preferred strategy, rather than a strategy to support local customs.

Moreover, the findings relating to the interaction between traditional and modern concepts within the host communities presented in section 7. 2., indicate Stephen Davis' claim that attitudes within communities were changing to more democratic processes, told only one side of the story. While democratic processes had indeed been imposed, they had been interpreted by host communities according to traditional perceptions. The company's definition of democracy - that is formal or western style representation, based upon principles such as an independent electorate and private ballot, were being bent by local people to fit local customs. Thus a two way process was underway, with changes being promulgated by both the traditional community as well as the modern company. Just as the company were changing local 'attitudes', so local people were changing the model for democratic decision-making that the company sought to implement.

Subsequent comparison between Tribal Council performances and the strength of traditional characteristics in each community, presented in Chapter 7, indicated a relationship. In remoter regions, where familiarity with modern institutions was weaker and traditional systems continued, Councils were clearly less successful. That was because the host communities responded to the Council model in two inter-related ways. First was in terms of modernity - participation in Councils demanded that members exercise formal skills. Second was in terms of tradition - that is dependent upon the strength of traditional forms of organisation, leadership and social control among B'laans. Modernity and tradition varied from one Council to another, tending to have an inverse relationship with each other. Although complex, modernity, tradition and the relationship between them had distinct implications for local mineral-driven development because of the influence they exerted over development delivery systems such as Tribal Councils.

Despite the criticisms of the mining project outlined in section 3. 3., the company did make some accommodation for differences between each community in terms of their capacity to meet development targets. For instance, as illustrated by the Expediency Indicator in section 6. 1., there were no fixed deadlines for communities to complete agreements. Nevertheless, the failure of Salna'ong to participate in, and their rejection from the community development project, detailed in section 7. 2. 1., indicates that such concessions were not enough and that in some areas at least, the Tribal Council model was at fault. This raises the first of two lessons for scholars of local mineral-driven development regarding the role of antecedent traditions in the performance of new institutions. That is modern institutions, may undermine traditional structures. This was crucial in Salna'ong and showed signs of affecting Folu Bato also. Modern institutions should therefore be regarded as a double-edged sword because they present obstacles while simultaneously reducing capacity to overcome them. This research found that in Salna'ong the Tribal Council model had displaced traditional leadership before modern skills had been acquired, by which time Council members could have effected a new system. The transaction costs were therefore too high and a collapse ensued. Thus there is indicated to be a positive relationship between incorporation of antecedent factors and the success of developmental institutions.

The second way in which the host communities responded to the Tribal Council model was as follows. Taken in conjunction with the comparative performances of Tribal

Councils, examination of the Councils' progress, presented in section 7.2.2., suggests that while the imposition of an illegitimate model can discourage participation and contribute to a dependency culture, legitimacy may conversely sustain a materially unproductive model, preserving it until such time as 'modern' skills may be achieved. Thus it is also concluded that traditional structures have potential value in the development of modern structures. They may guide communities through the initial vacuum of modernity, when communities do not know how to participate in formal institutions, compensating for the lack of familiarity with the formal.

Closely related to this, in terms of procedural equity, it is noteworthy that there was little evidence to displace the point made in section 2.6., that the 'feeling' of procedural equity may be as effective in supporting developmental relationships as equity itself. That is to say that the Tribal Council - Foundation system gave minimal impression of procedural equity. Host communities are unlikely to have rights of ownership of the mineral reserves beneath them, so equity in the fundamental sense is impossible. Therefore frameworks that both assure communities of a real role despite their weakness in formal terms, and which adhere to the economic discipline necessary for development - particularly business initiatives, are important.

The company did attempt such a strategy in the sense that they paid salaries to Tribal Council members. The individuals concerned were free to spend these monies at their own discretion and over time it was intended to give local people greater confidence in handling funds, as well as an incentive to better management through saving and investment. Eventually, new sources of income from agricultural, commercial, transport, or other initiatives, would replace the salaries as the host communities acquired economic sustainability and independence. However, the Tribal Council salaries represented a large portion of the community development budget and the research found that tribal leaders presented with cash payments were often profligate and frivolous spenders. Those receiving salaries would seek to impress rivals with shows of consumption such as expensive sport shoes and wristwatches, rather than less exciting investments in the agricultural economy. Thus the salaries and other cash payments that were incorporated into the Community Development Program might be regarded as a waste. Nevertheless, if at some stage the salaries were displaced by new sources of income and community leaders weaned off their honorary pay-checks, the strategy could still be justified. However, there were potentially very serious risks involved. Anecdotal evidence from 1996 indicated that initial payments during the early days of

the Tampakan Copper Project had led to the purchase of firearms and drinking binges by B'laan men. This highlights the perils of financial reward as a means of initiating local development. Indeed, no evidence was found in the course of this research to indicate that cash is an appropriate tool for local mineral-driven development.

While the company and state were aware of the need to support the host communities in terms of training and preparation, they did not give sufficient credence to the importance of traditional structures for the success of 'modern' systems. The Tribal Council model operated at one level while in fact two existed. That is to say that the Council / Foundation system was modern in character, and only engaged with the traditional to the extent that traditional society could participate. Where traditional systems were not compatible, they were redundant and rendered marginal.

Opportunities to incorporate traditional norms into structures such as Tribal Councils were clearly missed. There were two sets of reasons for this, the first being associated with the role of the company. On assessing the gap that existed between company and community, it would be reasonable for the company to introduce anthropologists to examine local norms in order to base local development thereupon. To be fair, the company did engage a number of anthropologists who produced a lengthy report that was replicated in each of the Tribal Council Principal Agreements. However, examination of this work revealed that it was largely descriptive, listing prominent landmarks, describing the use of traditional tools, and translating the names of important plants, animals, and so on. This anthropological research said little about social organisation and nothing relating to how B'laan social structures did or might best interact with modern institutions. The anthropologists hired by the company operated as consultants to the community development program but did not participate in its management, which was dominated by men who had risen through the ranks of Western Mining and other mining companies. Moreover, findings of existing studies such as Lalo [1997], Lutero [1986], and Ogoy [1985], which presented considerable methodological rigour, were apparently ignored. The overall effect was of anthropology as a public relations exercise, focused externally, where it impressed government agencies, international observers, global media, and other potential critics.

While there was clearly a need for anthropological input, it is concluded that this requires better management and must be of a distinct character. To begin with, while it may be important to inform outside observers about the lifeways of local people,

anthropological studies among communities hosting mines must also be focused locally in response to local needs, rather than just externally. Secondly, it is clear that anthropology undertaken in relation to mining projects should be used as a tool and have a defined purpose if it is to serve development needs. Anthropology must also be more analytical if it is to fulfil its potential in local mineral-driven development. Greater analysis would provide greater scope for evaluation of the possible effects, problems, and benefits of various developmental strategies that may be available. This would broaden the options open to development for the design of local institutions responsible for initiating economic development. More anthropological analysis might also provide opportunities to create new strategies and institutions where alternatives do not exist.

Moreover, regarding contacts between host communities and the company, expatriate and indeed Filipino managers as well as the anthropologists engaged by the company, spent minimal time in the presence of B'laans. Filipino managers lived in the suburbs of General Santos and other cities. Expatriates lived in the Sydney Hotel in downtown General Santos City, and when it opened in 1998, the even more exclusive East Asia Hotel complex. Those more permanently based in the area lived within the gated community at Kalsangi in the municipality of Polomolok. If such places were physically distant from the affected area, they were vastly more so in social terms. This did not place company managers in an advantageous position when it came to appreciating antecedent structures. It is therefore considered essential that there be stronger connections between mining project managers and host communities. Goodwill alone does not appear to be sufficient to ensure that local development inputs from company to community will succeed.

The second set of reasons for why opportunities for local mineral-driven developers failed to incorporate traditional structures into the development strategy was associated with the state. That is to say national and historical events beyond the reach of either communities or companies also influenced the choices taken by local development planners. Because they were located outside of the area affected by the proposed mining project and closer to the remit of the state, they will not be addressed here, but further on in section 8. 3.

This conclusion also draws on findings pertinent to procedural equity and power on the part of host communities. Deconstruction of the Tribal Council - Foundation system presented in section 7. 4., demonstrated that the host communities played a marginal

role in decision-making processes. However, it was difficult to evaluate the potential impact of this position over the medium to long term, because local development was still in its infancy and actual mining had not begun. If for example, developmental initiatives were to prove sustainable in the hands of community members, attention might well be deflected from issues of procedural equity. Nevertheless, some elements within Tribal Councils had already clashed with the company over the allocation of development funds, and the signs were not promising. This analysis of institutional arrangements for community development is therefore insufficient and further research appears to be necessary.

In light of the lack of familiarity with modern institutions, and the shortage of formal skills, there was also the possibility that having five Tribal Councils spread local talent, particularly in remoter areas, too thinly. This could have a number of outcomes in terms of inter-relationships between traditional and formal capacities. Perhaps most obviously, it could undermine remoter Councils such as Salna'ong and Bong Mal, and offer greater opportunity for traditional perspectives to dominate. Indeed, comparison of Tribal Council performances in Chapter Six demonstrated that these Councils were weaker. From the company-community viewpoint, three or four Councils might therefore have been more practical. Success would depend however, upon the ability of community development planners, on the optimum size of catchment area, and the human resources available therein. That is assuming that the resources necessary to make such a system work, are established. Moreover, this would likely mean ignoring the boundaries of traditional territories - after all, basing a modern structure upon traditional boundaries would seem to be a contradictory measure. Ironically, Western Mining's inventorial [rather than analytical] anthropology lent itself well to this purpose and probably played some part in the failings of the Councils - Foundation system.

Local participation in mining projects presents a conundrum to project managers and increasing involvement of community leaders is a matter that many mining bosses are loath to accept. In the course of this research absolute control over internal aspects of projects by companies became a familiar taboo among local mineral-driven developers. While mining companies are likely to be the only organisation with appropriate expertise to make decisions relating to the mining process, they maintain this grip over social and environmental aspects of projects. Whether managers accept it or not, the established importance of antecedence and procedural equity helps to focus contemplation of the future role of host communities in mineral-driven development.

Indeed, it should be noted that in 1999, Tom Beanal, a long time local leader of Amungme protesters against the Freeport-McMoRan mine in Indonesia, was admitted to that company's Board of Directors. Whether Beanal had involvement in the management of the mine is doubtful but irrelevant. Rather, the recognition of the local and its acceptance on the same plane as national, and indeed multinational aspects of a mining project was important and sets a constructive standard.

In light of the importance of local ways of doing things, further research is needed in order to better integrate antecedent values and traditions with mineral-driven development. There are several aspects of local institutions charged with delivering development to remote communities, toward which such research can usefully be directed. First, more new institutional structures, that incorporate traditional and legitimate aspects of local systems, must be devised. This will be difficult to promote on a generic basis because of the qualitative nature of the subject, both in terms of 'internal' aspects of communities themselves, and 'external' environments created by states and societies. Nevertheless, the expertise required to analyse local systems, that is anthropology and other social sciences, are generic, and need to be utilised by mining companies and governments.

Another aspect of local institutions that requires further research, is how to better assure communities of a real role in their development, where local people have little experience of formal systems. The Tribal Council - Foundation system showed that while communities had a long way to go before engaging with mining, a comprehensive local development project, which employs local people and establishes business and agricultural opportunities, has potential. Nevertheless, providing a role for hosts requires better methods of communication with communities where definite opportunities are available. Also the creation of opportunities for communities to manage responsibilities which on one hand do not endanger local development but do impact upon their lives in a manner which instructs them, and from which they can learn. It may even mean creating the appearance of institutional participation, that will sustain communities until education or other local resources can be nurtured.

One more challenge for future research is the coupling of institutional arrangements with available human resources. That will involve assessment of the size of populations and skills within mining leaseholds, in conjunction with feasible institutional structures. This will be important in order to maximise the opportunity for sustainable development,

and conversely limit the risk of collapse, within any given area. The Tampakan experience, particularly the comparative success and failure of the five communities, suggests that prototypical formulae for developmental institutions are possible. In Bong Mal for example, there clearly were not the skills necessary to manage a Tribal Council, while in Danlag there was. Skills need to be identified and then institutions established accordingly.

