CONTESTING MINING AND INDIGENOUS IDENTITY DISCOURSES: THE IFUGAO WOMEN OF DIDIPIO, KASIBU, NUEVA VIZCAYA

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Thesis
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Mel

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ABSTRACT

This research, based on a field research to Didipio, Kasibu, Nueva Vizcaya in the Philippines conducted in 2007, focuses on impact of the discourses on transnational mining and indigenous identity on the Ifugao women of Didipio. An inclusive picture of the situation of the Ifugao women is done by an ascending analysis from the local and specific location of the women. Mohanty (2003) refers to this as a transnational anticapitalist feminist critique. The main objective of this study is to make the Ifugao women visible in the discourses on indigenous peoples and mining, which the twin discourses have rendered invisible.

This research argues that the discourses on transnational mining and indigeneity, *first*, conflate the multiple identities of the Ifugao women by insisting on the fictive homogeneity of indigenous identity; s*econdly*, render the Ifugao women invisible by the denial of the connection that is created between actors in a particular mining relationship; and *thirdly*, erase the value of the Ifugao women's labour in the process of shifting from subsistence agricultural economy, where women are active participants, to a capitalist mining industry that generally excludes women because of the lack of skills necessary and required to participate in such an industry. Likewise, the situation of the Ifugao women of Didipio leads us to think about the contingency and multiplicity of identities. Their case affirms the notion that identities have epistemic validity and that they are subject to multiple determinants that will have to be verified in the course of one's life. In the Ifugao women's case, an identity that is exogenously valued, such as indigenous identity, may not be necessarily substantiated by their local and specific realities. Finally, the narrative of Ifugao women's resistance, on the face of the persistent threat of transnational mining, re-centers what has been up to now known tangentially as the periphery. Through the study of the Ifugao women's resistance, power in all its manifold forms is exposed for its fragility.

KEY WORDS: MINING/ INDIGENOUS WOMEN/ INDIGENOUS IDENTITY/ PHILIPPINES/ FEMINISM

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CHAPTER 1

LOCATING THE SITES OF CONTESTATION

For most of the women who I interviewed, it was their first time to talk to an outsider about their opinions and thoughts about mining and the mining company. The interviews were peppered with *'ay, to-an'* as initial responses. *To-an* is an Ifugao word that loosely translates to 'I don't know', but it couldn't be farther from the truth. Probe some more and it became clearer that it is really not an *'ay to-an'* situation. The interviewees would say it while they tried to figure out a badly phrased question but I also heard it said with disgust when they talk about the mining company's activities in the community. Said with enough vehemence, a seemingly innocuous word can be used to blaspheme the situation that befall them.

Before the start of my field research, while I was explaining to my contacts in Didipio, most of them males, what I wanted to do for my thesis, which is to examine the relationship between the Ifugao women and the transnational mining company, they could not understand why. One of them said, "What's the point? All the things that the men are doing are what the women likewise do."[1]

Tension was rife when I arrived in Didipio for my field research, with the residents bifurcated further as a result of their position on the mining issue. Contrary to what I was expecting as the mining operations progressed, there were more people and houses, not less. Didipio has become a busy hive of activity, with huge company equipment and trucks passing by at regular intervals. The road was a bit better than when I last visited the village in February 2004. I was first introduced to the Didipio community in the course of my work with Legal Rights and Natural Resources Center (LRCKsK), a policy and legal research and advocacy institution based in the Philippines. The organization provides, among others, direct legal service to Didipio Earth-savers' Multi-purpose Association, Incorporated (DESAMA), the people's organization that is at the forefront of the campaign against large-scale foreign mining

[1] As recorded on my field notes dated 9 July 2007.

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in Didipio. For six years, I was one of DESAMA's legal representatives and as such, I worked closely with the group in terms of identifying and implementing legal strategies to respond to the challenges posed by the presence of transnational mining in Didipio. When I came back, this time around, I was clothed in another personality, that of a student researcher. This shift in persona was something that both the community members and I had to manage in the duration of my field visit.

Locating the Research Site

The name *Didipio* is a Bugkalot[2] word that means 'the point where the many hills meet'. Didipio was found to be a new and accommodating home for the Ifugaos who resettled in the area in waves starting in the early 1960s to look for fertile lands suitable for agriculture and "in response to the government's offer to open up frontier (homestead) areas for resettlement" (Rovillos, Ramo & Corpuz 2003, 13). The resettlement is emphasized to differentiate the Ifugaos, although members of a minority group themselves, from the Bugkalots, the tribe widely recognized to have first populated the area. As stories have it, the first wave of migration to Didipio brought seven Ifugao families who came mainly from Hungduan, a small municipality in the mountains of the Ifugao province. According to one of the barangay councilmen, he came to Didipio with his brother after one of his visits home. He said that after walking for three days along the mountain ranges from the Ifugao province, they arrived in Didipio where he saw the Bugkalots running wild and naked over the area that then served as their hunting grounds (P Duyapat 2007, pers. comm.., 9 July). While he was telling the story, I got the impression that Didipio then was the quintessential new frontier.

The new 'frontier' did not remain unrecognized and autonomous for long. What started as a *sitio* (small village) in 1962, Didipio, which is 200 kilometers Northeast of Manila, formally became part of the municipal administrative system in 1971 when it became one of the 30 barangays of the municipality of Kasibu in the province of Nueva Vizcaya. Didipio, which has an approximate land area of 8,500

[2] The *Bugkalots* are members of an indigenous group that can be found along the headwaters of the Cagayan river and they are known to occupy widely-scattered communities in the provinces of Nueva Ecija, Nueva Vizcaya, Quirino and Aurora.

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hectares, is now further divided into 7 smaller villages or *sitios*, namely, Verona, Waterfalls, Bacbacan, Surong, Camgat, Centro and Dinaoyan. Based on the most recent census available (2000), the village has a total population of 1,354, in approximately 245 households (*National Statistics Office* 2000).

In the village, the community clinic, the public elementary school and the privately run high school are all located in the Centro (considered the village's center of activity). Sitio Waterfalls, which is the last sitio before entering Quirino Province, west of Didipio, is approximately 4 kilometers from the center of the village while Dinaoyan, which borders the next town to the east, is about 1.5 kilometers away from Centro. There is an ongoing road widening and improvement being undertaken by the mining company that traverses the whole village but except for jeepneys and vans that transport agricultural crops and passengers to the cities and the mining company's SUVs and trucks, there are no other public vehicles plying the village route. Only a few houses along the barangay road in Centro and Dinaoyan have provisions for electricity. The sketch map of Didipio is appended as Figure 1.

Upon arriving in Didipio in the 1960s, the re-settlers started clearing lands by *kaingin*[3] in order to prepare the fields for farming, using the old logging roads earlier carved out by the Luzon Loggers, Incorporated (Rovillos, Ramo & Corpuz 2003, 14). They established irrigation canals and practiced *muyong*, an Ifugao indigenous practice of forest communal or clan ownership (Rovillos, Ramo & Corpuz 2003, 14). The land has been traditionally used for rice farming, citrus planting, kaingin, small-scale mining, and banana and ginger planting. Currently, the village residents' main sources of livelihood are citrus planting, rice farming, planting of ginger, kaingin, maintenance of small stores where they sell goods and food/snacks, gold panning, planting banana, beans and other vegetables for selling and clearing out fields for farming. They have been known to practice *batarisan or bayanihan*, where neighbors and relatives voluntarily offer their services to others to help build houses, plant, harvest or construct irrigation canals.

Barangay Didipio is the site of the Didipio Gold-Copper Project that is one of the only two mining projects covered by a financial and technical assistance

[3] *Kaingin* is the practice of clearing a forest by cutting and burning the trees for the purpose of planting and raising crops.

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agreement (FTAA) entered into by the Philippine government with a transnational mining corporation. It is only through this agreement that a fully foreign owned corporation can legally conduct mining business in the Philippines. The other kinds of mining tenure, like the mineral production sharing agreement, mandate that foreign partners/corporations should only have a maximum holding of 40% equity (*see* section 2, article XII of the Philippine Constitution). This fact is clearly significant in my research because through this arrangement, the residents of the area where the FTAA holder conducts its mining business come into close contact with transnational mining. On this basis, I initially decided to limit the choice of the research site to the two areas that are covered by the FTAA – the Tampakan area in South Cotabato and Didipio in Nueva Vizcaya. However, given the inaccessibility of the Tampakan area because the company has started the mining operations and the residents have already been displaced from their community, I decided that Barangay Didipio would be a more feasible research site because although most of the inhabited area is included within the FTAA coverage, the company is still in the exploration stage and the residents have not been relocated yet.

Furthermore, the fact that the majority of the re-settlers in the village are migrant Ifugaos from the Ifugao and Mountain provinces is equally, if not more, significant to my research because it challenges and complicates the contemporary national indigenous identity framework that places currency on homogeneity, time immemorial possession of lands and territory and historical differentiation from the majority of the Filipinos. The Ifugaos in the village have long left behind their ancestral grounds and it is only through their self-identification and representation that they are ethnically known and recognized as belonging to the Ifugao tribe. By identifying themselves as belonging to a minority or ethnic population and by being located at the site of the transnational mining operations, the Ifugaos of Didipio stake their claim not only on their land but also in the continuing discourses on indigenous identity and transnational mining.

