

Hon. Jose C. Alvarez, Governor of Palawan
Hon. Dennis Socrates, Vice-Governor of Palawan
Puerto Princesa City, Palawan, The Philippines

Bugnau (Switzerland), May 6, 2015

RE: Ensuring protection of watershed and primary forest while respecting the rights of indigenous peoples to govern and manage their ancestral domains and conserved territories (ICCAs) and to plant and eat their own crops in sustainable *kaingin* in Palawan

Honorable Governor, Honorable Vice-Governor of Palawan,

The ICCA Consortium is an international association under Swiss law uniting federations and organizations of indigenous peoples, local communities and NGOs concerned with the appropriate recognition of the territories and areas conserved by indigenous peoples and local communities (ICCAs) throughout the world. We are a partner organization of the Secretariat of the Convention on Biological Diversity (CBD), the United Nations Development Programme (UNDP/GEF/SGP) and the International Union for the Conservation of Nature (IUCN).

The ICCA Consortium's worldwide engagement is part of the global recognition of the importance of indigenous peoples' and local community conservation practices to achieving global conservation goals and targets. This recognition is enshrined in the Convention on Biological Diversity, which requires Parties, such as The Philippines, to "recognize the role of indigenous and local community conserved areas in biodiversity conservation and diversification of governance types" (COP 10/ X 31), a role fundamental to reaching Aichi Biodiversity Targets 11 and 18, among others. Various other international agreements – including the United Nations Declaration on the Rights of Indigenous Peoples – lend support to the rights of indigenous peoples and local communities to manage and conserve their territories according to their own values, institutions and practices. Such agreements also recognize indigenous peoples' and community conservation as compatible with, and actually promoting, local sustainable livelihoods and poverty eradication efforts. Drawing lessons from numerous successful examples and the experience of problems around the world, the ICCA Consortium works to support understanding and appropriate practice in the integration of conservation, sustainable livelihoods and the respect of human and indigenous peoples' rights.

The ICCA Consortium has been following with attention and concern Palawan's recent attempt to implement a province-wide strict ban on shifting cultivation (*kaingin*). Specifically, we are extremely worried that such ban makes no differentiation between the unsustainable *kaingin* carried out by Filipino migrants wherever they manage to settle and *kaingin* sustainably practiced by indigenous peoples in their own Ancestral Domains and Conserved Territories (ICCAs).

We strongly share with you the concern that watersheds should be protected. History shows, however, that indigenous peoples are excellent stewards of the precious natural resources that they managed to renew for centuries while sustaining their own livelihoods. As a matter of fact, attempting to halt the indigenous farming practices that sustain local livelihoods while allowing unabated expansion of oil palm and rubber plantations that only benefit private companies and the international market, seems doubly unfair to us.

We hear that the so called “zero burning policy” forcefully implemented in Puerto Princesa Municipality since the time of former Mayor Edward Hagedorn has been causing widespread distress in Batak and Tagbanua communities, depriving them of one of their very few sources of livelihood. Meanwhile, we are also told that the implementation of the ban seems to have little to no visible impact on forest conservation. Because of this, please allow us to share with you some facts about indigenous *kaingin*, as well as some of our own thoughts and heartfelt recommendations.

Is indigenous *kaingin* sustainable?

- 1) The practice of indigenous / traditional *kaingin* (at times also called *uma*) is, by and large, sustainable and crucial for the material and cultural survival of indigenous peoples. In the majority of cases, the indigenous people of Palawan practice *kaingin* (*uma*) in forest areas that have been rotationally used by them over long periods of time. In their *uma* they plant upland rice and other root crops for one year only, and rapidly move to another area for the successive year. This is because they are aware that forest soil is very thin and cannot be overexploited if its fertility is to be reconstituted. Short periods of exploitation followed by a regeneration period from 7 to 25 years allow the vegetation to regenerate and the soil to regain its nutrients.
- 2) Indigenous peoples need fire to burn the vegetation after cutting, but they carefully implement fire control measures to prevent the spreading of fire to unintended areas. The ashes of burned vegetation contribute to fertilize the soil.
- 3) Indigenous people plant rice with dibble sticks and *tagad* (a stick with a pointed metal blade) — farming tools that cause very little disturbance to fragile forest soil.
- 4) Scientific studies on traditional types of *kaingin* made in Palawan and elsewhere in the Philippines show that the forest that regenerates after burning is much richer in species than natural virgin forest.

Is indigenous *kaingin* important?