### **8. 3. Which comes first; development or peace?**

One apparent oversight of the World Bank recommendations was they did not address violence at minesites other than that directly associated with the mine. Consideration of the process of development in regions afflicted by violence in section 2. 3., raised immediate questions about the relationship between violence and development. Indeed, wherever the development literature contemplated violence, it seemed to be divided as to whether peace would provide scope for development or vice-versa.

As presented in Chapter Three, B'laan involvement with the Mao-inspired New Peoples Army had been a result of their marginal position in society, and the lack of any wider leadership among B'laans, rather than self-determined political choices. Indeed, the Muslim-Christian struggle was similarly distant. Thus it was that neither of the familiar political or religious divisions in southern Mindanao had a direct impact upon choices made by B'laans.

The isolation of indigenous communities from Marxian and sectarian ideologies dispels a large portion of the Filipino literature purporting to explain the perspective of such communities. That is to say that much of the literature relating to indigenous peoples in Mindanao, examined in the course of this research attempts to implicate tribal peoples in ideological struggles. For example, as suggested by it's title, Karl Gaspar's '*The Lumad's Struggle in the Face of Globalization*', portrays tribal groups as direct participants in a fight against exploitative foreign forces. While there is no doubt that many traditional communities face a struggle, research presented in section 5. 1. found that the majority perceive it not so much globally as locally, taking place from one day to the next and not across the span of centuries. While Non-Governmental Organisations such as the Legal Rights and Natural Resources Center campaigned against mining legislation that bears the *imprint of a colonial past* [from the Introduction to Leonen and Begonia 1995], B'laan communities typically regarded the company little further than in terms of what they might obtain from the next monthly meeting.

These findings are supported by studies of other traditional communities upon which this thesis has drawn. Participant-observers such as Albert Alejo [2000], and Stuart Schlegel [1999], who have focused on the problems of specific communities, note that their perceptions are distinctly local in nature. On the subject of understanding local conflicts as they affect local communities, such scholars have produced work on the basis of many years spent living among specific communities. Indeed, since the Vietnam War era, when a great deal of United States' social science research funding was given to the subject of understanding the perspectives of grassroots communities within the context of conflict, the character of social research in Southeast Asia has been transformed. The wealth of peasant studies that has been completed since that time offers a rich vein of research to local mineral-driven development planners today. There was limited evidence within the mining literature that this field has been tapped in the project planning process.

While violence and criminality in Tampakan were not rooted in Mindanao's Maoist-Marxian or sectarian divisions, local animosity between B'laans and Visayans was found to have historical and ethnic roots. Visayan prejudice stemmed from their settlement of this 'frontier' region since the 1930s, and Visayans generally viewed B'laans as primitive and pagan. For their part, B'laans regarded Visayans with fear and awe. Divisions between B'laans and Visayans presented a barrier to developmental initiatives that must inevitably cross such ethnic lines to be successful.

These findings gave rise to a number of conclusions. First of all, crimes such as cattle rustling and theft were not simply symptoms of poverty. It appeared that at the local level there was an ethnic or perhaps class division at work, and that this had the potential to obstruct a mining project. This indicates that economic measures available to companies may be less effective than the apparently petty character of crime might indicate. Moreover, this in turn suggests that situations in which violence is rooted wholly in poverty, without any ideological, sectarian, or ethnic factors playing a role, are less commonplace than had been anticipated. That is to say opportunities to address violence successfully with developmental measures alone will be scarce, and some sort 'peacemaking' initiatives will probably be necessary. Furthermore, where several causes of conflict exist simultaneously, i.e. ethnic division and poverty, development may be needed to address one cause of violence, while peace initiatives may simultaneously be required for another. Thus the which-comes-first-development-or-

peace question is an over-simplification of reality in developing regions. What is more, peace may mean not just stopping shooting, but the encouragement of understanding, the promotion of difference, and other applications aimed at promoting social capital at the interface between two communities. Such strategies demand detailed analysis of local circumstances.

By applying a social capital analysis to the contradictory relationship between violence and local development, this thesis contributes to the development literature by differentiating between causes of local violence and identifying outcomes associated with them. That is to say that there were convincing examples of development leading to peace and vice versa, for which this political approach provides an explanation in terms of the depth and history of conflicts within communities. The fact that the causes of violence differed so greatly between the region and the mining locality, indicates that such an approach to violence is useful for evaluating regions for their potential as hosts for successful mining projects. The results of such an analysis can in turn provide a basis for addressing the negative impact of violence upon development, as well as for identifying situations in which conditions are not appropriate for mining to proceed in the first place.

As a glance at the international section of newspapers can confirm, violence in remote regions of developing countries is both common, and diverse in origin. As was reviewed in Chapter Two, scholars such as Jeremy Holland and Caroline Moser have used Social Capital as a basis for assessing the impact of violence upon development. They found that violence damages Social Capital, and by measuring Social Capital, that it is possible to obtain an indication of whether development will be sustainable. However, their work does not differentiate between causes of violence, or provide any prediction of violence. Moreover, as this research has identified, there are some salient features of societies, such as the preponderance of firearms, that are particularly indicative of violence. This suggests that more direct response to violence may be possible.

As has been pointed out, the depth of causes of violence within social structures is crucial to local development. While these causes can fairly easily be located in religious, ethnic, political, and criminal type categories, these remain blurred, and it is not clear to what extent they might be generic to remote regions or specific to Tampakan. Future research is needed at the interface between violence and mineral-

driven development in order to establish indicators of the nature and depth of violence in order to better assess the viability of mineral projects. By identifying the cause-depth of violence, and evaluating the likelihood and nature of violent incidents, mining projects can select appropriate development strategies.

For example, in Tampakan there was no ideological cleavage but there was an ethnic division in the form of Visayan and B'laans. While they were ethnically different, they were of a generally uniform economic profile - that is tenant farmers, and they spoke the same language in public places. Indeed there was a high degree of intermarriage and hence ethnic convergence. Poverty, and a large number of unlicensed firearms in the region raised the stakes, but this profile suggests that economic initiatives might be successful, with only a limited amount of social or diplomatic intervention being necessary. Upon the basis of such factors it is concluded that generic indicators of violence are feasible.

Companies such as Control-Risk, which were contracted by Western Mining Corporation to assess the threat of violence in Tampakan, already gather relevant data. However, their focus is on direct threats to physical aspects of mines, and the sustainability of development initiatives is lacking. By assembling generic indicators of violence, scholars and organisations such as the World Bank and multi-national mining companies could more readily assess violence, and effectively address its impact upon local mineral-driven development.

#### **8. 4. State and Company: partners or adversaries in local mineral-driven development?**

The relationship between mining companies and states is popularly portrayed as a close one. Companies are assumed to prize their contract with a government as the locus of highest authority, while governments covet multi-nationals as a convenient source of revenue. However, the findings of this thesis demonstrate that at the local level, the company-state relationship is not close, especially when it comes to the development of local communities.

Having obtained a Financial and Technical Assistance Agreement from the foreign investment-friendly administration of President Fidel Ramos [1992 - 1998], Western Mining encountered problems with state institutions at every level. As described in section 3.1., Barangay Councils objected to the allocation of resources for the non-

statutory Tribal Councils. At the municipal level, discrepancies between Company and Municipal land use surveys demonstrated reluctance on the part of the municipality to negotiate the excessive claims to land made by Visayans. At the provincial level, Davao Del Sur refused to sign the provincial principal agreement. Furthermore, the Philippines showed how regime changes that accompany presidential, charismatic, or other forms of personal rather than bureaucracy-led governance can obstruct mining projects. With the passing of power from the structural adjustment-minded administration of Fidel Ramos, to that of the national-populist Joseph Estrada in 1998, foreign mining firms lost state patronage. Opponents of Foreign Direct Investment were also found to guard the rights enshrined in their comparatively new constitution jealously, and foreign-owned enterprises were a target for nationalist rhetoric.

A fundamental division between the strategies of state and company was apparent from first contact with the Tampakan Copper Project in 1996. At that time the Office of Southern Cultural Communities were implementing the Tribal Council model while anthropological research was still underway. Indeed, the developmental framework was never found to have been influenced by local traditions or values. This indicates that although the company and state shared a macro-economic agenda, they were working to different local purposes. As the institutional theory presented in section 2. 2. explains, it would have been in the interest of the company to implement a model sensitive to traditional values - in order to avoid local conflicts and project a positive image. Constitutional prerogatives on the other hand, insisted upon something more formal. The OSCC [and indeed the Office for Northern Cultural Communities elsewhere] implemented the Tribal Council model - based upon the Barangay - across the country in accordance with unifying national strategies. Promotion of development within a B'laan context and thus a B'laan modernity, would therefore have been a contradictory position.

So it was that the nation took sovereignty over local development. That is to say, over any local model that might have contradicted national strategies for development. This situation circumscribed the scope that there was for a company to participate in the design of organisations for local development in accordance with local precedents. Considering the prescription of institutional theory presented in section 2. 2., that an institution based upon accepted [as opposed to unknown] precedents, is more likely to be successful in its purpose, state sovereignty is concluded to be potentially obstructive. Moreover, in light of the Tampakan experience, it seems logical that

problems stemming from the [il]legitimacy of new models for social organisation, are more likely to occur where differences exist between social groups at the core and periphery. That is to say the capital region for instance, where legislative and other major decisions governing national development are decided upon, and outlying districts where these strategies have to be implemented. Furthermore, that institutional challenges to local development can be expected to be even more severe where political or sectarian conflict divide these places.

Faced with such a situation, companies and communities might rely on legislation that protects the rights of communities. That is because where communities have legally recognised rights to their land, livelihoods, etc., they are more likely to provide reliable partners to companies, even in opposition to national governments. Certificates of Ancestral Domain Claim, detailed in section 4. 5., were intended to provide recognition and rights to tribal communities. Western Mining and the host communities pursued tenurial rights to the full extent of legal provisions for indigenous tenure, achieving as much as any tribal community in the Philippines had been able. No community had progressed further along the chain enacted by the Indigenous People's Rights Act – no Certificate of Ancestral Land Title having been awarded as of November 2002, and only one Certificate of Ancestral Domain Claim – that coming in July 2002. It is therefore concluded that provisions for the tenurial rights of indigenous communities were not of sufficient strength to provide communities with effective power.

Moreover, if the Indigenous Peoples Rights Act were to be implemented in its entirety, the host community would have complete rights to the mineral reserves within their land and the opportunity to eject miners. If on the other hand, the pending case against the constitutionality of the IPRA were to be upheld, then the company would be in a potentially stronger position. Indeed, the Mining Act appeared to give the state the right to allocate 'public' land to mining ventures - in contradiction with the IPRA. The Mining Act itself was subject to an [albeit weaker] legal challenge from the Legal Rights and Natural Resources Center and other opponents of foreign mining firms. The result was considerable uncertainty over the rights of both companies and communities. Not only did the Indigenous Peoples Rights Act of 1997 fail to accommodate new demands raised by the proliferation of mining companies following the 1995 Mining Act, but it exacerbated problems associated with that Act. Neither of these new laws were clear, nor based upon realistic precepts, and there were lengthy delays in clarifying them, which hurt both companies and communities.

Aside from the weak legislative environment, and at the local level, Visayan hegemony over political and business institutions upon which B'laans depended, obstructed the efforts of the company to support host communities. Research presented in sections 5. 2. and 5. 3., relating to roads and tenurial security, demonstrated that the Tribal Councils had little political influence, and that municipal authorities and state agencies tended to ignore them. The fact that a road servicing the more remote communities had not been built showed how Tribal Councils and B'laan communities remained subject to Visayan politicking. Indeed, the state had not apparently considered the implications of local power. It is therefore concluded that power is not only crucial to the welfare of host communities, but is also determined by conditions that can only be provided by the state. Indeed, considering the relations between Visayans and B'laans and their distance from the state, that the state will have a tough job providing new host community institutions with the power required to sustain their development within a mining context.

There has been debate among critics of the Tampakan Copper Project as to whether Western Mining were 'forced' or 'chose' to uphold the Tribal Council model as it was presented to them by the Office of Southern Cultural Communities / National Commission for Indigenous Peoples [NCIP]. In light of the factors noted, the company had to act pragmatically in balancing the interests of Visayan local government, the strategies of state agencies, and corporate demands for expediency, with B'laan values. In any case they would also have shared the risk and expense incurred by experiments with an untried model. Had they endeavoured to design local institutions according to B'laan values and customs, they would have invited condemnation from the state as well those organisations opposed to mining, as well as the media, should that model fail to deliver. Indeed, such a model might easily have been vetoed by the NCIP. All of this worked to mitigate any objections Western Mining had to the Tribal Council model, as had been implemented in a one-size-fits-all manner across the country.