Locating the Sites of Contestation

The impacts of extractive industries, including mining, on indigenous peoples, however, are already well documented and most of them deal with how the

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indigenous peoples, because most of the mineral resources in the Philippines are located within the ancestral domains of the indigenous peoples, consequently become vulnerable to the threat to their livelihood, health and human rights (see, e.g., Caruso et al 2003; Christian Aid & PIPLinks 2004; Doyle et al 2007). What catches my attention is that in all of these documents, almost nothing is said about the indigenous women in the mining communities that were studied. Likewise, the discourse on indigenous peoples in the Philippines, especially on the issues of indigenous identity, land rights and self-determination, have not dealt with the situation of the indigenous women at length, if at all (*see*, e.g., Gatmaytan 1992; Leonen 1998; Molintas 2004). Even in the government records that were initially surveyed, there is no information on indigenous women, not even any sex-segregated data or basic information about their condition and status. It seems as if they do not exist.

The 'invisibility' of the indigenous women in the discourse on mining may be explained by what Emberson-Bain describes as the mistaken perception that mining is a 'male industry'. She explains, "the male-centric definition of mining is misleading and fails to account for the central role that women have played in mining development as well as the numerous ways in which their economic and social status have been detrimentally affected by it" (1994, 47). The invisibility of the indigenous women in the discourse on indigenous peoples, on the other hand, may be explained by the fiction of homogeneity that rules the contemporary discussions on indigeneity, land rights and self-determination.

In undertaking this research, I hope to shift the view and make the indigenous women, particularly the Ifugao women of Didipio, visible in the twin discourses on transnational mining and indigeneity. Implicit here is the question of *why* there is almost no narrative on indigenous women in these discourses. Four questions guide the direction of this research. *First*, what composes the relationship between the Ifugao women in Didipio and the transnational mining corporation? *Second*, what are the prevailing legal and discursive formations that govern this relationship and how do these formations situate the location of the Ifugao women? *Third*, how does this relationship (re)produce the identity of the Ifugao women? *Fourth*, how do the Ifugao women negotiate their context?

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Analytical Framework

I situate this research in the critical framework that entails an ascending analysis from the local and specific location of the women. It is what Mohanty (2003) refers to as **transnational anticapitalist feminist critique** that draws on the notion of epistemic privilege. She proposes a methodology that begins from and is anchored in the place of the most marginalized communities of women that, if she is right, should provide the most inclusive viewing of systemic power. She persuades (2003, 231),

> [I]f we begin our analysis from, and limit it to, the space of privileged communities, our visions of justice are more likely to be exclusionary because privilege nurtures blindness to those without the same privileges. ***Beginning from the lives and interests of marginalized communities of women, I am able to access and make the workings of power visible – to read up the ladder of privilege***. It is more necessary to look upward – colonized peoples must know themselves and the colonizer. ***This particular marginalized location makes the politics of knowledge and the power investments that go with it visible so that we can then engage in work to transform the use and abuse of power.*** (Emphasis added)

This methodological standpoint necessitates shifting the gaze from the search for where the women are, and instead ask, which women we are talking about when we discuss the gendered nature and impacts of the discourses on globalization. With this shift of perspective, I hope to be able to bring the women's agency back in to the picture and to consider how multiple identities and subjectivities are (re)constructed and (re)inscribed into an otherwise amorphous and abstract discussion about globalization processes and discourses. By agency, I refer to the ability of the women to speak to and from their own experience, understanding and actions.

Conducting Research in Didipio

Documentary Research

The documentary research was aimed to provide me with the information to understand the realm of globalization and mining in the Philippines, generally, and in Didipio, specifically and it was divided into two phases. The first phase corresponded to the legal and policy research and it was devoted to collecting data from pertinent Philippine mining policies currently being implemented – mainly, the Republic Act

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No. 7942 or the Philippine Mining Act of 1995, Executive Order Nos. 270 and 270-A or the Mining Revitalization Agenda and the agreements executed between the Philippine government and Oceana Gold (Philippines) Incorporated (OGPI) – and Republic Act No. 8371 or the Indigenous Peoples' Rights Act, as amended. This initial documentary research enables me to compose a cohesive picture of a legal landscape that produces and maintains the location of the Ifugao women through the lack of recognition and access to mechanisms instituted through these laws.

The second phase of the documentary research was conducted by going through newspaper clippings (a) from *Today* and *Philippine Daily Inquirer*, for the period of January to December 2002; (b) from *Today, Midland Courier, Sun Star* and *Philippine Daily Inquirer*, for the period of 2003 to 2004; and (c) from *Philippine Star, Baguio Midland Courier* and *Sun Star* for 2005. The press clippings that were studied are part of the media collection of LRCKsK Luzon Regional Office. The *Philippine Daily Inquirer* and *Philippine Star* are daily newspapers of national circulation. *Today* was also a daily newspaper of national circulation but it ceased publication in 2005. The *SunStar Baguio* and *Baguio Midland Courier* are regional newspapers based in Baguio City and covers Northern Luzon and the Cordillera regions. All the newspapers referred to here are published in English. The purpose of reviewing the media clippings was to allow me to form a picture of the contemporary representation of Ifugao women in mining and the mainstream discourse of indigenous identity that supplements the analysis of the discursive formation that produce and maintain the location of the Ifugao women.

Field-based Research

I conducted a field-based research because the paucity and near-absence of data on the Ifugao women of Didipio made it impossible to rely on secondary or documentary materials to describe their context. The only way to collect the data on their local and context-specific experience was to live in the area for a specific period in order to document how they go about in their daily lives with the mining operations looming over them and to spend time with them in order to conduct in-depth interviews with the key informants to discover the composition of the relationship between the Ifugao women and the mining company. Finally, the remoteness of the

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area was also a factor in deciding to conduct the research in the field during a contiguous period.

During the three-week field research period, I concentrated on gathering empirical data on the history of mining in the area, the context in which the Ifugao women live, the effects of the presence of the mining company as felt or perceived by the informants, the kind of relationship that the Ifugao women have with the mining company, and the women's relationship with other members of the Didipio community, among others. I conducted in-depth interviews with 25 key informants from all seven sitios. The interview guide is attached as Appendix 1. I also conducted one workshop with 10 participants from Sitios Camgat and Surong in order to collect information on the women's roles in the family and the community, and their portrayal of their community through the use of symbols and drawings. The workshop design is attached as Appendix 2.

During the interviews conducted, majority of the informants responded in Ifugao and the interviews were transcribed as translated from Ifugao to Filipino. At this stage, it should be noted that not all of the responses were translated verbatim from Ifugao to Filipino. The fact that there was a third person relaying the responses to me had to be taken into account in considering the veracity of the data sourced from the interviews. Further, my identification as a (former) lawyer for DESAMA because of my previous employment with LRCKsK, a staunch DESAMA ally, acted as deterrent in my access to "pro-mining" Ifugao women. Even though I left my previous employment more than a year ago, memories last long and most of them could not (or would not) see me in my current capacity as a student/researcher. Hence, most of my informants are those who are locally known as "anti-mining" women.

In addition to the interviews and the workshop/discussion, I also documented my observations as regards the relationship of the Ifugao women with other members of the community, especially the male officers and members of DESAMA. During this time, I was able to sit in and observe a meeting between the DESAMA officers and representatives from Task Force Detainees of the Philippines (TFDP). Finally, informal conversations and observations were documented in my field notes and they

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supplemented the collated material to help me understand and articulate the context in which transnational mining and the Ifugao women co-exist.

Given the limited time, I assumed that indigeneity would be a feasible variable to test and I sought to interview informants who are not Ifugao. I was able to conduct in-depth interviews with two Kalanguyas and one Igorot. In establishing their indigeneity, I relied on the informants' self-identification and representation and not so much on the external factors that define indigenous identity. However, given a very limited number of non-Ifugao informants, I found the information insufficient to arrive at definitive conclusions.

Lastly, in the narrative that follows, both real names and pseudonyms are used depending on whether disclosing the real identities of the informants would put them in a vulnerable position where they may be singled out for being candid in their views. Identities of people with whom I talked casually while in the field will not be revealed for reason of maintaining privacy.

Outline of the Thesis

The presence of transnational mining in Didipio has brought to the fore issues about the colonizing and homogenizing tendencies of the discourses on mining and indigenous identity when considered with the situation of the Ifugao women in mind. Using the shift in perspective as guide, in the succeeding chapters, I will analyze the local and specific experience of the Ifugao women as they confront, engage and contest the contemporary discourses on transnational mining and indigeneity.