- 5) Indigenous *kaingin* allows the people to maintain the richness of their traditional crops and to safeguard the genetic diversity of cultivated species. Through their ingenious farming practices, indigenous peoples have contributed to the conservation of over 70 local varieties of upland rice... an amazing wealth of agro-biological diversity!
- 6) Indigenous peoples’ foundation myths and most sacred rituals are centered on rice. If people are forbidden to plant rice on hills and mountain slopes, they will not be able to practice and continue some crucial aspects of their culture. As a consequence, some fundamental elements of their identity will not be transmitted to the next generations and will ultimately disappear. The Pala’wan, Batak and Tagbanua are the first inhabitants of Palawan. If their cultures are

altered, a pivotal page of Filipino history will be lost forever.

- 7) If indigenous communities are not allowed to use their own farming practices to procure most of the energy food (carbohydrates) they need, they will be forced to increase the gathering of commercially valuable non-timber forest products (NTFPs) such as rattan, almaciga and honey. NTFPs are mostly sold to lowland buyers to obtain cash to purchase retail rice and other food commodities during periods of food scarcity. If *kaingin* is curtailed, this may force indigenous peoples to over-exploit the NTFPs they used to harvest in sustainable ways.

Can negative impacts be expected from the ban on indigenous *kaingin*?

- 8) Some forest guards (*bantay gubat*) enforce the ban by explicitly asking indigenous people to cut only very small trees for their *uma* and to cultivate their fields over and over again. This advice is based on poor knowledge of forest ecology. If people cut down only “small trees”, they work on areas that obviously have not had the time to fully regenerate their soil nutrients. This means cultivating on fragile soils that can quickly become infertile. Only *cogun* (*Imperata cylindrica*) will thrive in these areas. The forest will never fully grow back there.
- 9) The Department of Environment and Natural Resources (DENR) often encourages indigenous communities to 'reforest' their upland fields (*uma*) with perennial tree species, effectively taking them off rotational farm use. That forces them to have shorter fallow periods in their remaining land (e.g., 3 years rather than 15 years), with the consequence that the land rapidly becomes useless for both farming and forest re-growth.

Are there legal implications of forbidding Indigenous *kaingin* practices?

- 10) The imposition of a 'Provincial Order against *kaingin*' on the vulnerable indigenous peoples of Palawan violates the major tenets of the Indigenous Peoples Rights Act of 1997 (Republic Act no. 8371) that recognizes, protects and promotes the rights of indigenous cultural communities, including the rights to exercise their systems of governance and management developed over the centuries. This foundational piece of legislation of the State of The Philippines should not be undermined by the implementation of 'lower' laws (provincial bans, municipal ordinances, etc.).
- 11) The ban on indigenous *kaingin* is also likely to violate the human right to food, and the collective right to culture. This is aggravated by the fact that Palawan is a biosphere reserve, where culture-based livelihoods and conservation practices should be upheld rather than undermined. In this sense, indigenous *kaingin* should be thoroughly understood and secured – e.g. by providing indigenous peoples with collective rights and responsibilities and security of governance over their ancestral domains and traditionally conserved territories (ICCAs).

Conclusions and recommendations


For all the reasons noted above, it is clear that **a uniform provincial ban on *kaingin* practices can severely affect the food security of indigenous upland dwellers, jeopardize their cultural integrity and hasten the ecological deterioration of Palawan's upland environment.**

Let us thus recommend and encourage you please:

- **To exempt from your Provincial Order restraining *kaingin* farming practices the indigenous communities that have been carrying out such practices sustainably since time immemorial, as part of their livelihoods and culture and in exercise of their collective rights.**
- **To establish with haste a process of negotiation with upland indigenous communities through their representative local organizations and federations (such as NATRIPAL)—a process that could produce far reaching agreements to ensure protection of watershed and primary forest while recognizing and respecting the rights of indigenous peoples to govern and manage their ancestral domains and conserved territories (ICCAs) and to plant and eat their own crops.**

Honorable Governor, Honorable Vice-Governor of Palawan, we are most grateful for your kind attention to our deeply felt concerns and scientifically and legally backed recommendations (specific literature and references can be sent to you upon request). We strongly believe that Palawan can restrain destructive forest practices—as you are rightly trying to do-- while sustaining the livelihoods and culture of its indigenous peoples. With an appropriate **process of negotiation** and your **enlightened leadership**, there are excellent chances to agree on rules that will achieve both. We respectfully urge you to take this path.

With renewed sincere thanks, we send our warmest wishes and look forward to hearing from you.



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