The measures provided by the state to protect communities were insufficient and reflected a struggle between national identity and protection for indigenous lifeways or national 'heritage'. Clearly, protection of indigenous peoples had for a long time been the losing side, and the central or core of the state paid limited attention to the welfare of indigenous peoples at the periphery of the nation. This was no doubt exacerbated by cultural differences between the core and periphery. The state thereby

failed to shoulder the social responsibility accruing from its restructuring of the minerals sector and the influx of mining investment to remote regions.

Furthermore, assuming that the goal of the state is to integrate 'tribal' communities into a modern nation state and the possibility that the company might seek to preserve a cohesive tribal identity for the purpose of partnership in local development, two broad developmental policy options - 'modernisation' or 'preservation' are apparent. In certain situations technical modernisation and cultural preservation may be compatible, and they are not the only strategies that states and companies can adopt. For example, companies may seek to relocate communities or operate in isolation from them. However, modernisation and preservation imply greatly different outcomes. Although a legitimate-preservationist model may work best initially, in the long term, breaking down of 'tribal' conventions in favour of formal systems that are compatible with structures of the modern state, may be more beneficial and indeed realistic.

Indeed, in the Tampakan case, replacement of Tribal Councils with new barangays at some point in the future, would afford them a greater degree of formal recognition and power. Whether this restructuring would be possible - particularly over the short to medium term is uncertain in light of the complexity involved and the limited administrative resources available. The five communities straddled three provinces, three municipalities and five existing barangays. Opposition from Visayan dominated barangays whose perimeters would have to be substantially redrawn, would be considerable and the costs to the region substantial.

However, it must be noted that the preservation vs. modernisation question, which exercises much of the pro and anti-mining lobbies, distracts from the issue of power. As section 2. 4. explained, that the relationship between power and sustainability is direct, with communities needing rights in order to sustain development. Therefore the most important issue is not likely to be whether a traditional or preservationist path to development is adopted, but which, under the prevailing legislative and political climate, offers the most power to communities concerned. This will depend upon myriad national and local factors, such the strength and applicability of specific laws, and local power relations, not to mention the aspirations of communities themselves.

It was clear from the research that states and companies have distinct roles within local mineral-driven development. While companies are better able to provide resources,

that is financial, material, technological, and so forth, responsibility for an appropriate political and legalistic climate belongs to the state. These requirements must nevertheless be commensurate if sustainable development is to be effected. However, the Tampakan experience suggests that the state is weak in remote regions and lacks the clout to provide an appropriate geo-political climate for communities hosting mining projects. Furthermore, the contradiction between nation building, which demands a unifying agenda, and local systems, indicates that the implications of mining for developing states are more serious than straightforward economic development that the World Bank had anticipated. Indeed, the identity of the state may be brought into question. Is the state for example, a plural polity or something defined at its core? Local mineral-driven development is therefore a potential political threat to the state and should not be underestimated as such, as Colin Filer has observed in Papua New Guinea [Filer 1995]. Moreover, if government agencies are not materially able to support local communities and manage the responsibilities of the state to its citizens, then local opportunities presented by mining projects are likely to be missed and political unrest may ensue for economic reasons.

In terms of further research, the state-company relationship was found to be a matter of obstruction rather than opportunity for local mineral-driven development. Relations were dependent upon factors such as laws, political platforms, and histories, that are specific to places and states. Few of the findings therefore, were available for generic application, and hence scope for further research seems limited. The fact that the state and company are not likely to be close at any level, bar the very top perhaps, and that avenues for companies to act are dictated by the [in]capacity of the state, is an obstacle to local mineral-driven development. Nevertheless, as has been noted, if governments are going to lease large tracts of remote regions to mining operations, appropriate legal and political conditions must be ensured if local development initiatives are to be sustained. These conditions should ideally be identified at the outset, and understood and agreed upon by all parties. They might be incorporated into future Financial and Technical Assistance Agreements. The Indigenous Peoples Rights Act had support within urban areas and the importance of landownership in terms of its contribution to wealth was gradually decreasing. How to exploit this space provided by growing awareness of indigenous issues among middle class societies, and use available legislation to strengthen the status of host communities, is a question that might usefully be addressed by the World Bank and other international bodies, as well as the mining industry, and further scholarship.

### **8. 5. The importance of Anthropology.**

The findings presented in section 7. 3., indicated that understanding of mining among the host communities was minimal. This had various real and potential consequences for local mineral-driven development. The most immediate consequence was for contracts between each community and the company. The Principal Agreements with Tribal Councils had been drawn up by lawyers who had a thorough knowledge of the physical circumstances of mining and the requirements of the Mining Act, as well as state agencies and contractual precedents. B'laans on the other hand had a very limited concept of mining, its implications, and to what they might be entitled to in return for their consent.

Considering this shortfall, and in evaluating support for the host communities, it was difficult to distinguish between efforts aimed at promoting understanding of the implications of mining, and the comparatively short term task of winning local support for the signing of Agreements. Despite the institutional approach and adherence to recommendations of the World Bank et. al., inexperienced communities could not appreciate mining so objectively while being simultaneously presented with new schools and homes as well as salaries for Tribal Council members. Thus it is concluded that these two important goals for mining projects - the urgency of formal agreements and long term understanding - are incompatible. This was particularly obvious in Salna'ong, whose inhabitants had slipped into a dependent relationship with the company, before ultimately being rejected when grievances led to conflict - in an apparent parallel with the rebellion on Bougainville, related in section 2. 6. Understanding was dependent upon traditional perceptions while agreement was framed by formal structures. Thus it is concluded that until the traditional and the formal can be reconciled in the minds of participants in local mineral-driven development, mining projects cannot be assured of a rightful or secure environment and sustainable development will remain elusive.

This obstacle to local development was exacerbated by Visayan prejudices, related in section 3. 2. These included an apparent assumption by mining protagonists, that understanding and agreement were the same thing. That is to say, as soon as B'laans understood mining they would 'see sense' and agree to it. As a result of Visayan attitudes, B'laan criticisms of mining tended to be ignored or regarded as recalcitrance or even greed, most notably by municipal authorities and state agencies such as the Mines and Geosciences Bureau and the National Commission for Indigenous Peoples. Representatives of both of these agencies were on the one hand apparently blinded by

the 'science' of the company and lacking in appreciation of host perspectives on the other. These matters compounded the problem of understanding. Parties to the local development process and other outside organisations - and indeed the state - were clearly failing to understand the implications of this lack of understanding and this was obstructing their contribution to local development.

Agreement between mining companies and host communities was therefore found to be a more complex matter than is generally anticipated by companies. Taken in the context of a mining company that avowedly pursued the recommendations of the World Bank, the findings suggest that awareness of the implications of mining among host communities remains a point of generic weakness for mineral-driven development.

Findings presented in section 7. 3. confirmed the hypothetical point that traditional societies have unique perceptions of time. Moreover, they confirmed that a low level of understanding persisted among the host communities after five years acquaintance with Western Mining. Indeed the Tribal Councils cannot be said to have been prepared to sign the Principal Agreement in 1999, and by all indications it would have been many years before they could have acquired sufficient grasp of the implications to make an 'informed' decision. This suggests that of those aspects of understanding assumed to be critical to relations between company and community in the mineral-driven development paradigm - that is time, scale and space - time is the most significant. In light of the inflexibility of formal structures - dependent as they are on the myriad global processes bearing upon the mining company - the time it takes to expand traditional perceptions appears to be the biggest obstacle to understanding. This poses local development a problem of how to convey the timescale over which a mine will be developed, which will inevitably be a matter of decades, affecting an increasingly large area, not to mention the changing economic character of the region. Traditional, cyclical notions of time make it difficult to do this by means of conventional tools such as were available at the Tampakan Information Center.

Two further points are as follows. The first concerns the impact of contradictions between traditional and formal values. The anthropological literature related in section 2. 5. indicates that understanding of mineral development involves more than education in a new set of formal skills. Indeed, the problems associated with the leap from traditional to Tribal Councils demonstrated that these skills have a strong potential to, indeed likelihood of, contradicting antecedent social norms among host communities.

The second point relates to responsibilities for host communities implied by participation in formal institutions. Development in the context of a large mine depends not only upon understanding of changes taking place, but also of responsibilities accruing therefrom. Understanding of a new system is one thing but convincing traditional leaders of their new responsibilities such as profit and loss, without them actually experiencing bankruptcy, will inevitably be difficult and demand new ideas of development expertise. These points mean that modern institutions will take longer to put into practice than might be assumed.

In short, for a community to acquire an appropriate level of understanding of mining or to consent to its consequences, implies that they understand all of the formal institutions upon which mining is based. If, as this thesis argues, understanding of formal institutions is a definition of modernity and the basis for a capital economy, then the host communities would not need developmental assistance [and would presumably be protected by rights which enable citizens of developed countries to reject the majority of mining projects proposed to them]. In an ideal situation, developmental assistance and subsequent understanding, modernity, rights etc., would come before mining. Reality however, is the other way round and host communities in developing regions have to sign agreements without knowing what they are signing or to what they are entitled. This suggests a breach of rights that if not already established within international law, is waiting to be so in the future. Thus anthropology dictates that developmental assistance should be a precursor for, rather than an outcome of, mining. This conclusion would appear to place the mining industry in developing countries as a whole, in a Catch 22 situation.

Despite this condemnation, mining is an obvious reality throughout the developing world, and anthropology does offer a number of instructive points. To begin with, traditional societies are not stagnant and many are indeed developing. While traditional communities in Tampakan for example, were not counting the years, they had consecutive memories of Spanish traders, the eruption of Mt. Matutum in 1911, of Japanese occupation in World War Two, of liberation by the US army, of the Ilaga-Blackshirt terror, of militarisation during the Marcos era, and the construction of the new airport to the west of General Santos City. Thus there was apparent scope for explanation of the implications of mining in temporal if not spatial terms. Indeed, as formal institutions encroach upon traditional communities, linear perceptions are becoming more commonplace and exist side by side with, if not actually displacing

traditional perceptions, as barter trade coexisted with the formal economy for many B'laans. However, whether traditional or modern perspectives hold sway, will inevitably vary and require local analysis.

Anthropology would also have served to better explain the impact of crime upon B'laan lifeways and their ability to participate in developmental initiatives. Accepted explanations of violence within B'laan society, presented in existing works on indigenous lifeways in Mindanao, were found to be shallow and susceptible to prejudice. The findings presented in section 5. 1., demonstrated that while on one hand antecedent violence must be anticipated by development planners, its nature should not be assumed. This is because indigenous perspectives of violence hold an important key to sustainable development. For example, many of the B'laans and their observers encountered in the course of this research, stated that a large proportion of violence within their society was related to women. Such violence stems from the local concept of marriage and can therefore be better addressed by those who seek to promote development, in terms of the combination of modern firearms and traditional disputes, than as rampant infidelity and immoral behaviour, the paradigm presented by Roman Catholic interpretation and adopted by many observers. Moreover, traditional conflicts between individual males and extended families or 'clans' in all likelihood once served a positive selection purpose, establishing social hierarchies etc. Nowadays they are palpably destroying B'laan society on account of the preponderance of firearms. Thus for example, anthropology indicates that an appropriate solution would more likely address gun crime than ban wife-napping. Indeed, while it may be impossible to get rid of guns, examination of gun crime and knowledge of traditional institutions may provide local means of restraint.

The question of understanding raises a number of issues which demand that further research be undertaken on the subject. For example, before the performance of companies and the efficacy of World Bank recommendations can be judged, methods appropriate for the task of establishing where host communities stand in relation to institutions of modernity, need to be established. Comparison of existing studies and methods of data collection with the methodology used in this research, indicate that local perspectives can be better addressed by studies comprising not only an anthropological interpretation, but one that is also undertaken from a grassroots perspective, looking up and out from within host communities. That is to say, a participant-observational approach, where researchers live among host communities

and distil everyday experience, rather than only visiting to attend 'events' such as the meetings of chiefs. That way it should be possible to apprehend and build a more complete picture of local perspectives of mining and other manifestations of modernity. In the case of Mindanao, such studies are represented by the work of Albert Alejo among Manobo communities in Davao [Alejo 2000], and Stuart Schlegel with the Teduray in Cotabato [Schlegel 1999].