This research is divided into five chapters. In Chapter 2, I will explain the policy contexts of the mining regime and the indigenous peoples' framework that legally and discursively govern the location of the Ifugao women of Didipio, as these two laws symbolically intersect in Didipio and with the particular history of the Ifugao women. In this chapter, I will frame the neoliberal foundation of the Philippine mining regime with the ongoing globalization process. I will also deal at length with the transnational debates on indigenous identity, which were introduced and institutionalized domestically through the Indigenous Peoples' Rights Act.

In the third chapter, I will examine how the contemporary indigeneity discourse impacts on the Ifugao women. It will be contended that the state discourse

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on indigeneity conflates the Ifugao women's identities and subjectivities by insisting on a homogenous indigenous identity, thereby rendering invisible the women's local and specific experiences. In the fourth chapter, I will deal at length with how the discourse on transnational mining has rendered the Ifugao women invisible by denying the connection that is created between the women and the mining company and how the discourse erases the contribution of the Ifugao women's labor as a result of the shift from subsistence agriculture economy to a capitalist mining industry. I will also contend that the discourse on mining conceals the response of the Ifugao women to the persistent threat brought about by the continued presence of the mine.

The concluding chapter will synthesize the major themes that emerged in the course of this research. In talking about identity, the case of the Ifugao women leads us to think about the contingency and multiplicity of identities. Their case affirms the notion that identities have epistemic validity and that they are subject to multiple determinants that will have to be verified in the course of one's life. The Ifugao women have to negotiate their individual identity with their collective identity as Ifugaos. In addition to that, they also have to manage their identity as they position themselves in the mining issue. In the Ifugao women's case, an identity that is exogenously valued, such as indigenous identity, may not necessarily be substantiated by their local and specific realities. Further, the narrative of the Ifugao women's resistance re-centers what has been up to now only known tangentially as the periphery. The Ifugao women, in resisting transnational mining, demystify the seemingly monolithic power of capital and take it upon themselves to be, not the targets of power, but the vehicles of its new articulation.

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CHAPTER 2
HISTORY OF MINING AND THE POLICY CONTEXT OF THE INDIGENOUS PEOPLES' RIGHTS ACT

In this chapter, the history and the policy context of both the Mining Act and the Indigenous Peoples' Rights Act (IPRA) are mapped out. It is necessary to understand the histories of both laws and how they intersect with the particular history of the Didipio community in order to understand the junctures that then govern the situs and location of the Ifugao women of Didipio. The first part of this chapter frames the context in which mining liberalization occurs in the globalization process, the expanded role of transnational corporations and the complicit role of the state in institutionalizing regulatory mechanisms in order to carry out the intended agenda of liberalization. The second part traces the neoliberal foundations of the 1995 Mining Act. The third section deals with the state discourse on indigenous peoples. The domestic articulation of indigenous peoples rights is contextualized by the long history of debates on indigenous identity. In this chapter, particular attention is given to how these two articulations of the Mining Act and IPRA symbolically intersect in Didipio. The last part is a description of the corporate entity of the transnational mining corporation that brought about this present conflict.

Globalization, Transnational Corporations and the Nation-state

Transnational corporations are defined, under paragraph 1 of the UN Norms on the Responsibilities of Transnational Corporations and other Business Enterprises with regard to Human Rights (hereinafter Norms), as that referring to an economic entity operating in more than one country or a cluster of economic entities operating in two or more countries – whatever their legal form, whether in their home country or country of activity, and whether taken individually or collectively. Although other definitions are available and although there is still discussion as to the difference between transnational/multinational corporations and corporations versus enterprise

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(Kamminga and Zia-Zarifi 2000), I prefer to use the term and definition provided by the Norms because they are sufficiently comprehensive to set the context. After all, what is more important here is that there is discernible consensus as regards the role and participation of transnational corporations as one of the main actors in, and agents of, the globalization process (Ratner 2001; Kinley and Tadaki 2004; Marchand and Runyan 2000). The entry and growth of transnational corporations as part of the globalization process are one of the oft-cited causes of the (perceived) diminution of the power of states (Ratner 2001, 462) and accordingly, the undermining of sovereignty is generally seen as an important facet of globalization (Marchand and Runyan 2000, 5; Bergeron 2001, 986).

In this debate on the standing of states in the globalization process, one side focuses on the largely diminished power of states over territories and capital. The *globalists*, as Held and McGrew have labeled them, point to the **'hallowing-out'** of the nation-states (Afshar and Barrientos 1999, 8; Moghadam 2005), given the emergence of both governmental and non-governmental transnational networks (Held & McGrew 2002, 16-17), and the growth of non-state actors that vie with the nation-states in terms of size, scope and consequently, the power that they wield over a specific territory. It is generally claimed that, "the increased velocity of the circulation of money, images, goods, and people has made national borders more porous and states' control of territories increasingly tenuous" (Gupta & Sharma 2006, 279; Kellner 1997). One strand of the globalist argument, however, is not in full agreement with the hallowing-out theory and instead concedes only the **dilution** of the states' sovereignty, in that, "globalization theory does not assert that the state is disappearing or that it is absolutely powerless, but rather that its pre-eminence is becoming problematic and that some of its powers are detaching from and locating in other political units" (Waters 2001, 221).

Contrary to the hallowing-out or dilution theories, some scholars argue that globalization actually forms new claims on the state and therefore demands its continued existence and primacy. One of the proponents of this argument is Saskia Sassen who asserts that, "these new claims on national states [guarantee] the domestic and global rights of capital" (Sassen 1998, 27). She argues that, "the new geography of centrality had to be produced, both in terms of the practices of corporate actors and

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in terms of the work of the state in producing new legal regimes" to facilitate the functioning of transnational corporations and other global economic actors. She continues her argument by saying that "two distinct issues are involved – first is the ascendance of the new legal regime that negotiates between national sovereignty and transnational practices of corporate economic actors, and the second issue concerns the particular content of this new regime, which strengthens the advantages of certain types of economic actors and weakens those of others" (Sassen 1998, 27). Sassen (1999) asserts that, given that the global economy materializes in national territories, mechanisms are being instituted within domestic (primarily legal) structures that are deemed necessary to accommodate the rights of global capital.

The debate is far from being resolved and the extent of the undermining of the sovereignty of the state, if indeed it has occurred, remains undetermined. However, I found it necessary to include a brief discussion of this here not only for expository purposes but also to frame and provide the context in which my research occurs. The globalization process situates the national agenda to liberalize the mining industry, which then enables transnational corporations to be present in specific areas and territories. In analyzing the legal framework of mining in the Philippines, the context of negotiation and reconfiguration of the power of the government in the process of globalization serves as an important background.

In conducting my research, it appears that insofar as the policy context is concerned, I found that the transformation of the mineral industry is largely influenced and imposed by a transnational movement to liberalize national economies and implement the structural adjustment programs. But although the globalization process may have initially been exogenous, the state, as such, remains as a salient actor because of the need for it to institutionalize regulatory mechanisms that will continually give space, in the purview of my research, for transnational mining corporations to carry out their intended mining activities in the country. Although the Philippine government may be implementing these regulatory mechanisms as part of a wider neoliberal agenda, the agency of the state in how it carries out these legal fissures and adjustments should not be negated or written off. Rather than being turned into a mechanized institution without any will of its own, the "logic of global capital reserves some power for the nation-state" (Bergeron 2001, 984) to work in

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tandem with other actors in and agents of globalization, the international financial institutions and transnational corporations, among others, and thus, the state remains complicit in perpetuating the globalization process and in choosing whether or not to close out avenues for localized contestation.

Mining and Neoliberal Agenda

In the Philippines, large-scale mining operations have historically been a good source of revenue for the national government. As early as 1908, the Benguet Consolidated Mining Company had started conducting mining operations in the Cordilleras and since then, "it had been steadily preparing the foundations for future growth [of the mining industry]" (Fry 1983, 175). With regard to Didipio, the earliest available accounts narrated how in 1974, an Igorot by the name of Santos Gillaw discovered the presence of gold and copper in Didipio and taught the residents how to pan for gold (*DSAC Fact Sheet*, n.d., 2). The succeeding years were known as the 'gold rush' in Didipio when different groups from nearby provinces arrived in the village to join in gold panning and small-scale mining activities were then introduced (*DSAC Fact Sheet*, n.d., 2). According to accounts, the influx of migrants and small-scale miners continued until the 1980s when the residents suffered through a time lawless and chaotic enough, with robberies and thefts occurring, to drive several families away to resettle in the neighboring province of Quirino (M Ansibey and C Ananayo 2007, pers comm, 29 July). At this point, it should be noted that Didipio was far from the "simple, idyllic and peaceful community" that was threatened by the arrival of the mining giant (Rovillos, Ramo & Corpuz 2003, 15) as usually portrayed, and similarly it was far from a mining-free subsistence economy that mainstream accounts would want us to believe. The fact is the idyllic agricultural subsistence setting has always intersected with mining activities since the village first became inhabited through gold panning and small-scale mining. While walking around Didipio, I would often stumble upon old decommissioned mining tunnels.