Another objective for future research is the development of methods for communicating what mining is, and what it means, to communities. As outlined in section 3. 3., much local information was disseminated through second-hand sources such as Non-Governmental Organisations or rumours exemplified by the 'Yamashite Gold' treasure seeking myth. More rigorous and open-ended awareness building is necessary at minesites if only to counteract such sources. This task demands the design of more effective programs for communicating strategy, and the establishment of a co-ordinated approach at project sites, based upon anthropologically-determined local perspectives.

The fact that no relationship was observed between understanding on the part of host communities and the progress of the mine itself, also demands attention from researchers and policy-makers alike. That is to say that there were no mechanisms in place, either within the company's investment plan or community development strategy, to ensure that mining was connected to development. Rather, the physical progress of the mine was dependent upon financial and technological matters, and indeed macro rather than micro level political willingness. As section 7. 4. demonstrates, this point stretches to procedural equity, the promotion of which lacked specific targets, and perhaps more seriously, was not connected with physical or financial plans. This gave the impression that mining would take place regardless of understanding, subsequent capacity for informed decision-making, and procedural equity on the part of host communities had been established. The fact that these goals were absent, and that it was impossible to state at what time they might be achieved, was a concern for this research. That is because if local development lags behind the progress of mining companies, it will likely undermine relations between company and community and there would be a danger of mining companies completing their projects and departing without sustainable development having been effected. It is therefore concluded that future recommendations to the mining industry and companies' local development plans should couple understanding of mining with mining itself, so that they progress in a commensurate manner. In light of the link between understanding of the institutions of

modernity and development, such a policy would improve the prospect sustainable local mineral-driven development.

Moreover, any such co-ordinated approach to the issue of understanding should include an 'audit of understanding' in order to evaluate the success of educational and awareness-building initiatives. That is to ensure that the company can assess such initiatives and know whether partner communities are prepared for the various stages of the mining process. Assessment of preparedness for mining is at present vague and inconclusive. However, this thesis - in particular the methodologies for measuring Tribal Council performance, presented in section 4. 2. and Appendix 4, indicate that empirical audits of the progress of communities in grasping the implications of mining, are feasible.

Furthermore, the issue of understanding as a pre-requisite for local mineral-driven development begs a more complex question of what should be regarded as a sufficient level of understanding. Not only sufficient to serve as a basis for agreement between local people and a foreign company, but also to underpin development decision-making, which communities must learn to do in order that development be sustainable. This is an area which demands further study, if not by concerned mining companies at the individual project level, then at a generic level, by organisations such as the World Bank.

#### **8. 6. Group versus Individually based strategies for local mineral-driven development.**

Another issue that was raised by this thesis concerns the contrasting implications of group and individually based strategies for local mineral-driven development. Much of the development literature, state agencies in the Philippines, legislation relating to indigenous communities, and all of the non-governmental organisations representing local communities, regarded the 'traditional', 'tribal', or 'indigenous', community as a unit. They stated or otherwise implied that this unit forms the basis of negotiations relating to all aspects of development. Indeed, World Bank recommendation No. 7 stresses that the community is the appropriate basis for compensation [Aidan and Davy 1998: XIV] and Western Mining channelled payments into the five communities accordingly. A communal model thereby provided the vehicle for disbursement and administration of local development initiatives.

Conversely, this research found little evidence in the local literature and none on the ground to suggest that the communal concept is an appropriate basis for local development. There were two main reasons for this. One was that, as explained in section 3. 2., like almost all of Mindanao, the area affected by the proposed mine was everywhere shared with Visayan settlers. Of the five communities, B'laans were outnumbered on their traditional land in Folu Bato, Danlag, and S'banken, which indicates that the concept of 'tribal territories' was defunct. Another reason was the changes in the pattern of land tenure, related in section 5. 3., which reflected changing economic perspectives among B'laans. In the context of time, the complexity of the struggle to obtain rights to land, the establishment of Visayan settlements on traditional B'laan land, and the dominance of Visayan institutions, B'laans were aspiring to individual land tenure. The Indigenous Peoples Rights Act and terms of communal tenure embodied by CADCs were being superseded by enterprising community members, and prominent B'laans were becoming 'land grabbers' themselves. In any case, with the mass immigration and sedentarism of the 20th century, even if communities did not own land individually, they used it in an individualistic manner and the concept of the community as an economic unit was becoming similarly impractical.

In 2002 the administration of Gloria Macapagal-Arroyo decreed that the Indigenous Peoples Rights Act, which had stagnated during the latter days of her predecessor, would be revitalised, and that 100 Certificates of Ancestral Land Title would be awarded within one year. In light of the penetration of traditional lands throughout the Philippines by lowlanders and associated conflicts, such promises are impossible to fulfil. Considering the erosion of traditional lifeways and the continuing dependence of the economy upon land, increasing fragmentation of ownership, and the staking of individual claims to land, are everywhere superseding the communal concept. Indeed the communal concept has been too lightly and too lately embraced by legislation for almost all traditional communities in the Philippines.

This may not be a bad thing. As was noted in section 2. 4., traditional law is usually unwritten and unpredictable, which may make it harder to raise capital, and thereby obstruct economic development on a communal basis. On the other hand, land that is held by an individual with a conventional title is more likely to be respected by banks or other financial institutions as collateral for loans and business transactions. From the developmental [and possibly the preservationist also] viewpoint, individualism may be good for business and hence sustainability. The individualism expressed by attempts to

secure title to land, indicated assertiveness and a break from the apparent apathy held by local people for their position in 'the new global order' - as tenant farmers.

Alternatively, such initiatives may threaten equality and split host communities into 'haves and have nots'. Whether the possible gains of individual enterprise outweigh the potential loss of social cohesion will vary with social circumstances and demand attention at the specific project level.

The communal versus individual debate indicates that the community as a basis for compensation and local development is in need of a re-think, and that further research is essential. Important factors for consideration include the aspirations of the community in question. The evidence from the Lamkwa community presented in section 5. 3. indicates that traditional sentiments may be different from perceptions of traditional sentiments held elsewhere, or by agencies such as the World Bank, and societies at large. The 'tribal idyll' of harmony with nature and fellow men is not always so. While members of traditional communities may want to be regarded as a whole in terms of cultural practices, they may not want to be treated as such when it comes to labour, or capital, or in the use of their land. Research in Tampakan revealed that very little was known about such perspectives among the host communities. For example, the when, where, and how hunter-gathering had given way to sedentarism, which had strong implications for the ways people in the mine lease area, as opposed to those in the valley, perceived land, was frequently argued about among consultants to the project. The answers to these questions would have probably provided a good insight as to how the host communities would react to various methods of compensation for land use. Moreover, while communities may want to be treated as one at the outset, this situation may evolve as it did in Tampakan, with individual initiatives emerging with the progress of the mining project. Once again, as has already been concluded, anthropological insights will be vital.

Furthermore, as well as looking inside the community in order to address the group-individual question, it is also necessary to study the outside. As explained in section 3. 2., Tampakan there was competition from the Visayan dominated municipal authority, with which both the community and the company had to contend - as was evident from the discrepancy between the company and municipal land use surveys. Whether a community will make greater headway through individual rights or by 'sticking together' will need to be evaluated. The strength of available legislation protecting communities is important for this. That is to say, regardless of whether or not a community

expresses individualistic tendencies, whether there is appropriate legislation to support this choice in the face of external pressures, which Tampakan indicates may be severe. Such practical considerations need to be considered in order to ascertain the optimal strategy for local development.

Finally, if anthropological research established that a given community was not prepared for an individualistic approach to development initiatives, or indeed that political or other wider societal considerations made a communal approach imperative, then greater use might be made of micro-finance initiatives. Many small communities and cottage industries, particularly in Luzon and the Cordilleras region of the Philippines had benefited from a diversity of micro-finance schemes. Such a scheme would offer a means of financing and sustaining local mineral-driven development on a communal basis and should therefore be considered.

#### **8. 7. Endnotes.**

Multitudinous organisations and individuals have deplored negative social and environmental impacts incurred by many multinational mining companies. They have demanded that mining 'clean up its act' and contribute to the welfare of host communities. In examining the recommendations of the World Bank and the capacity of a prominent company to implement them within the context of an open and democratic country, this thesis has explored the limits of mining sponsored local development.

Foreign companies in particular, are subject to regional factions and local government where they operate in remote regions of developing countries. Indeed, mining projects may be consumed by destabilised communities and avaricious local politics, not to mention the vagaries of political favour at the national level, where the state demonstrated little concern for the sustainability of remote communities. Moreover, as has been discussed, the concept of unique local systems contradicted the state's unifying political agenda, limiting the scope for incorporation of local values. Furthermore, restrictions to development also arose from limitations of the state, of which there was little evidence in mountainous areas. Weak legislation and the moribund regional economy, with the associated obsession with land as the only secure source of capital, all functioned to constrain development. It is therefore difficult for a conventional mining company to fulfil the role of development provider.

Nevertheless, it was clear that Filipino society is increasingly conscious of local issues and indigenous rights, witnessed by Broad and Cavanagh [1992] and the passing of the Indigenous People's Rights Act itself. This trend offers a growing space for traditional communities to articulate themselves and pursue their own interests. Where community leaders seek to preserve environments and cultures, they need to make trade-offs with outsiders in order to obtain the resources with which to support themselves in the context of modern society. Thus there may be opportunities for mining companies to build relationships and establish contracts to mine, and to implement new strategies for local development. In order to make these trade-offs, companies will have to explore that space, distinguishing between one community and another, and working with local systems as much as possible.

Indeed, this research indicates that there is no one route to local mineral-driven development. A common accusation levelled at mining companies in developing regions is that they put only a tiny fraction of their profits into local development. However, it is concluded that the primary challenge to the mining industry and those agencies of government that participate in mineral-driven development, is more one of flexibility. That is to say they must be responsive to local cultures, and innovative in working with host communities, in order to assess what is possible and how it might be achieved. This requires mining companies to engage with more diverse sources of expertise than they have tended toward in the past, not least of which will be anthropology, as well as social science, and regional specialists from various fields as are applicable.

Reflecting on the World Bank recommendations, three points are clear. First is that carrying local mineral-driven development further, and establishing guidelines for when and where mining should take place, requires that acceptable social conditions for mining be determined more specifically. Thus an important threshold in the quest for sustainable local mineral-driven development is the definition of terms according to which such development can be successful. Secondly, the fact that this research established that there were problems with the World Bank recommendations themselves, and that unanticipated factors construed to obstruct the mining project, demonstrates that the scope of such recommendations needs to be wider and address obstacles closer to their roots. That is to say they should incorporate other factors, which may not be directly related to the mining project, but are fundamental to the lives of host communities. Third, examination of the World Bank recommendations also

indicates that there may be situations in which it is impossible for mining companies to provide for sustainable local development. That is to say that where the gap in understanding between convention and modernity is too great, or where violence is too severe or stemming from deep political cleavages, development on the back of a large scale mine will be impossible.

Finally, while a number of areas for further research have already been noted in previous sections, ex post measurement of the performance of each of the five Tribal Councils, would be informative. If the comparative measurement of Tribal Council Performance were conducted as part of a longitudinal study, the findings could be examined for any patterns over time. Indeed, if the original methodology, with its broader scope for measurement of outputs could be repeated, as the Tribal Councils presumably progress. Moreover, the Index of Tribal Council Performance offers an empirical measure of the success of developmental institutions at other minesites too. If such studies were conducted in conjunction with participant-observation style anthropological analyses, an explanation of evolving local obstacles and appropriate responses might be obtained. Such an exercise would provide more technical lessons for local mineral-driven development.

## **Appendix 1.**

### **The Berlin Guidelines.**

#### **Part 1. Addressed to the mineral sector.**

**Governments, mining companies and the minerals industries should as a minimum:**

- 1. Recognize environmental management as a high priority, notably during the licensing process and through the development and implementation of environmental management systems. These should include early and comprehensive environmental impact assessments, pollution control and other preventive and mitigative measures, monitoring and auditing activities and emergency response procedures.**
- 2. Establish environmental accountability in industry and government at the highest management and policy-making levels.**
- 3. Encourage employees at all levels to recognize their responsibility for environmental management and ensure that adequate resources, staff and requisite training are available to implement environmental plans.**
- 4. Ensure the participation and dialogue with the affected community and other directly interested parties on the environmental aspects of all phases of mining activities.**
- 5. Adopt best practices to minimize environmental degradation, notably in the absence of specific environmental regulations.**
- 6. Adopt environmentally sound technologies in all phases of mining activities and increase the emphasis on the transfer of appropriate technologies which mitigate environmental impacts, including those from small-scale mining operations.**
- 7. Seek to provide additional funds and innovative financial arrangements to improve environmental performance of existing mining operations.**
- 8. Adopt risk analysis and risk management in the development of regulation and in the design, operation and decommissioning of mining activities, including the handling and disposal of hazardous mining and other wastes.**
- 9. Reinforce the infrastructure, information systems service, training and skills in environmental management in relation to mining activities.**
- 10. Avoid the use of such environmental regulations that act as unnecessary barriers to trade and investment.**
- 11. Recognize the linkages between ecology, socio-cultural conditions and human health and safety, both within the workplace and the natural environment.**
- 12. Evaluate and adopt, wherever appropriate, economic and administrative instruments such as tax incentive policies to encourage the reduction of pollutant emissions and the introduction of innovative technology.**
- 13. Explore the feasibility of reciprocal agreements to reduce transboundary pollution.**
- 14. Encourage long-term mining investment by having clear environmental standards with stable and predictable environmental criteria and procedures.**

## **Part 2. Addressed to Development Assistance Agencies.**

**Multilateral and bilateral assistance agencies should:**

1. Accord high priority to the mitigation of environmental degradation associated with mining in developing countries to achieve high environmental performance.
2. Initiate, as an integral part of any exploration and mining project, environmental institutional building programmes. Special support should be given to countries actively working to improve their environmental capabilities.
3. Require that all mining projects supported shall contain a training component that will include specific training on environmental awareness and its applications to the mining sector.
4. Support increased research regarding the development of new processes, with fewer environmental impacts, including recycling.
5. Support the development of activities that would mitigate adverse effects on the socio-cultural fabric and the ecosystem. To achieve this objective, international agencies should give priority to education and training which increase awareness of these issues and allow the affected communities to participate in decision-making.
6. In supporting mining projects, agencies should also take into account the following:
  - rehabilitation of displaced population;
  - environmental history of the country;
  - large scale impact on socio-cultural patterns;
  - the overall economic balance of the project vis-à-vis its total environmental impact;
  - the impact on other natural resources and ecologically sensitive areas [e.g. protected forest lands, mangroves, wildlife parks, and neighbouring waterbodies].
7. Promote conferences and policy research on environmental management practices and technologies, and ensure the dissemination of this information.
8. Support and promote regional co-operative programmes to achieve sustainable development of mineral resources.
9. Adopt environmentally safe methods of mining and processing for existing projects.
10. Increase and co-ordinate their assistance to developing nations in the field of environmental policies management.

## **Appendix 2.**

### **Options for Indigenous Peoples for a successful implementation of Agenda 21.**

- 1. Measure to institutionalize the participation of NGOs [Non Governmental Organisations] and POs [Peoples Organisations] involved in indigenous people's issues in regional, national and local development planning should be put in place.**
- 2. Respect indigenous people's rights to ancestral domain or traditional grounds by providing legal guarantees against unwarranted infringement. Their organisation and role in the management of their ancestral lands should be strengthened.**
- 3. Guarantees to protect the civil, political and economic rights of indigenous peoples should be strengthened and enacted. The use of all forms of coercion should be stopped, and efforts to indemnify victims and their communities should be initiated.**
- 4. Laws which seek to protect the biodiversity through anti-pollution, anti-logging and similar measures in areas where indigenous people are concentrated should be implemented and strengthened. Where these laws are absent, they should be enacted.**
- 5. Debt relief measures must be aggressively pursued by Asian governments to provide for the protection and rehabilitation of damaged indigenous peoples territory's, and institutionalize services primarily directed to them. Debt swap / debt conversion measures in exchange for environmental protection / rehabilitation should be promoted.**
- 6. Research and documentation of indigenous people's practices of socio-environmental management should be initiated to provide a new knowledge-attitude-practice base for decision-makers and planners.**
- 7. Being a major contributor to nurturing nature and society, indigenous women should be integrated in all social uplift efforts. Their myriad roles in promoting the interests of their families, communities and groups should be promoted and strengthened.**
- 8. A solidarity, networking and information campaign to establish lines of coordination across regional, national and local levels can be initiated to build public awareness and sympathy for the indigenous peoples of Asia.**

**[National Councils for Sustainable Development in Asia 1995].**

### **Appendix 3.**

#### **Explanation of the World Bank recommendations.**

##### **1. Adopt a policy on social issues and develop capacity.**

While environmental policies are standard practice for major corporations, those addressing social concerns are not so well established. The World Bank recommend that the implementation of such policies be a priority and that the value of social and human capital, both to companies and communities be exploited.

##### **2. Identify stakeholders and acknowledge their legitimacy.**

Provisions for public involvement are either weak or non-existent in many developing countries. However, the legitimacy of all stakeholders is regarded as important, and the World Bank stress acknowledgement of local perspectives.

##### **3. Identify social risks and responsibilities.**

Opportunities for companies emerge where social responsibility is viewed as conferring business advantages such as access to future exploration concessions and reducing costs arising from local conflicts. Accidental spillage or release of process chemicals however, can significantly change public perception of corporate responsibility. Thus the World Bank recommend the management of social risks and prevention of impacts.

##### **4. Assess social and environmental impacts thoroughly: Integrate where appropriate.**

Social impacts are not always adequately dealt with by the private sector, and project approval processes in many developing countries focus on environmental, rather than social issues. Where changes in environmental quality may affect local communities, or environmental resources are threatened by social impacts such as in-migration, social and environmental assessments should be integrated.

##### **5. Recognise public involvement as integral to project sustainability.**

The representation of indigenous people, women and minorities, who may be disproportionately impacted by projects, should be safeguarded. Moreover, such stakeholders have concerns about land tenure, income, and health, which must be addressed. Local people can also identify social and environmental concerns and assist in developing mitigation measures. For consultation to be fully effective, the development of a common language was considered crucial. This requires a two-way education process. Companies were recommended to develop capacity within communities for consultation and negotiation.

##### **6. Delineate responsibilities for social provisions.**

Mining requires that companies provide for certain social infrastructure, which commonly exceeds government services to local people. This raises the issue of who should benefit. The most obvious are employees and their families, but this becomes complex when workers arrive from outside the area. The World Bank notes that investment in social and community provisions should be an integral part of doing business. They recommend that 'social costs' and business benefits be more clearly defined, and that corporations complement government systems, rather than replace them.

7. Aim for social equity in revenue distribution, compensation, and other social investments.

Social equity was a primary concern in compensation. Groups such as women, the poor, or indigenous peoples often shoulder disproportionate burdens. It was recommended that these be factored into compensation arrangements. Any assumption that money itself can secure agreement was to be avoided, community based compensation being preferred.

8. Partnerships should be developed in support of sustainable development.

Partnerships were recommended because of the interdependence between development issues and the environment, and the complexity of development issues. Corporations were to pursue partnership approaches for delivery of social programs, the advantages being in the pooling of resources, building of respect and understanding between potential adversaries, and the transfer of knowledge.

9. Develop mechanism for the long-term representation of stakeholders and conflict resolution.

Sustainable development initiatives, by which communities may regenerate livelihoods or generate new ones, requires long-term commitment. With time and planning, local business start-ups for example, that may be more important than cash compensation.

10. Evaluate the effectiveness of social investments.

While the simplest measure of development is the sum of corporate contributions, the total amount given is less relevant than the value of outcomes. The World Bank argued that if the true social development impact is to be captured, new indicators are needed to measure the success of community investment activities.

## **Appendix 4.**

### **Indicators of institutional performance, as devised at the London School of Economics, prior to departure for the field.**

For each Tribal Council the following aspects of functioning will be evaluated and indicators are categorised accordingly.

1. Processes - how well Councils manage internal affairs [indicators 1-4].
2. Pronouncements - how well Councils identify needs and propose solutions [indicators 5-8].
3. Implementation - how well Councils provide services and solutions [indicators 9-12].
4. Robustness - how well Councils independently manage change [indicators 13-16].

#### **Section One: Processes.**

##### **1. Stability.**

Accepting that stable Tribal Councils pursue more coherent actions, a combination of factors, such as below, will be accounted for each Council.

- a] Regularity of Council meetings.
- b] Attendance, i.e. all members, various members, particular members.
- c] Recording of Council proceedings.
- d] Location, i.e. communal venue, rotation of venue, a particular private house.
- e] Presence of witnesses at Council meetings.
- f] Public announcement of meetings.
- g] Female representatives at Council meetings.
- h] Election of members who are not related to chiefs and are not elders.
- g] Perhaps average age of members should be considered as an indicator of openness.

Each indicator measured will be discussed with Project / NGO members and others familiar with the B'laan communities and evaluated from a cultural perspective, as there may be cultural explanations for Council functioning. Although the focus will remain upon functional stability, cultural influences will be incorporated into the value attached to each category. A scale of 0-10 shall be devised for each category and each council graded accordingly, from which an average can be deduced.

##### **2. Promptness.**

Western Mining provides a monthly administration and operation payment to each Tribal Council of 30 000 pesos [£400] administered by each Council with WMC as a joint signatory. A comparison of how long it took each Council to 'budget' for each month since the summer of 1995, when the community development program was initiated, would provide an indicator of promptness.

The number of days over 28 that it took each Council to obtain each new signature from WMC can be noted and averages can also be calculated for six month periods to obtain a trend for each council. This data would give a clear picture of budgetary promptness across the Councils and a basis for comparison. Numbers for each Council could be divided by 10 or 100 to give a score of 0-10.

### **3. Information services.**

Referring to effectiveness of Councils at monitoring and collecting data on their communities - assuming that a Council with better information responds more effectively. Much of the current social and socio-economic data for the leasehold was provided by councils. Examination of the methodology of the socio-economic baseline study by Mindanao State University and Western Mining's community development program social development surveys, will enable assessment of the contribution of each Council. Initially, the framework of each survey will be examined and points at and means by which Councils contributed, identified. For such instances, the input of each Council, measured in quantity, means, time, etc. may be compared and graded accordingly, on a scale of 0-10, from which an average can finally be calculated for each Council.

### **4. Information outsourcing.**

Once again assuming that information correlates positively with performance. Tribal Councils obtain information from NGOs and network with other groups facing similar struggles etc. The number of sources consulted by each Council offers an appropriate indicator. However, with the onset of mineral exploration, diverse organisations have thrust themselves upon Tribal Councils in pursuit of their own agendas. In order to distinguish 'consulting' from 'thrusting', as well as account for varying means of participants, the depth of contacts will be measured. For each organisation a Council liaises with, regardless of who initiated contact, the number and regularity of meetings will be taken to indicate the degree of meaning of the relationship. Organisations with which each Council meets will be counted, as will the number of meetings and any degree of regularity noted. Each of these will be given a grading 0-10 from which an average can be calculated representing the relationship between the council and that organisation. Some Councils may have more relationships [more organisations] and some may have stronger relationships [higher averages]. Which is better is impossible to tell because of their multiple implications. This indicator will rely upon the sum of the average scores for each Council which will in turn be divided by 10 to provide final scores.

## **Section Two: Pronouncements.**

### **5. Comprehensiveness.**

This refers to the breadth of issues addressed by each Tribal Council. Particular issues may be exclusive to particular communities and irrelevant to others, therefore a list of issues will be prepared, each relevant to every community and as broad as possible. Each Council will be graded according to the number of

issues they address compared to the total. The scale will run from 0, representing no issues, to 10, to which the total number will be converted.

#### **6. Coherence.**

This refers to the degree of co-ordination of Tribal Council activity. For each Council the number of linkages between the total number of initiatives will be counted. Each Council will be graded according to the number of linkages, from 0, representing no linkages, to 10, equivalent to the maximum possible, whereby every initiative would be linked to every other initiative. So if there were 10 initiatives, the number of possible linkages would be 0-90. For clarity, linkages between initiatives may be demonstrated by a diagram / s for each Council.