With the talk of gold and copper reaching beyond the village, it naturally attracted the attention of the big mining companies so that, in 1977, Philex Mines claimed Didipio for a gold and copper project (*DSAC Fact Sheet*, n.d., 2). But it was not until 1989 when Cyprus Mines Corporation arrived to conduct an initial

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exploration and geological survey in Didipio and other adjacent barangays to determine the feasibility of undertaking mining activities in the area (*DSAC Fact Sheet*, n.d., 2). The exploration resulted in the discovery of gold and copper in Didipio and eventually, Climax Arimco Mining Corporation was the first company to be awarded a Financial and Technical Assistance Agreement (FTAA) by the government of then-president Fidel Ramos, on 20 June 1994. There occurred an important shift from small scale mining activities that local residents were engaged in, to a larger scale mining operations that excluded and expressly prohibited the participation of unskilled locals in the burgeoning transnational mining industry.

The FTAA covers a total approximate area of 21,465 hectares, after relinquishment, in the provinces of Nueva Vizcaya and Quirino (*Arimco FTAA* 1994, 12), which includes raw and cultivated private agricultural lands located within Didipio. Arimco Mining Corporation was then owned and controlled by Climax Mining Limited, a publicly listed Australian mining company (*Arimco FTAA* 1994, 2). The mineral resources in the area are copper, gold and silver and based on the most recent investments' profile issued by the Mines and Geosciences Bureau (an attached agency of the Department of Environment and Natural Resources), the potential investment for this project is US$63 million, which translates to about US$245 million in revenues during its potential mine life of 15 years (*MGB* 2005). Out of this projected revenue, the Philippine government stands to earn US$4.9 million in annual excise taxes during the six-year period from 2004-2010.

In the midst of these occurrences at the local site, a massive project to reformulate the national mining policy was taking place. A mining 'slump' in the 1980s is believed to have been characterized by a variety of factors, namely, drop in export earnings, closure of mines, decrease in investments for exploration and operations and decrease in the contribution to gross domestic product (Ballesteros 1997, 17-18). Mining, however, gained a new lease with the enactment of Republic Act 7942 (hereinafter Mining Act) in 1995. Accordingly, it "sought to arrest the slump of the mining industry by providing a framework by which investments in mineral exploration must operate…" (Ballesteros 1997, 21).

The Climax Arimco FTAA was issued under the broad aegis of the 1987 Philippine Constitution, predating the 1995 Mining Act by a year, and because of the

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lack of a clear framework, certain provisions that are now required under the Mining Act were left out of the contract. For instance, under the Mining Act, companies are required to obtain prior consent from the indigenous cultural community concerned before opening up ancestral lands for mining operations (section 16, Rep. Act 7942). In the FTAA, there is only the motherhood statement in 13.3 (m), which states that the contractor shall recognize and respect the rights, customs and traditions of indigenous tribal communities over their ancestral lands. Another example is the requirement that there should be a stipulation that the Contractor shall not discriminate on the basis of gender and that the Contractor shall respect the rights of women workers to participate in policy and decision-making processes affecting their rights and benefits (section 56(k) of DENR Administrative Order No. 40 (1996), as amended), which does not appear in the FTAA. This situation resulted in a peculiar arrangement wherein a company-specific mining regime, because of the need to gain some legitimacy, heavily influenced the national mining framework instead of the latter actually shaping and dictating a particular mining regime.

Still, at the transnational level, the intense lobbying of the World Bank and the Asian Development Bank (ADB) to liberalize the mining industry was occurring. The liberalization agenda was said to be part of a wider structural adjustment program. According to CASA (n.d., 2), "the structural adjustment program followed three phases: Phase 1, which covered the period of 1980 to 1983, emphasized trade liberalization; Phase 2, from 1983 to 1992, focused on stabilization and debt repayment; and Phase 3, from 1992 to the present, was characterized by the push for 'all-sided free market transformation marked by rapid deregulation, privatization and trade and investment liberalization'." Mining is seen as a lucrative venture that can be maximized and leveraged not only to meet looming international debts, the majority of which were incurred during the Marcos regime, but also to deregulate and open up the previously closed industry.

Operating on the neoliberal agenda, the ADB naturally found the Constitutional provision[4] that restricted the extent of foreign investments in mining

[4] The Constitutional provision (Section 2, Article XII) reads, in part:

"All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of

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projects to no more than 40% of the total project investment (Holden & Jacobson 2006, 189) inconsistent with the plan to attract foreign investments; therefore, the FTAA regime was conceptualized and institutionalized. Through the FTAA, the mining contractors would be able to circumvent the foreign equity restriction by allowing fully foreign owned mining corporations to undertake mining operations in the country. With the combined efforts of the World Bank, the ADB and the mining corporations, both local and transnational, to liberalize the mining industry, the resulting Mining Act "turned out to be a package of incentives for foreign firms investing at least US$ 50 million" (CASA, n.d., 5) and is commonly viewed as a landmark piece of legislation because it accorded benefits and privileges to both national and transnational mining corporations, the breadth of which was never before seen elsewhere in the world (Christian Aid & PIPLinks 2004, 8; CASA, n.d., 5).

Articulating Indigenous Peoples' Rights

Two years after the enactment of the Mining Act, President Ramos signed Republic Act No. 8371 or the Indigenous Peoples' Rights Act of 1997 (IPRA) into law. The state discourse on indigenous peoples has had a long history that moved gradually from *assimilation* during the Spanish colonial period to *integration* during the American administration that lasted until the martial law years under President Marcos to *recognition* under the restored democratic government of President Aquino. Recognition of indigenous peoples, as a state policy, was crystallized with

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potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources, are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. 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 activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions, as may be provided by law.

Xxx

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.

Xxx" (Italics supplied)

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the enactment of IPRA, which President Ramos signed as part of his Social Reform Agenda. The IPRA is said to have been patterned after ILO Convention No. 169 that the Philippine government failed to adopt. The law operationalizes the broad Constitutional mandate for the State to recognize and promote the rights of indigenous cultural communities within the framework of national unity and development (section 22, 1987 Constitution). For the first time, a comprehensive law existed that recognized indigenous identity and the indigenous peoples' rights to land (chapter III), to self-governance and public participation especially with regard to large-scale extractive projects affecting them (chapter IV), to equality and non-discrimination (chapter V), and to cultural integrity (chapter VI), among others.

Debating Indigenous Identity

The long history of debate on indigenous identity contextualizes this domestic legal development on the articulation of indigenous peoples' rights because the current transnational debates on indigeneity have a critical role in forming the structures that serve to 'invisibilize' some members or sectors, particularly indigenous women, within the purportedly homogeneous entity of indigenous peoples. Unfortunately, the reference that I am using here to discuss the debates on indigeneity mainly relies on the development of the discourse on Native (Indian) identity because of the paucity of material particular to Asia or Southeast Asia. It may be argued that the discursive content of indigenous identity is different in Asia or Southeast Asia from that in the US or Canada; such argument may not necessarily be incorrect or unfounded. A lone dissenting voice has actually argued that, unlike what happened in North America where indigenous tribes were threatened with the invasion of colonizers of different races, in the Philippines the threat to indigenous groups was more internal and domestic brought about by the conflict between aboriginals and non-aboriginals to the area (Gatmaytan 1992, 10). Gatmaytan continues, with regard to the term 'indigenous peoples',

> While this seems to be the favored term in use particularly among advocacy groups at the international level, the domestic or internal nature of the process of colonization in relation to which the Philippine struggle for Indigenous Peoples rights developed somewhat weakens its applicability or suitability to this country. (Gatmaytan 1992, 10)

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This assertion finds support in this research on the Ifugao women because the particular situation of the Ifugao women of Didipio as migrant indigenous individuals proves that the state discourse on indigeneity, with the 'borrowed' definition of indigenous identity, fails to capture the essence of indigeneity and all its nuances.

The discourse on indigenous identity gained purchase in international human rights law during the time when the right to self-determination was being extended as a group right benefiting indigenous peoples, not only minority populations. The emphasis was on the group's *difference* from the majority of the population in a specific territory by virtue of the indigenous people's special cultural and historical ties to the land that they have inhabited and possessed since time immemorial. Membership to this differentiated minority is advantageous considering the *universal* rights accruing by virtue of such association. Bowen (2000, 2) captures the classic argument by stating that, "the most appropriate legal and (more broadly) normative concept to characterize struggles for greater autonomy within nation-states is that certain rights accrue to all, and other rights accrue only to those people who are 'indigenous'." Hence, because the initial effort of defining 'indigenous' occurred in the context of positive (political) rights and entitlements, the first issue is the legal effort, in the field of international human rights law, to define indigeneity as a universal concept. Tsosie (citing Thornberry), in her article, summarizes four interwoven strands in the term 'indigenous' (2005, 66-67). The first strand relates to the association of people with a particular place, whether it is a locality, region, country or state; the second strand represents indigenous as synonymous to prior habitation; the third strand designates original habitation or first occupancy of a specific place or territory; and the fourth accounts for cultural differentiation or distinction from the majority population. Interestingly enough, these four strands are all present in the definition of indigenous peoples in the IPRA.