#### **7. Creativeness.**

This indicator will attempt to capture council performance in for example, identification of needs, experimentation with services and creation of incentives for private initiative. Achievements will be listed for each council and performance in these areas since 1995 will be rated 0-10 on a comparative basis. This is a more impressionistic and less precise measure and will depend upon careful assessment of Council activities backed up by comparison with evaluations from community members, community development program officers and others whose experience relates to the Councils, obtained through interviews.

#### **8. Innovation.**

As observed elsewhere, successful ideas commonly diffuse through local governments. This indicator will identify innovations which may relate to, among others;

- a] local business promotions.
- b] environmental protection initiatives.
- c] identification of property and landowners for compensation.
- d] promotion of education initiatives.
- e] landuser protection initiatives - relating to outside encroachment.
- f] involvement in certain agricultural schemes.
- g] actions relating to women's rights.
- h] participation in health schemes.

Despite differing needs and priorities, certain councils should appear as consistent leaders or laggards. Of those actions appropriate to all communities, on average, how soon after the first appearance of a model action, was it adopted by each other Council. A Council will be given 10 points for each action it pioneered, those that adopted it points between 0 and 10 proportional to the timelag, and those that did not adopt it 0.

### **Section Three: Implementation.**

Comprising three sections designed to cover three important aspects - direct service provision [9+10] repertoire of services [11] and ability to use funds [12].

#### **9. Financial proficiency.**

An activity must be found, for which there is no "opportunity cost" to the Tribal Councils. This may be achieved by selecting an aspect of Council functioning that is funded directly by Western Mining regardless of demand or one which offers benefits without cost to the Council. For example, stable financial management, means of compensation and royalty payment in the event of mining, being essential. WMC made efforts to instigate financial management by Councils of their own resources. Proficiency in handling funds may be measured by the number of transactions undertaken by each Council since the establishment of banking facilities for the Councils.

#### **10. Training.**

One measure of a Tribal Council's ability to implement decisions may be the number of people to have completed training - for management of community affairs, the Council and the Foundation to be established under the longer term Principal Agreement. The number of people trained will be compared with the number of positions available [or households or adult population] to each community and the Councils may be ranked 0-10 accordingly.

#### **11. Development instruments.**

The idea that Tribal Councils will foster development is an important motivation for institutional capacity building. When funds become available, Councils can adopt strategies, for example;

- a] Local business promotion plan.
- b] Education.
- c] Agricultural productivity scheme.
- d] Livestock initiatives.
- e] Transportation / access plan.
- f] Preventive medical care scheme.
- g] Water related initiatives.
- h] Recruitment initiatives.
- i] Women's rights initiatives.
- j] Representations to bodies outside the community.

A crude measure of sophistication may be computed by noting which of an array of potential tools each Council actually deployed and how quickly they became operational. The timescale will run from the start of the community development program to the present. Scores from 0-10 will be awarded for each tool adopted and will be proportional to the date the tool was instigated.

## **12. Spending capacity.**

Where any fixed allocation of funds is made to each Tribal Council - what fraction is actually disbursed. Such as the monthly 30 000 peso Western Mining administration and operation payment to each Council. This can be calculated from the amount of money in the account of each council at the end of each month since WMC payments began. By adding all of them for each Council and dividing each total by the number of WMC payments and deducting that from 30 000, the average amount of money not disbursed each month can be calculated - the bigger that sum, the less money is on average disbursed. That amount must always be less than 30 000 and the lower the better hence each Council can be given a value between 10, representing 0 pesos and 0, representing 30 000 pesos.

## **Section Four: Robustness**

As youthful and elementary institutions and dependent upon Western Mining for their funding, the Tribal Councils are without any independent source of revenue or means of disbursement - this being provided by and carried out in conjunction with WMC and NGOs related to the mineral development context. Hence, rather than adopt criteria to measure spending efficacy, this study seeks ways to evaluate the 'robustness' of Councils. Indicator 8 - adoption of Innovations, see above - treats new developments as positive and assumes their adoption is equitable with progress. Speedy adoption of innovations may indeed reflect efficiency but should be correlated with indicators of robustness - the ability to reject changes and provide for self determination - otherwise quick adoption of innovations may potentially indicate vulnerability to manipulation.

## **13. Crime.**

Crime might be assessed by taking a cross-section of crimes within project communities, such as;

- a] misdemeanours.
- b] robbery.
- c] murder.

Although recording of crime is haphazard, data will hopefully be sufficient for a current year comparison - and some records available for comparison of past incidences to provide a trend for each category. These can be weighted and combined to provide an indicator of robustness on a scale of 0-10. Even where data may be weak, crime is a vivid indicator and general trends within five communities comprising 230 households should be discernible.

## **14. Landsales.**

The encroachment of lowland, Visayan speaking people, onto land traditionally inhabited by B'laans has been a gradual process throughout this century, threatening B'laan culture, language and identity. Robust Tribal Councils would

be a means of countering this trend. By comparing acreage of land sold / lost through debt / grabbed from B'laan to non-B'laan within the FTAA project leasehold [in each year - depending on data] since the Western Mining community development program and calculating this as a percentage of the total acreage within each community should provide a means to quantify sales. This can be converted for a 0-10 scale, ranging from 10, representing no acres sold, to 0, representing either a total sale or a fixed percentage of total acreage which would capture the total acreage sold in the community with the highest percentage. Depending on data, comparison of annual figures would enable a rate of landsale to be deduced.

#### **15. Logging.**

Sale of timber and Timber Licence Agreements in the 1960s which meant large scale logging, have affected the environment and exploited B'laan communities within the FTAA project leasehold. Some logging is illegal and logging permits are granted by local government, not Tribal Councils. Nevertheless, increasingly assertive Councils may be a deterrent. Thus an indicator of robustness of Councils may be offered by measurement of their influence over logging. The approximate acreage logged as percentage of the total acreage of each community since the onset of the community development program would capture this influence. These can be converted to a 0-10 scale, ranging from 10, representing no acres cut, to 0, representing either total acreage or a fixed percentage of total acreage which would capture the total acreage cut in the community with the highest percentage. Depending on data, comparison of annual figures would enable a rate of logging to be deduced. Realistically, data will be approximate but should offer a reliable degree of comparison.

#### **16. Principal Agreement.**

According to the terms of their Financial and Technical Assistance Agreement, Western Mining must obtain signatures to the Principal Agreement from each Tribal Council. Presently three Councils have so far signed. Neither recalcitrance nor compliance can be equated with robustness or non-robustness because the decision has multiple outcomes and Councils cannot know whether mineral development will be a positive experience. However, examination of the process by which councils decide to sign the agreement offers a means of evaluating robustness. For this, means by which Councils assert their rights and signs of community awareness have to be identified. A combination of which will potentially include;

- a] the number of demands made by each Council met / incorporated into agreements.
- b] the number of items a Council successfully demanded be removed from agreements.
- c] the number of external sources of expertise consulted, i.e. NGOs.
- d] the number of representations made to each external source of expertise.
- e] the average number of monthly meetings between each Council and WMC.

The results of each category of inquiry can be converted to a scale of 0-10 and from these, an average calculated for each Council.

#### **17. Satisfaction.**

This indicator refers to evaluation of Tribal Councils from the point of view of community members. Informal interviewing of community member samples in the manner of "*Are you satisfied?*" and gathering comments on respective councils. The number of 'Positive', 'Satisfactory' and 'Negative' opinions per capita. These can be assembled from views collected from 10 heads of household within each community, giving responses from 50 households out of a total of 230. Such a method would provide a best and worst case [+10 to -10] and a figure in between for each Council.

#### **Index of Institutional Performance.**

On the basis of these indicators, a summary Index of Institutional Performance may be constructed. The effect of idiosyncratic indicators would be reduced by combination of indicators.

#### **Corroboration.**

Another perspective on performances of Tribal Councils may come from anyone who deals with council members in official capacity - including organisations outside the communities represented by the Councils. These include;

- a] Managers of banks at which Council accounts are held.
- b] Businessmen who buy/ sell agricultural produce and/ or livestock.
- c] Salesmen of companies which provide services to Councils.
- d] Provincial government officials, i.e. the governor of South Cotabato.
- e] Local government officials - i.e. the mayor of Tampakan.
- f] Officers of the Office of Southern Cultural Communities.
- g] Representatives of NGOs / the Demolan foundation.
- h] Church leaders.

They could provide diverse commentary on the evolving institutional capacity of the Councils. Comparison of this with the results of methods 1 - 13 would corroborate / refute results.

## **Appendix 5.**

### **INTERVIEWS**

**Allen, Geoff.** Accountant, Western Mining Corporation, General Santos City, 13th May, 16th July, 1999.

**Balolo, Pedro.** Community Liaison Officer, Western Mining Corporation, Tampakan, May 19th, 1999.

**Barroso, Claudio.** Mayor of Tampakan, Tampakan, 18th March, 1999.

**Bolano, Sr. Susan.** Justice and Peace Desk, Social Action Centre, Diocese of Marbel, 20th March, 1999.

**Bong Mal Tribal Council,** Lampitak, 5th July, 1999.

**Cagape, Jun.** Third Kagawad, Municipal Council, Tampakan, May 27th 1999.

**Caminero, Jaime.** Mayor of Kiblawan, May 9th, 1999.

**Cardos, Dra. Arlene.** Director, Project Smile, Tampakan, April 29th, May 23rd, 1999.

**Carreon, Vigilio.** Police Commander, Tampakan, 10th June, 17th July, 1999.

**Consad, Jonathan.** Barangay Captain of Danlag, Danlag, June 7th, 1999.

**Corpuz, Richard.** Engineer, Western Mining Corporation, General Santos City, April 19th, July 19th, 1999.

**Dacoco, Marlon.** Colonel, Philippine National Police, Marbel, April 12th, 1999.

**Danlag Tribal Council,** Danlag, July 26th, 1999.

**De Pedro III, Hilario.** Governor of South Cotabato, Marbel, 17th March 1999.

**Dianga, Jusies.** Barangay Captain, Kimalwis, Kiblawan, July 3rd, 1999.

**Dida, George.** Security Co-ordinator, Western Mining Corporation, General Santos City, May 15th 1999.

**Dok, Celso.** Chieftain of Folu Bato, Folu Bato, June 1st 1999.

**Duon, Mandari.** Elderly man from Bong Mal, Tampakan, August 23rd, 1999.

**Duon, Warug.** Elderly man from Bong Mal, Tampakan, August 23rd, 1999.

**Escobilio, Emerico.** Mayoral Candidate, Tampakan, June 26th, 1999.

**Escobilio, Emilio.** Former Mayor of Tampakan, Tampakan, May 18th, 1999.

**Folu Bato Tribal Council**, Folu Bato, July 8th, 1999.

**Ford**, Warren. Community Development Organiser, Association for Community Concern, Ecology and Social Services, Inc. [ACCESS] Basecamp, June 1996.

**Gagnao**, Rodolfo. Buy-and-Sell store owner, Barangay Miasong, Tupi, August, 1999.

**Gardner**, Terry. President, Western Mining Corporation [Philippines], General Santos City, 10th March, 13th May, 29th July, 1999.

**Gaspar**, Karl. Mindanao based author, indigenous peoples rights activist, political commentator, Davao, 30th April, 1999.

**Gola-e**, Danuan. Chieftain of Bong Mal, Lampitak, Tampakan, June 21st, 1999.

**Green**, Nic. Anthropologist, Western Mining Corporation, General Santos City, June , 1996.

**Gulaya**, Willy. Former Chieftain of Folu Bato Tribal Council, May 14th, 1999.

**Gutierrez**, Dinualdo. Bishop of Marbel, 12th August, 1999.

**Hofilena, Chay**. Director, Panagtagbo, Davao, May, 1996.

**Isherwood**, Bernard. Control Risks Country Director, Manila, 27th August 1999.

**Jackson**, Professor Richard T. James Cook University Australia and consultant to Western Mining Corporation, Manila, 5th March 1999.

**Labrador**, Ronny. Police Officer, Tampakan, 14th June 1999

**Lawhan**, Fernando. Headmaster, Carpenter Hill Elementary School, Marbel, July, 1999.

**Lindo**, Bobby. Management Consultant, Marbel, April 29th, 1999.

**Llanos**, Rogelio. Governor of Davao del Sur, Davao, April 1st, 1999.

**Lutero**, Cesar. Historian, General Santos City, August 22nd, 1999.

**Magbanua**, Claudel. Barangay Captain of Tablu, Tablu, June 21st, 1999.

**Magumway**, Liwahim. Chieftain of S'banken Tribal Council, Provincial Jail, Marbel, May 20th, 1999.

**Malid**, Juanito. Bong Fulong, Salna'ong, 13th July, 1999.

**Malid**, Malayon. Chieftain of Salna'ong Tribal Council, Salna'ong, 13th July, 1999.

**Malid**, Piring. Bong Fulong, Salna'ong, 31st July, 1999.

**McGovern, Robert**, President of the Business Resource Center, General Santos City, 15th March 1999.

**Muntz, Bob**. Country Director, Community Aid Abroad, Marbel, 17th June, 10th August, 1999.

**Musali, Amirk**. Barangay Captain Datal Biao, Datal Biao, June 25th 1999.

**Ogoy, Gregorio**. Municipal Administrator in Marbel, Marbel, May 5th, 1999.

**Octura, Professor Elipidio**. Mindanao State University, Tambler Campus, General Santos City, 16th March 1999.

**Paglas, Zaharra**. Mayor of Columbio, Columbio, March 21st, 1999.

**Paldumama, Pedro**. National Commission for Indigenous Peoples, General Santos City, May 8th, 1999.

**Ras, Patricio**. Community Development Organiser, Association for Community Concern, Ecology and Social Services, Inc. [ACCESS] Datal Biao, Tampakan, June 1996.

**Ranes, Rodrigo**. Farmer in Barangay Otso, formerly a member of New Peoples Army, whose surrender was overseen by Local Amnesty Board in Marbel, Tampakan, April, 1999.

## **Appendix 6.**

**A sample of questions presented to B'laan communities during interviews with communities and Tribal Council members. These served to guide open-ended interviews with B'laan communities, Tribal Councils, and individuals. Translations provided are as follows, V = Visayan P = Pilipino.**

**1. What is the size of your area [i.e. Fohn Bato, Danlag etc.]**

V: Unsa ang kalaparon sa inyuhang katilingban?

P: Ga-anong kalawak ang inyong komunidad?

**2. What is the population of your area? Is the population increasing? Or decreasing?**

V: Unsa ang gidaghanon sa pumupuyo sa inyuhang territoryo? Ang pumupuyo nagdungang?

O diyutay?

P: Ga-anong karami ang nannirahan sa inyong territoryo? Ang nannirahan dumadami? o kumukunti?

**3. Are there any B'laan members of the Barangay Council?**

V: Na-a bay B'laan nga kagawad sa Konseho sa Barangay?

P: Meron bang B'laan ng kasapi ng Konseho ng Barangay?

**4. How many are B'laan? How many are Bisaya?**

V: Pila ang B'laan? Pila ang Bisaya?

P: Ilan ang B'laan? Ilan ang Bisaya?

**5. How many B'laans can speak Visayan? Many? A few? How many? None?**

V: Pila ka mga B'laan ang makasulti og sinultian sa Bisaya? Daghan? Gamay ra? Pila? Wala?

P: Ilan sa mga B'laan ang nakakapagsalita ng Bisaya? Marami? Konti? Ilan? Wala?

**6. How many B'laan cannot speak Visayan?**

V: Pila ka mga B'laan ang dili nakasulti ug Bisaya?

P: Ilan sa mga B'laan ang hindi marunong magsalita ng Bisaya?

**7. Do you know any Visayan who can speak B'laan? Many? A few? How many? None?**

V: Na-a ba moy nailhan nga mga Bisaya nga makasulti og B'laan? Daghan? Gamay ra?

Pila? Wala?

P: Meron ka bang kilala na Bisaya na magpagsalita ng salitang B'laan? Marami? Konti?

Ilan? Wala?

**8. Can B'laans living here read? Or write? Visayan? Pilipino? English?**

V: Ang mga B'laan ng lumulupyo dinihi makabasa? makasulat? Og Bisaya? Og Pilipino?

Og English?

P: Ang mga B'laan na nakatira dito ay marunong bumasa? sumulat? Ng Bisaya? Pilipino? English?

**9. How many people living here have been outside of this area? To Tampakan? Marbel? General Santos City?**

V: Pila sa mga katauhan dinihi ang makaadto sa ubang dapit? Tampakan? Marbel? General Santos?

P: Ilan sa mga mamayan dito ang makapunta sa ibang bayan? Tampakan? Marbel? Heneral Santos?

**10. Does your area have a Certificate of Ancestral Domain?**

V: Ang inyuhang territoryo na-a bay Sertipiko sa Yutang Kabilin?

P: Ang territoryo ba ninyo ang meron ng Sertipiko ng Lupang Ninuno?

**11. How often does WMC [Western Mining Corporation] visit?**

V: Unsa ka masunson ang WMC mubisita dini?

P: Gaano kadalas ang WMC bumibisita dito?

**12. How often does NCIP [National Commission for Indigenous People] visit?**

V: Unsa ka masunson ang NCIP mubisita dini?

P: Gaano kadalas ang NCIP bumibisita dito?

**13. What does WMC do with / for you?**

V: Unsa ang ginabuhat sa WMC/ ug sa imuha?

P: Ano ang ginagawa ng WMC/ at sa iyo?

**14. Can I read your copy of the Principal Agreement?**

V: Mahimo bang mabasa nako ang kopya sa Nahaunang Kasabutan?

P: Maari ko bang mabasa ang kopya ng Pangunahing Kasulatan?

**15. What outside organisations, apart from WMC and NCIP have visited you?**

V: Unsang tagagawas nga organisasyon lain sa WMC ug NCIP ang nibisita sa inyuha?

P: Anong tagalabas na organisasyon maliban sa WMC at NCIP ang bumisita sa inyo?

**16. Did you or anybody else in this community seek help or advice?**

V: Ikaw ba o na-ay membro sa katilingban nga nangayo og hinabang ug pagpasayud?

P: Ikaw ba o sinuman sa inyong komunidad humungi ng tulong o payo?

**17. How long does it take you to get to Tampakan?**

V: Unsa kataas ang byahi paadto sa Tampahan?

P: Gaano kahaba ang byahi patungong Tampakan?

**18. How do you travel to Tampakan?**

V: Unsa ang pamaagi ninyo sa pag-adto sa Tamapanan?

P: Paano kayo naglalakbay patungong Tampakan?

**19. Does your community have electricity, a meeting hall, a classroom, a store?**

V: Ang inyuhang katilingban na-a bay elekrisidad? hawanhan? eskwelahan? Tindahan?

P: Sa inyong komunidad meron ba kayong elekrisidad, pulungan, silid-aranan? Tindahan?

**20. Are there any concrete houses in your area?**

V: Na-a bay konkreto nga pamalay sa inyohang katilingban?

P: Meron bang konkreto na bahay sa inyong komunidad?

**21. Do they belong to B'laans? How many?**

V: Gipanagiya ba sa B'laan? Unsa ka daghan?

P: Pag-aari ba ng B'laan? Ilan?

**22. Is there piped water in your community?**

V: Na-a ba'y tubig sa tubo dinihi sa inyuhang katilingban?

P: Meron bang tubo ng tubig sa inyong komunidad?

**23. Are there any televisions in your community?**

V: Na-a ba'y telebisyon sa inyuhang katilingban?

P: Meron bang telebisyon sa inyong komunidad?

**24. Are there any other electric appliances? Are any owned by B'laans?**

V: Na-a bay uban pang dikuryenting butang? Gipanag-iya ba sa B'laan?

P: Meron pa bang ibang dikuryenting kagamitan? Pag-aari ba ng B'laan?

**25. Are there any motorcycles or trucks? How many? Are any owned by B'laans?**

V: Na-a bay motorsiklo o dakong sakyanan? Unsa ka daghan? Gipanag-iya ba sa B'laan?

P: Meron bang motorsiklo o malaking sasakyen? Ilan? Pag-aari ba ng B'laan?

**26. Are there any sicknesses / diseases in your area? What kind?**

V: N-a bag sakit-sakit/ balatian sa inyong katilingban? Unsang Klase?

P: Meron nang kapansanan/ sakit sa inyong komunidad? Anong Klase?

**27. How many people have any money [to buy things with]?**

V: Pila ka katauhan ang na-a'y sapi? [palit ug panginahanglang butang]

P: Ilang tao ang meron salapi [pambili ng pangangailang bagay/gamit]

**28. How do people get money?**

V: Unsa ang pamaagi aron makakuha/madawat og sapi?

P: Ano ang pamaraan ng magkaron ng pera/salapi?

**29. What kind of crops do farmers grow?**

V: Unsang klase sa tanum ang gitidad sa mga mag-uuma?

P: Anong klaseng pananim ang itinatanim ng mga magsasaka?

**30. What kind of business do people do? How many people do that?**

V: Unsang klase sa negosyo ang ginapadagan sa katauhan? Unsa ka daghan nga katauhan ang nibuhat?

P: Anong klase ng kabuhayan ang pinapatakbo ng mga mamayan? Ilang tao ang may negosyo?

**31. Where do they sell their products?**

V: Asa gibaliga ang ilang pugas?

P: Saan nila ipinagbibili ang mga produkto?

**32. How long have they been doing that?**

V: Unsa kataas na nilang gibuhat ang maong pamagi?

P: Gaano na katagal nilang ginagawa ito?

**33. Has any land in this area been sold? When did that happen? How big was the area?**

V: Na-a bay yuta dishing dapit ang gibaliga? Kanus-a nahitabo? Unsa kalaparon sa luna?

P: Meron bang lupa dito na naipagbili? Kailan nangyari? Gaano ka kawak ang lupain?

**34. How did these transactions take place? How many transactions took place?**

V: Ngano ang trasakyon namugna? Unsa kadaghan ang trasakyon nga namugna?

P: Bakit nagkaron ng pagbibinta? Ilan ang bintahan na naganap?

**35. Why did the people involved buy / sell land?**

V: Ngano ang katauhan nagin kabahin sa pagbaliga ug pagpalitay sa yuta?

P: Bakit na mga mamayan ay sangkot sa bintahan at bilihan ng lupa?

**36. What is the name of the Mayor? Provincial Governor?**

V: Unsa ang ngalan sa Mayor? Gobernador?

P: Ano ang pangalan ng Alkalde ng Bayan? Punong-Lalawigan?

**37. Do people in this community know when the Mayor was elected? Did they vote?**

V: Ang mga katauhan ba dinihi nakahibalo kanus-a ang Mayor napili? Nibuto ba sila?

P: Alam ba ng mamayan dito kailan ang Alkakde ng Bayan nahalal? Bumuto ba sila?

**38. Did the Mayor ever visit your community? Is he helping you?**

V: Ang mayor ba nibisita sa inyuhang katilingban? Nagatabang ba sya sa inyuha?

P: Ang Alkade ng Bayan ba ay bumibisita sa inyong komunidad? Tumutulong ba siya sa inyo?

**39. What is the relationship with the municipality?**

V: Unsa ang inyong relasyon sa munisipyo?

P: Ano ang kaugnayan ninyo sa bayan?

**40. Has there been any land-grabbing in this area? How did it happen?**

V: Na-a bay nangilog ug yuta sa dinhing dapit? Ngano man nahitabo?

P: Meron bang nagyari na pag-agaw ng lupa sa lugar na ito? Paano nangyari?

**41. Is there any crime in this community? What kind of crime?**

V: Na-a bay krimen dinihi sa inyong katilingban? Unsang klase sa krimen?

P: Meron bang kasalanang mabigat dito sa kumunidad? Anong klasing kasalanan?

**42. Has there been any incidences involving firearms? Can you tell me what happened?**

V: Na-a bay panghitabo dinihi panghiapil ang pusil? Mamahimo bang isaysay unsa ang nahitabo?

P: Meron bang pangyayari sangkot sa baril? Maari mo bang isalaysay ano ang nag nagyari?

**43. Are trees valuable? Are there any available?**

V: Ang puno sa kahoy bilidhon ba? Na-a bay makuh?

P: Ang punongkahoy ba ay mahalaga? Meron bang makukuha?

**44. Would people sell them? Has there been any logging in this area?**

V: Ang katauhan ba nibaligya og kahoy? Na-a bay dinagkong pagputol sa kahoy sa dinhing dapit?

P: Ang mamayan ba ay nagbibita ng kahoy? Meron bang nagtroroso dito sa inyong lugar?

**45. When was the Tribal Council established?**

V: Kanus-a ang Lumadnong Konseho gimugna?