Critiquing the direction to which the effort to define the term 'indigenous' is heading, Tsosie argues that even though each of the strands is apparently incomplete to assert the full range of rights claimed by indigenous peoples because of the legal framework within which the term is contested, "it becomes incumbent upon the indigenous peoples themselves to articulate those rights within the framework provided, which is itself limited by the categories and hierarchies that sustain

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privilege" (2005, 67). As such, indigenous individuals are portrayed as part of a homogenous whole, which represents a singular way of life, culture, identity and aspiration. By asserting one's membership in an indigenous group or community, an indigenous individual differentiates himself or herself from the majority of the population of a specific territory because it is only under this differentiated condition that a person can take part in indigenous communality.

As already mentioned, the effort to create a homogenous legal entity such as 'indigenous peoples' is intricately linked with the concept of self-determination. This right is especially important for indigenous peoples because as MacKay (2002, 21) asserts, this right is "viewed as the mechanism by which indigenous peoples can enjoy all other human rights and ensure their cultural integrity and survival, and can be broadly defined as the right to fully determine the nature and extent of their relationship with the state and other peoples and the right to control their internal affairs." The United Nations Declaration on the Rights of Indigenous Peoples (2007) defines it as that which allows indigenous peoples to freely determine their political status and freely pursue their economic, social and cultural development (Article 3). Working with this definition, it then becomes unnecessary for one group to prove that it has a right to self-determination because identification as 'indigenous' is enough for the right to inhere. Hence, the main point of contention really is the establishment of an indigenous identity for a group to enjoy all rights accruing to such membership.

This becomes the next controversy – the biological make-up as indicator of indigenous identity. The issue besieging native Indians in the US and Canada relates to the use of DNA-testing and the blood-quantum requirement to establish indigeneity. Briefly, the blood-quantum requirement (generally set at twenty-five percent) was legislated in the United States through the Dawes Act of 1887 for the purpose of "measuring an individual's "blood quantum", and setting standards regulating if and at what point mixed-bloods should be externalized from their nations" (Lawrence 2003, 17). The DNA-testing controversy to establish indigenous identity came to the fore with the effort of a group of scientists to extract DNA from the skeletal remains of what is now known as the 'Kennewick Man' over the objection of five Native Nations from the Pacific Northwest who claimed the human remains as their common ancestor and argued for its immediate interment (Tallbear

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2000; Tsosie 2005). The details of both are not critical to this review but these cases are alluded to because the implications of these efforts to scientifically establish indigenous identity are illuminating. As Tsosie (2005, 88) explains it,

> as Native Nations strive for a more nuanced understanding of their political status as autonomous groups with a right of "self-determination", they continue to face pressure to prove their identity "scientifically," and they continue to encounter widespread assumptions about the "authenticity" of Indian identity as primarily correlated to one's "racial", rather than "cultural" identity.

These controversies are reflective of the debate, not just about whether or not identity can be biologically determined; but, more importantly, it is about the meaning and significance of identity when deployed with the word 'indigenous'. It is different from the mainstream discourse of identity because here, individual identity, which is neither neutral nor passive, is always being negotiated in relation to collective identity, and in relation to the external and majority population of the society (Lawrence 2003, 4). Furthermore, identity is of primary significance to the indigenous peoples who rely chiefly on tribal citizenship in order to claim the rights accruing to such association. Lastly, the result of this debate matters because the indigenous populations are making a claim that they are distinctive and marginalized in (and from) the bigger society and hence, they are entitled to special and equitable considerations.

After several years of employing the homogenous characteristics of indigeneity (and winning struggles over land and political self-determination in the process), critical strands of the discourse on indigenous identity begin to surface. The first one is the critique of the perceived strategic essentialism that the term 'indigenous identity' employs. Several scholars have agreed that rather than an essential (homogenous) characteristic, tribal identity is culturally, socially and politically constructed (Tallbear 2000; Lawrence 2003; Tsosie 2005). For instance, the word "Indian" now evokes a natural category of existence, regardless of the fact that the label "Indian" had been a description provided by the colonizers, external to the community and peoples that the word sought to signify (Lawrence 2003, 4). Another example of the lack of nuance in the use of the term 'tribe' is illustrated by the fact that it refers to both an ethnographically defined group and a legally

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recognized political entity but those two definitions do not always coincide. As Guenther (2006, 3) contends, in the process of reinvention and negotiation, the indigenous definitions of indigeneity are necessarily always 'hybrid constructions' of both tribal and modern and local and worldly.

Nowhere is this (re)construction and negotiation more evident than in the case of the transnational discourse of indigeneity, which represents a pure and essential picture of indigenous identity, but where the narrative of historical and local sites of struggles are removed and made invisible. This transnational discourse of indigeneity also leads to the production of 'representatives' who are no longer involved with the prosaic struggles for land and territory but who are continually encouraged to perform and fit the paradigm of a transnational indigenous subjectivity (Ghosh 2006). At this point, what informs and what is discursively contained in the term 'indigenous identity' may be more apparent than real. In order to escape this mirage of an identity, Lawrence (2003) proposes *decolonization*, which means deconstructing and reshaping how indigenous peoples understand indigenous identity by reclaiming traditions.

The second critical strand calls our attention to the fact that the deployment of the discourse on indigeneity silences and marginalizes some members of the indigenous community, and these are the indigenous or tribal women. In other words, the discourse up to this point remains gender-blind and an emerging body of literature beckons our attention to this long-overlooked area. It is divided into two kinds – one kind focuses on the issues confronting indigenous women and what it means to be doubly discriminated as 'indigenous' and as 'women'. The IWGIA collection (2004) surveys the various issues that indigenous women face while negotiating their economic, political and societal marginality. It deals with land rights issues, violence against women, discrimination on the basis of gender, ethnic discrimination, and poverty, among others. In addition to highlighting the challenges and difficulties faced by indigenous women within and outside their communities and trying to show how they manage their marginality, another kind of literature interrogates the patriarchal basis that characterizes indigenous identity and engages the imbrications of gender and ethnicity.

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The other kind of literature moves away from portraying indigenous women as passive victims on the belief that such grouping of people with different experiences of oppression and privilege results in loss of identity, power, agency and the possibility of expression. Starting with the premise that constructing Otherness in a simplified and homogenizing fashion obscures the diversity within the 'Other', this strand of critical theory sets out to rethink and reclaim the native subjects in political discourse by exploring multiple narratives, consciousness, selves and possibilities that are context and Native specific. It strives to regain or reclaim the agency that the native subject or, in this case, indigenous women have lost by being (re)presented as disempowered and as passive victims. Not to refute the fact of oppression, however, this body of literature seeks to present indigenous peoples as they are: crossing boundaries, having overlapping cultures, with multiple identities, cultures, perspectives and epistemologies (Bacigalupo 2003, 35). It also highlights how native or indigenous women define and recreate themselves at the conjunction of many different realities and how they negotiate conceptual reordering, recreation and change (Tsing 1993; Bacigalupo 2003). In other words, it cautions us to look more closely to ascertain whether what we are seeing are typified representations of oppression or whether such representation masks certain negotiations and recreations of identity and self. In looking at geographies of identity within everyday life, in the context of modernization, neoliberal restructuring, new institutions of formal democracy and vis-à-vis the relation with the state, the goal is to look for alternative spaces of political identity formation (Nelson 2006, 71).

Using this shift in discursive premise as guide, I set out to study the local and specific experience of the Ifugao women as they confront the discursive sites of mining and indigeneity. In this research, I first looked at how these sites impact on the Ifugao women and I found out that both discourses, *first*, conflate the Ifugao women's multiple identities by insisting on a homogenous indigenous identity, *second*, render the Ifugao women invisible by the denial of the connection that is created between actors in a particular mining relationship and *third*, erase the value of women's work in the process of shifting from subsistence farming to a capitalist mining industry that generally excludes women because of the lack of skills necessary to participate in said industry.

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But, taking on the point of regaining or reclaiming agency further, I also examined the two discursive sites of mining and indigeneity from the ground up. In applying this methodological standpoint in my research, through critical reading that dialogically links not only the global to the local but also the local to the global, I found out that *first*, it is only when one takes the local and specific experience of the Ifugao women into account does one appreciate the possibility that there are more relevant and critical identity markers, other than the indigenous identity. In this study, I discovered that, in the particular case of the Ifugao women, rather than indigeneity, one important and salient identity marker is their individual positioning in the mining issue. Secondly, it is only from their localized specificity that one discovers how they respond to the presence and threat of mining in their community, hence, revealing their agency. The Ifugao women, through their resistance, are able to cross the boundaries of their small remote village to link up and connect to a bigger group working against large-scale foreign extractive industries and hence, they are able to stake their claim on the ongoing transnational discourse against development aggression. More importantly, however, the Ifugao women, through their resistance to large-scale mining, claim for themselves the right to speak out and oppose something that they believe threatens not only the peace and unity in their village, but also the sustainability of their livelihood and the viability of future generations.

Locating the Disjuncture between the Mining Act and IPRA

An immediate problem confronting the Didipio community is the intrinsic incompatibility between the national mining regime and the indigenous peoples' rights framework. Although an indigenous community or group can acquire legal title over their ancestral land or domain, the right is only over surface rights. The State retains ownership over sub-surface or mineral resources that it can alienate as it sees fit. As Gatmaytan argues, "if documents of titles, which are the highest evidence of real or land rights in the Philippines, provide no defence against mining operations, persons or communities which do *not* have titles or at least prior mining rights are in an even less secure situation" (1992, 27). Parenthetically, an indigenous community intending to oppose any mining operations in its territory, does so on two fronts – as against large-scale mining *per se* and in defense of its right of ancestral ownership.

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The disjuncture between the two laws is what is confronting the Didipio community. It is salient to discuss this here because this is the site where the current resource struggle in Didipio is located.

In 1999, the Didipio barangay council entered into a Memorandum of Agreement (MOA) with Climax Arimco ostensibly favoring the conduct of mining activities in the village. In reaction to the alleged non-transparency of the MOA process and the lack of consultation with other members of the community, a core group of six people started examining the possible effects of hosting large-scale mining in the village. The examination snowballed into a bigger opposition. The core group, with the help of both local and national non-governmental organizations, the Diocesan Social Action Center (DSAC), a church-based organization based in Bayombong, Nueva Vizcaya, and Legal Rights and Natural Resources Center (LRCKsK), a policy and legal research and advocacy institution based in Manila, started organizing an anti-mining group and it coalesced into Didipio Earth-savers' Multi-purpose Association (DESAMA), a peoples' organization with the primary purpose of protecting the environment and with the underlying purpose of opposing the entry and conduct of large-scale mining activities.

The leaders of DESAMA and their supporters leveraged the fact that most, if not all, of the organization's members are Ifugao when they filed the case with the Philippine Supreme Court questioning the constitutionality and legality of the Mining Act and the FTAA regime, in the case entitled *Didipio Earth-savers' Multi-purpose Association et al vs. Gozun*[5] *et al.* Two of the main issues in the case are (a) whether or not the FTAA arrangement violates paragraph 4, section 2, Article XII of the 1987 Constitution (see footnote 4 for the text of the assailed provision), which allegedly restricts the participation of wholly foreign and foreign-owned corporations in large-scale exploration, development and utilization of minerals, petroleum and other mineral oils and their limited participation should only be through a financial **or** a technical assistance agreement arrangement, and (b) whether or not the state, through the Mining Act and the CAMC FTAA, abdicated its primary responsibility of having full control and supervision over natural resources. The Court, in deciding the

[5] Elisea Gozun was then secretary of the Department of Environment and Natural Resources.

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DESAMA case, relied on its earlier decision in the case of *La Bugal B'laan Tribal Association, Inc., v. Ramos,* filed by a group of B'laans, an indigenous group affected by the mining operations of Western Mining Corporation in Mindanao. Addressing the first of the two issues cited above, the court, applying the rules of statutory construction, ruled that –

> The use of the phrase 'agreements … involving either technical or financial assistance' does not indicate the intent to exclude other modes of assistance … The use of the word "involving" signifies the possibility of the inclusion of other forms of assistance or activities having to do with, otherwise related to or compatible with financial or technical assistance … Thus, we are now led to the conclusion that the use of the word "involving" implies that these agreements with foreign corporations are not limited to mere financial or technical assistance." (*DESAMA et al v. Gozun et al, pp. 31-32).*

Further, in deciding the second issue, the Court ruled that –

> The setup under RA 7942 and DAO 96-40 hardly relegates the State to the role of a "passive regulator" dependent on submitted plans and reports. On the contrary, the government agencies concerned are empowered to approve or disapprove -- hence, to influence, direct and change -- the various work programs and the corresponding minimum expenditure commitments for each of the exploration, development and utilization phases of the mining enterprise. (*DESAMA et al vs. Gozun et al, G.R. No. 157882, March 30, 2006, p. 29*).

Hence, leading the Court to declare that the Mining Act and its implementing rules and regulations, insofar as they relate to financial and technical assistance agreements referred to in paragraph 4, section 2, Article XII of the 1987 Constitution, are **not unconstitutional**.

The Supreme Court's decisions on these two cases acted as a green light for the Philippine government and the mining industry to continue with the propagation of the neoliberal mining agenda, even though a lot of issues remain unsettled like the mining law's patent incompatibility with the IPRA framework. Regardless, the next step in the new mining phase is taken with the issuance of Executive Orders 270 and 270-A, that mandated the revitalization of the mining industry and heralded the shift from mining tolerance to promotion. The policy agenda of this law is the recognition by the government of the critical role of investments in the mineral industry for national development and poverty alleviation (*Mineral Action Plan* 2004, 2). As such, under this scheme, the government promises to provide support mechanisms for a

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sustained mineral exploration program that includes streamlining the procedures of concerned government agencies and instrumentalities relating to the grant of mining tenements, among others.

However, as the mining situation currently stands, there are various reasons why large-scale foreign mining poses a bigger threat to indigenous communities in the Philippines, than any other industry. First, the current Arroyo government is working on the premise that "a well-developed minerals industry is an option that can catalyze economic development and community empowerment" (Mines and Geosciences Bureau 2004, 1). Mineral development, then, is a critical feature of this regime, which at this time has already shown its predilection for ignoring the havoc mining wreaks on the lives of communities hosting these mining activities. We only have to look at what happened in Baguio, Marinduque and Siocon in Zamboanga (Doyle, et al 2007; Christian Aid 2004). Secondly, the Mines and Geosciences Bureau has identified that 30 percent of the land area of the Philippines is potentially a "geologically prospective area for metallic minerals" and so far, only 1.5 percent is covered by mineral permits (Mines and Geosciences Bureau 2004, 3). The report does not differentiate between inhabited and uninhabited areas in making this identification. Lastly, mining needs a lot of capital, which the government and/or local companies do not possess, so it is necessary to make the mining industry attractive to foreign investors (Mines and Geosciences Bureau 2004, 2) by giving generous privileges, like 100 percent ownership of the mining projects, repatriation of all profits, equipment and investment, reduction of excise taxes, longer mining leases (up to fifty years), 5-year tax breaks, and guarantee against expropriation, among others. The government further agrees to facilitate the settlement and negotiation with landowners to pave the way for mining. It does not need any stretch of the imagination to realize the lengths that the Philippine government is willing to go to in order to realize the much-desired national prosperity through mineral development. Obviously, in this revitalization scheme, foreign direct investments, which are to be brought in by transnational corporations lock, stock and barrel, are targeted both by the government and the mining industry. One such transnational corporation is the FTAA grantee over the Didipio Gold-Copper Project.

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The Corporate Entity

The original grantee, Climax Arimco, has long disappeared on paper, if not from the people's consciousness. During the pendency of the Supreme Court case, Climax Arimco assigned the Didipio mining concession to Australasian Philippines Mining Incorporated, a mining corporation domestically incorporated but fully foreign owned. The assignment was commenced in 1996 but it was only in 2004 that the assignment was finalized and approved by the Department of Environment and Natural Resources (DENR). The sleight of hand in terms of the ownership of the Didipio Gold-Copper Project is not yet finished because, currently, the mining concession is being held by Oceana Gold (Philippines) Incorporated. Oceana Gold Limited, a company incorporated in Australia in 2003, acquired its interest in the Didipio Gold-Copper Project through its acquisition of Climax Mining Limited on November 6, 2006, which made Climax a wholly-owned subsidiary of Oceana Gold. OceanaGold Corporation was incorporated under Canadian laws on March 22, 2007 as a holding company with the sole purpose of acquiring all of the issued and outstanding ordinary shares and options of Oceana Gold Limited, and the latter then becomes OceanaGold's wholly-owned subsidiary (OceanaGold Prospectus 2007, 16). OceanaGold's corporate structure is pictorially shown in Figure 2.

From a legal point of view, it is strategic to clearly identify the entity of the company that is engaged in the mining activity in order to appraise its legal standing. For the women I interviewed, however, the legal personality of the company does not seem to matter. During the interviews, they would often use various names to refer to the company or the mining activities, clearly signifying that the company's personality is unimportant and irrelevant. For them, regardless of the name change and regardless of the layers the company puts into place to blur its own identity; it still refers to the same thing, the same threat.

In sum, I have discussed here the policy contexts of the mining regime and the indigenous peoples' framework that legally and discursively govern the location of the Ifugao women of Didipio, as these two laws symbolically intersect in Didipio and with the particular history of the Ifugao women. In this chapter, I have framed the neoliberal foundation of the Philippine mining regime with the ongoing globalization

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process and argued that although globalization may have initially been exogenous, the Philippine government remains a salient actor because of the manner by which it institutionalizes regulatory legal mechanisms in support of the continued presence and operation of transnational corporations in the country. I have also dealt at length with the transnational debates on indigenous identity, which were introduced and institutionalized domestically through the Indigenous Peoples' Rights Act. The next task now is to identify how these discursive contents impact on the Ifugao women by practically rendering them invisible in the discourse on mining and indigeneity.