P: Kailan itinatag ang Kapulungan ng mga Katutubo?

**46. What are the responsibilities of the Tribal Council?**

V: Unsa ang mga katudanan sa Lumadnong Konseho?

P: Ano ang mga pananagutan ng Kapulungan ng mga Katutubo?

**47. Has there always been a Tribal Council?**

V: Sukad-sukad na-a bay Konseho sa Lumad?

P: Simulat-sapol meron bang Kapulungan ng mga Katutubo?

**48. Did the Tribal Council exist before WMC arrived?**

V: Ang lumadnong Konseyo namugna na ba bag-o ang WMC miabot?

P: Ang Kapulungan ng mga Katutubo ba ay naitayo na bago dumating ang WMC?

**49. What has the Tribal Council done?**

V: Unsa ang nabuhat sa Lumadnong Konseho?

P: Ano ang nagawa ng Kapulungan ng mga Katutubo?

**50. What is the difference between the Tribal Council and Foundation?**

V: Unsa ang pagkalahi sa Lumadnong Konseho ug Kahugpungan?

P: Ano ang pagkakaiba ng Kapulungan ng Katutubo at Saligan?

**51. Has WMC paid the Tribal Council any money? How did they pay the money?**

V: Ang WMC mibayad og sapi sa Lumadnong Konseyo? Pila ang ilahang gibayad nga sapi?

P: Ang WMC ba ay magbayad sa Kapulungan ng mga Katutubong? Magkano ang ibinayad na salapi?

**52. What did the Tribal Council do with the money?**

V: Unsa ang gibuhat sa Lumadnong Konseho sa sapi?

P: Ano ang ginawa ng Kapulungan ng mga Katutubo sa salapi?

**53. Is the money in the bank? Do the Tribal Council members go to the bank?**

V: Ang sapi naa ba sa bangko? Ang membro sa Lumadnong Konseho gaadto ba sa bangko?

P: Ang salapi ba ay nasa bangko? Ang membro ng Kapulungan ng Katutubo ay pumupunta sa bangko?

**54. Does the Tribal Council know how much money it has?**

V: Ang membro ba sa Lumadnong Konseho makamao ba pila ang ilahang sapi?

P: Ang kasapi ba ng Kapulungan ng mga Katutubo alam kung magkano ang salapi/pundo?

**55. Have any people from this place received training?**

V: Ang mga katauhan ba dinihi nakadawat og pagbansay?

P: Ang mga tao ba dito nakakuha/natanggap ng mga pag-aaral?

**56. How many people received training? What kind of training?**

V: Unsa ka daghan ang katauhan dinihi ang nakakuha og pagbansay? Unsang klase sa pagbansay

P: Ilang mamayan ang nakatanggap ng mga pag-aaral? Anong klase ng pag-aaral?

**57. Training in financial management? Business skills?**

V: Pagbansay sa pagpadagan sa sapi? Kahanas sa negosyo?

P: Pag-aaral sa pagpatabo ng salapi? Kaalaman sa Pangangalakal?

**58. When does the Tribal Council hold its meetings?**

V: Kanus-a ang Lumadnong Konseyo nagahikot ug pagsabot-sabot?

P: Kailan ang Kapulungan ng mga Katutubo nagpapatawag ng pagpupulong?

**59. Does every member of the Tribal Council attend the meetings? All members? Some?**

V: Ang membro ba sa Lumadnong Konseho mitambong sa pagsabot-sabot? Tanan? Pipila?

P: Ang bawat kassapi ba ng Kapulungan ng Katutuko ay dumadalo ng pagpupulong?  
Lahat? Ilan?

**60. Does WMC or NCIP or anybody else attend tribal Council meetings?**

V: Ang WMC ug NCIP ug laing pang organisasyon mitambong sa pagsabot-sabot?

P: Ang WMC o NCIP o ibang organisasyon dumadalo ba sa Kapulungan ng Katutubong pagpupulong?

**61. Do other members of the community attend Tribal Council meetings also?**

V: Ang uban bang membro sa katilingban mitambong sa Lumadnong Konseho nga pagsabot-sabot?

P: Ang iba kasapi ng komunidad ay dumadalo sa Kapulungan ng Katutubong pagpupulong?

**62. Who decides when there will be a meeting of the Tribal Council?**

V: Kinsa ang mohukom nga naa'y pagsabot-sabot ang Lumadnong Konseyo?

P: Sino ang nagpapasya na magkakaroon ng pagpupulong ang kapulungan ng mga katutubo?

**63. Where are Tribal Council meetings held?**

V: Asa ang Lumadnong Konseho nagamugna og pasabot-sabot?

P: Saan ang Kapulungan ng mga Katutubo naggaganap ng nagpulong-pulong?

**64. Can you show me where Tribal Council meetings happen? Is it always in the same place?**

V: Mahimo bang ipasundayag asa ang pagsabot-sabot sa Lumadnong Konseho ginapahitabo?  
Permamente ba dinhang dapit?

P: Maaring bang ipakita kung saan ang pagpupulong ng Katutubong Kapulungan ginaganap?  
Palaging sa isang ar?

**65. Who are the members of the Tribal Council?**

V: Kinsa ang mga membro sa Lumadnong Konseho?

P: Sino ang mga kasapi ng Kapulungan Katutubo?

**66. How many members are there on the Tribal Council?**

V: Pila ang membro sa Lumadnong Konseho?

P: Ilan ang kasapi ng Katutubong Kapulungan?

**67. Are any of them women?**

V: Na-a bay baba-i?

P: Meron bang babae?

**68. How are the members of the Tribal Council chosen?**

V: Unsa ang pamaagi sa pagpili sa membro sa Lumadnong Konseho?

P: Paano ang pamamaraan sa pagpili ng kasapi sa Kapulungan ng mga Katutubo?

**69. What are the requirements for membership of the Tribal Council?**

V: Unsa ang panginahanglan aron mahimong membro sa Lumadnong Konseho?

P: Ano ang kinakailangan para maging kasapi sa Kapulungan ng mga Katutubo.

**70. Is there an election for membership? How often?**

V: Na-a bay botasyon sa mamahimong membro? Unsa ka masunson?

P: Meron bang pagpili sa magiging kasapi? Gaano kadalas?

**71. Have the members of your Tribal Council ever changed?**

V: Ang membro ba sa Lumadnong Konseho mibag-o?

P: Ang kasapi ng Katutubong Kapulungan ba ay napalitan?

**72. Are members of the Tribal Council from the family of the chief / chairman?**

V: Ang membro ba sa Lumadnong Konseho gumikan sa pamilya sa naggulo?

P: Ang kasapi ba ng Katutubong Kapulungan ay nagsula sa pamilya ng pangulo?

**73. How many are from the family of the chieftain / chairman?**

V: Pila ang nanukad sa pamilya sa nangulo?

P: Ilan ang nagsula sa pamilya ng pangulo?

**74. Are the meetings recorded? In writing? On cassette?**

V: Ang pagsabot-sabot ba natala? Nasulat? On cassette?

P: Ang pagpupulong ba ay nasa talaan? Nakasulat? Or cassette?

**75. Does your community have a Foundation? Who are your representatives?**

V: Ang inyuhang katilingban na-a bay Kahugpungan? Kinsa ang mga representante?

P: Ang komunidad ba ay may kapisanan? Sino-sino ang inyong mga kinakatawan?

**76. When was the Foundation established?**

V: Kanus-a ang Kahugpungan natukod?

P: Kailan ang Kasapian naitatag?

**77. What are the responsibilities of the Foundation?**

V: Unsa ang Katungdanan/ papel sa kahugpuungan?

P: Ano ang pananagutan ng Kasapian?

**78. What has the Foundation done?**

V: Unsa ang nahimo sa Kahugpungan?

P: An gang nagawa ng Kasapian?

**79. How many Foundation meetings have there been?**

V: Unsa ka daghan na napahitabo nga pagsabot-sabot sa Kahugpungan?

P: Ilang bisis ang naganap ng pagpupulong-pulong ng Kasapian?

**80. Where do Foundation meetings take place?**

V: Asa ang Kahugpungan nga pagsabot-sabot gipahitabo?

P: Saan ang Kasapian ng pagpupulong-pulong ginaganap?

**81. Do Foundation meetings always happen in the same place?**

V: Ang Kahugpungan nga pagsabot-sabot permamente gihitabo sa usa ka dapit?

P: Ang Kasapiang pagpupulong-pulong ay palaging ginaganap sa iisang lugar?

**82. Who decides when and where the Foundation meeting will be?**

V: Kinsa ang mutakna kanus-a ug asa ang Kahugpungan ng pagsabot-sabot ipahitabo?

P: Sino ang nagpapasya kailan at saan ang pagpupulong ng Kasapian gaganapin?

**83. Do you know what are the regulations of the Foundations?**

V: Kama-o ba mo unsa ang mga balaod sa Kahugpungan?

P: Alam ba ninyo kung ano ang mga alituntunin ng Kasapian?

**84. Do all members attend the Foundation meetings?**

V: Ang tanang membro mutambong sa Kahugpungan pagsabot-sabot?

P: Ang lahat bang kasapi ay dumadalo sa pagpupulong ng Kasapian?

**85. Are the Foundation meetings recorded?**

V: Ang mga pagsabot-sabot sa Kahugpungan natala?

P: Ang mga pagpupulong ba ng Kasapian ay nasa talaan?

**86. What is more important, Tribal Council or Foundation? Why is that?**

V: Unsa ang mas bilidhon Lumadnong Konseho o Kahugpungan? Ngano man?

P: Ano ang mas mahalaga, Katutubong Kapulungan o Kasapian? At bakit?

**87. Which has more money Tribal Council or Foundation?**

V: Kinsa ang mas daghan og sapi Lumadnong Konseho o Kahugpungan?

P: Sino ang may mas malaki na salapi Katutubong Kapulungan o ang Kasapian?

**88. Have the Foundation representatives from your community ever changed?**

V: Ang representante sa Kahugpungan mga gumikan sa katilingban nibag-o?

P: Ang kasapiang kinatawan na nagsula sa komunidad ba ay napalitan?

**89. How does the Foundation handle money?**

V: Unsa ang pagdumala sa Kahugpungan kababin sa sapi?

P: Papaano ang Kasapiang mangasiwa ng salapi?

**90. Do B'laan Foundation members use the bank?**

V: Ang membro ba sa Kahugpungan sa B'laan nigamit og bangko?

P: Ang kasapi ng Kasapiang ng mga B'laan gumagamit ba ng bangko?

**91. Do the representatives or Tribal Council know how much money the Foundation has?**

V: Ang representante o Lumadnong Konseho nakamao pila ang sapi sa Kahugpungan?

P: Ang kinatawan o Katutubong Kapulungan may nalalaman magkano ang salapi ng Kasapi?

**92. What kinds of decision-making systems existed in the past?**

V: Unsa ang matang sa paghukom nga gikinabuhi ngatong miaging panahon?

P: Anong uri ng paghahatol ang meron noong nakaraan panahon?

**93. What would happen if somebody committed a crime, say stealing or violence?**

V: Unsa ang mahitabo pananglitan naay nakabuhat og krimen, pananglitan pagpangawat o panlapas?

P: Anong mangyayari sakaling may nagawang mabigat na kasalan, halimbawa pagnanakaw o dahas?

**94. Did this community have a Kasfala?**

V: Kining katilingban naa 'bay Kasfala?

P: Itong komunidad merong bang Kasfala?

**95. Does this community still have a Kasfala?**

V: Hangtud karon kining katilingban naga Kasfala?

P: Hanggang ngayon itong komunidad nag Kasfala?

**96. Who takes part in the Kasfala?**

V: Kinsa ang mga kababin sa Kasfala?

P: Sino-sino ang mga bumubuo ng Kasfala?

**97. When does the Kasfala take place?**

V: Kanus-a ang Kasfala ginapahitabo?

P: Kailan ang Kasfala nagaganap?

**98. Who are the most important B'laans?**

V: Kinsa ang bilidhon ng mga B'laan?

P: Sino-sino ang mga mahalagang B'laan?

**99. Why are they important?**

V: Ngano sila bilidhon?

P: Bakit sila mahalaga?

**100. Does anybody remember Datu Baro Imba? Who was he?**

V: Na-a bay makahinumdum kay Datu Baro Imba? Kinsa sya?

P: Merong bang makakilala kay Datu Baro Imba? Sino siya?

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