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CHAPTER 3
THE DISCOURSE ON INDIGENEITY AND THE IFUGAO WOMEN

The history of the indigenous peoples' struggle in the Philippines is well documented (Gatmaytan 1992; Leonen 1998; Molintas 2004) and after a term during which the effort was devoted to defining who are the indigenous peoples, most of the literature that followed focused on the unifying issues of land rights and self-determination. The continuing preoccupation with these issues is certainly understandable because these rights are still by no means secure. However, consistent with the tendency of the discourse on indigeneity that only revolves around a stable identity, land rights and self-determination (Gatmaytan 1992; Macdonald 1995; Gray 1995; Leonen 1998; Anaya 2004; Molintas 2004) to homogenize, the literature has not dealt with the situation of indigenous women in the Philippines at length, if at all. The following section examines how the current policy discourse on indigenous peoples in the Philippines through the Indigenous Peoples' Rights Act (IPRA) treats indigenous women that results in the conflation of their identities and how the discourse at the state level, in turn, impacts on the Ifugao women of Didipio who do not fit squarely within the definition.

In discussing the situation of the Ifugao women, I will revisit the unifying issues of indigenous identity, land rights and self-determination but this time, with particular focus on how they are (or are not) relevant to the Ifugao women. In terms of the analytic parameters, the law may not be a prudent starting point of discussion because laws, by their very nature, have to be general and broad enough for national application but the IPRA, with its ideological underpinnings, exists and not only does it dictate the institutional response towards indigenous peoples but it also shapes contemporary indigenous articulations.

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Conflating Identities

The unification of various indigenous tribes in the Philippines under the banner of 'indigenous peoples' was brought about to assert rights against the state and against corporations seeking to develop the natural resources found on indigenous lands. One proof of the latter is the fact that the only two cases that were filed to challenge the constitutionality of the Mining Act and the FTAA arrangement were brought by the B'laans in South Cotabato in Mindanao and the Ifugaos of Didipio. It may be fortuitous that the locations of the two FTAA sites are on so-called "indigenous lands" but the lawyers of both indigenous groups/petitioners (myself included) were able to maximize the 'indigenous leverage' by invoking the indigeneity of the affected residents. The cases not only emphasized the fact that the impact of large-scale extractive industries in the Philippines (and elsewhere in the world) are more acutely felt by indigenous peoples, but filing the cases on behalf of these two indigenous groups also forced the judiciary and by extension, the executive, which was represented in the cases by government lawyers from the Department of Justice, to confront the disjuncture between and the patent incompatibility of the mining regime and the state discourse on indigeneity.

In asserting their indigeneity, **t**he indigenous groups seek to claim entitlements that have long been denied to them, most especially, the right to land that they have been cultivating for decades but which the state continually refuses to recognize as theirs, and the right to freely determine their political status and freely pursue their economic, social and cultural development, which the indigenous groups now use to try to drive away corporations encroaching on their land or else force the industries to obtain their free, prior and informed consent (*see*, e.g., sections 58 and 59, IPRA and NCIP Administrative Order 3 [2002]) before undertaking any natural resource development on their territories. Although the indigenous groups vary in characteristics, customs and traditions, they rallied under the banner of sameness and homogeneity and emphasized their (homogenized) difference from the majority of the Filipinos. The paradox of homogeneity and difference is nowhere more evident than in the assertion of land ownership and self-determination.

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Fictive Homogeneity

An indigenous individual has to be represented as belonging to a group before s/he can lay claim on a whole bundle of rights under the law. One instance when the homogeneity of the group has to be highlighted and emphasized is during an application for ancestral domain[6] ownership. Since the ownership of the ancestral domain has to be communal in nature, there is no way for an indigenous individual to claim the domain on his/her own name. The application should be filed in the tribe's name and if an individual wants a small corner of that land, then s/he should claim membership to that tribe, which should be homogenous according to the law. By asserting one's membership to a tribe, an indigenous individual consequently differentiates him/herself from the majority of the Filipinos because it is only under this differentiated condition that a person can take part in that communal ownership. Under the national legal framework, no one can be both an indigenous and a non-indigenous person and this is the only difference that is legally and institutionally recognized. The law is blind to differences within the tribe.

This situation perfectly illustrates the paradox of homogenization and differentiation that occurs simultaneously. The members of the tribe are required to be situated similarly enough, if not exactly in an identical state, for them to be recognized as an indigenous group or as belonging to a specific tribe and therefore be qualified to claim for communal ownership of land. The homogenous tribe then has to base this exact same claim for land ownership on the fact that their status differentiates them from the majority of the Filipinos and that their situation has remained unchanged since time immemorial. The emphasis is on the group's homogenized identity and shared history and the concerns of the individual members of the tribe, if there are any, are swept along with the urgent need to prove homogeneity within the tribe and their difference from the wider spectrum of society.

[6] Ancestral domain is defined under section 3(a) of IPRA, in part, as referring to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare.

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The concerns of the indigenous women suffer the same fate.

Determining the Homogenized Self

Another instance that exemplify this paradox is the way indigenous groups frame their struggle for the recognition of the right to self-determination. After making its first appearance in the International Covenant on Civil and Political Rights (ICCPR), the term 'self-determination' has stood for a variety of calls to make the marginal visible. This is especially true for indigenous peoples in the Philippines because it was the foundation on which the IPRA was built and it was "viewed as the mechanism by which indigenous peoples can enjoy all other human rights and ensure their cultural integrity and survival" (MacKay 2002, 21). As the UN Declaration on the Rights of the Indigenous Peoples (2007) defines it, self-determination allows them to freely determine their political status and freely pursue their economic, social and cultural development (Article 3). This makes self-determination the second issue after the fiction of homogeneity that the indigenous groups could all unite and stand for. If homogeneity defines the tribe's relationship within the group, then self-determination represents the terms with which the group defines their relationship with the state and other actors. Given, however, that the struggle for self-determination is highly political, it requires not just members of a particular tribe, but also all the other tribes across the country, to unite under its banner. But in their collective struggle for self-determination, the specific concerns of the members of the group are forgotten or, at the minimum, de-prioritized. As Chandra Roy (2004, 4) argues –

> Apart from a few exceptions, indigenous peoples' struggles for self-determination have in most cases either totally bypassed gender considerations or de-prioritised them with a vague idea of somehow addressing them at some undefined future time. Consequently, the adoption, refinement and implementation of strategies and tactics to eliminate gender discrimination within their society and to combat external threats to the rights of women have constantly been postponed on numerous grounds.

The triangular relationship involving indigenous peoples, self-determination and indigenous women is analogous to the earlier conflict about nationalists (presumably men), nationalist struggles against colonialism and the women's movement during that time. Cynthia Enloe explains that, previously, "women who

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have called for more genuine equality between the sexes – in the movement, in the home – have been told that now is not the time, the nation is too fragile, the enemy is too near" (1989, 62). The leaders of the indigenous peoples movement in the Philippines succeeded in framing the conflict as a choice between the collective good, that presumably represented the political identity of all the indigenous groups in the country and the allegedly divisive indigenous woman's concerns about her rights and positioning in the community, which was considered as not big an issue as political, economic and cultural survival. Self-determination was seen as a more valid and legitimate cause to focus on than the assertion of rights of the indigenous woman.

One striking event comes to mind. During a discussion on women's rights in a conference about indigenous peoples rights[7], a member of an Aeta tribe (an indigenous group from Northern Philippines) stood up, confronted the guest speaker and said in Filipino, "you [referring to the non-indigenous feminist speaker] do not do anything but meddle in our lives! You are teaching our women how to disobey their men! Leave it be!" Implicit here is the recognition that the relationship of men and women in the Aeta tribe may not be ideal by non-indigenous society's standards, but although it is accorded due recognition, there are simply bigger battles to fight.[8] In this particular case of the Aeta tribe, the rights of the Aeta woman are sacrificed or, at the very least, subverted because the tribe could not tolerate any internal division and conflict in the face of a bigger threat, the loss of its land.

Or else, by asserting equality, any attempt to probe on the question of gender balance is dismissed as a non-issue. During my field research, I was able to observe a meeting between representatives of Task Force Detainees of the Philippines (TFDP), a human rights NGO based in Manila, and the officers of DESAMA, the people's organization in Didipio that is at the forefront of the anti-mining campaign. The purpose of the meeting was to evaluate TFDP's program on mainstreaming human rights in Didipio for the period of 2004-07. In the course of the meeting, the

[7] My previous organization organized this particular conference in 2001 and all the staff members who were based in Manila (including myself) were asked to be present. I distinctly remember this remark because it prompted me to think about whether judging or evaluating a particular set up, here a particular gender relationship within an indigenous family or group, and determining whether the arrangement is gender-fair or gender-just, using non-indigenous gender lenses was fair.

[8] The Aetas then were in the process of applying for their land title and the leaders were worried about their chances.

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participants (composed of 11 male and 2 female DESAMA officers) were asked if in any of the human rights training they were able to discuss women's rights. Juan (pseudonym), an Ifugao male in his 50, remarked, "o, you women, there may have been a meeting but I just didn't hear about it. The thing is, with us Ifugaos, the rights that men enjoy are also being enjoyed by the women."[9] Nobody in that meeting contradicted him but no one echoed and supported his statement either.

These are some illustrations of what becomes hidden in trying to assert homogeneity. The characteristics of the tribe become essential and we become blind to the particular differences existing within that society. I echo Sandra Freedman's (2001, 39) question – "does accommodation and respect for minorities require the tolerance of gender inequality?" Apparently it does when the reason is bigger than any individual member of the tribe. In this highly charged campaign for the collective good, that is self-determination, not unlike in the previous process of homogenization, the privileging of indigenous identity conflates identities within the tribes, which is evident in how indigenous women are treated under the law that governs indigenous peoples.

Indigenous Women and IPRA

Indigenous cultural communities or indigenous peoples are defined under the law as referring to,

> a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of nonindigneous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains. (Article 3(h), IPRA)

[9] The observation was conducted on 22 July 2007.

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Under the law, there are three ways by which a group of people can assert their indigeneity – by self-ascription or ascription by others, by sharing common bonds that differentiated them from the majority of the Filipinos and by descent but the latter is qualified by the groups' displacement from their traditional domains while retaining their own socio-economic, cultural and political institutions. By being indigenous, the tribes lay claim to a variety of rights under the law, namely, rights to ancestral domain and lands, self-determination, self-governance and empowerment, cultural integrity, and social justice and human rights, among others. As Resurreccion (2000, 42) argues, "the invocations of tribal past work to consolidate the indigenous peoples' sense of ethnic community that then mediates their contemporary claims on present resources."

The law further states that these rights and other fundamental human rights and freedoms enshrined in the Constitution and relevant international instruments are also guaranteed to indigenous women (section 21, IPRA). More particularly, indigenous women are supposed to enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life (section 26, IPRA)[10], but which mainly refer to the right to non-discrimination and equality. Of course, the law is primarily rhetorical and is neither hortatory nor curative since it does not say what one is supposed to do when evidence of discrimination and inequality is present. The law is also silent as regards discrimination and inequality among indigenous women and between non-indigenous and indigenous women. Further, the policy agenda that is geared towards the implementation of the indigenous women's right to full participation in community and nation building mandates (1) research and documentation of IP women's traditional roles in the family and community in order to determine gender issues and concerns among the IPs; (2) development of appropriate programs and projects to respond to these gender

[10] Section 26 of the IPRA states that, ICC/IP women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition.

The State shall provide full access to education, maternal and childcare, health and nutrition, and housing services for indigenous women. Vocational, technical, professional and other forms of training shall be provided to enable these women to fully participate in all aspects of social life. As far as possible, the State shall ensure that indigenous women have access to all services in their own languages.

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issues and concerns and (3) implementation of women community-based initiated projects aimed at indigenous women's empowerment (section 6, NCIP Administrative Order No. 1 [1998]). The policy agenda clearly strives to address strategic gender interests with the ultimate aim of empowering indigenous women but the premise is problematic because it is assumed that any disempowerment that indigenous women experience are caused by issues and concerns that are gender-specific. The law does not contemplate disempowering factors that may be structural or discursive in nature, which are present in the particular case involving the Ifugao women.

The Dialogics of Ifugao Women and Indigenous Identity

The definition of indigenous peoples is homogenizing, especially when applied to the particular (and peculiar) situation of the Ifugao women of Didipio. Unlike other indigenous groups, the Ifugaos of Didipio did not come en masse to search for 'new land' or to go back to their ancestral domain after centuries of being displaced. Most of the Ifugao women I talked to have migrated from the Ifugao province for a variety of reasons, among them economic and filial. The name *Ifugao* not only refers to the geographic region where most of the informants originally came from, but it also signifies their ethnic ties. Juana (pseudonym), an Ifugao in her mid-50s, who works for the mining company, in narrating to me how she ended up in Didipio, says,

> "I was born in Ifugao but when I was 16 years old, I came here to Didipio. That was in 1967. My mother first came to Malabing [a neighboring village] to look for land, for maybe agricultural purposes. Lands are small in Ifugao. So, she thought of coming here to look for a means of livelihood. My mother came alone because my father was already old then and he elected to stay in Ifugao. I did not graduate. I only reached third year in high school. When there was no money anymore to pay for my education, I followed my mother to this area. I experienced how to do *kaingin*[11]. Until I got married here. So, everything that happened here, all the data, I know. *We're the pioneers. Our parents were the pioneers.*"[12]

[11] *Kaingin* is the practice of clearing a forest by cutting and burning the trees for the purpose of planting and raising crops.

[12] Interview conducted on 21 July 2007. Translated by the author from Filipino but the statements in italics were originally said in English.

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During the interviews that I conducted in the area, whenever I asked them what their ethnicities are, the women immediately identify themselves as Ifugao (or some other ethnicity like Kalanguya or Igorot). Some of them have referred to, but did not elaborate on, the continued observance of Ifugao customs and how the influx of migrants from the lowlands and neighboring provinces is slowly changing customary Ifugao ways. They refer to the change as 'modernization' of the old customs. During an interview, I asked Emma (pseudonym), an Ifugao teacher, if she has noticed any changes in the community after the mining company arrived in the area. She said,

> "With regard to the relationship [in the community], there may be changes because of the number of people who arrived. It seems as if attitudes that are pure Ifugao are being damaged/ruined (*nasisira*). With customs, there have been some changes. They are slightly being modernized."[13]

Whether the indigenous name or label has become an empty signifier of late has to be a subject of a more in-depth study. What becomes clear though is that the situation of the Ifugao women problematizes how indigenous identity is currently conceptualized.

Problematizing the Indigenous Identity

The Ifugao women's status as migrant indigenous individuals, in principle, excludes them from the legal definition of indigenous peoples. They are migrants in an area that is not even part of the Ifugao province, but somehow they ascribe to themselves the Ifugao ethnicity. They still speak Ifugao and most of them claim to still observe Ifugao customs[14]. An instance during which the *Ifugao-ness* was emphasized to me was during my interview with Juana (pseudonym). I asked her if she subscribes to the label 'anti' or 'pro' and she answers,

> "We're used to that kind of issue. It doesn't alter our traditions and customs as Ifugaos. Even those who come here, we don't pay attention if they are antis or pros. *What is important is we are in a community, we benefit from all the*

[13] Interview conducted on 26 July 2007. Translated by the author from Filipino. Emma herself, however, used the English word 'modernize'.

[14] In fact, when I arrived in Didipio, my host's family was busy preparing for a birthday celebration of Manang Carmen's mother, an elderly Ifugao woman. It turned out though that it was not really Nanay's birthday. It was later on explained to me that it is part of the Ifugao custom to have a celebration or a bit of thanksgiving, where all the relatives can come and pay homage to the celebrant, when he or she becomes really old.

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> *benefits* that come. Even though the project is from the company, everybody benefits. If the antis get funding from somewhere, we also use it or *we benefit from it. So, what is the difference?* It is a non-issue. We are all related here. *So, there are intermarriages* already. Why should that issue alter our good relations?[15]

Here, the emphasis on indigeneity attempts to 'neutralize' the tension among community members that has arisen because of the mining issue and because of the arrival of the mining company by arguing that their membership in one indigenous group or community assures unity even on the face of the patent division because of the members' individual positions on the mining issue.

The Ifugaos' exodus from their province was caused by the need to look for a more stable economic base and they did it individually or as a family and not as a group or clan. Going by the letter of the law, then, the Ifugao women are not strictly indigenous. They may be able to claim identification as indigenous by means of descent but the legal qualification on descent that is previously mentioned forecloses any inclusion. Is self-identification enough to be considered indigenous under the current legal framework and in order to claim the rights inhering under the law? If the law says that they are not indigenous and yet they still claim ethnic ties to a particular group, which should prevail? Given this dilemma, we are forced to look more closely at who should be doing the naming. Should it be the state or the indigenous peoples themselves?

The Ifugao women clearly problematize the current indigenous identity discourse by being inside and outside the dialogue. They claim to be indigenous and yet the law says they do not qualify as such. Negation of their indigenous identity by operation of law forecloses any such claim that the Ifugao women may have under the same law that strives to keep indigenous identity as a stable category when in reality, it never is. If in case they are adjudged as non-indigenous then they cannot claim the rights that are specially granted to indigenous individuals. It remains to be seen though if the negation of such identity will have a more normative implication but currently, how the law perceives and labels them does not seem to have any bearing on how the Ifugao women construct their indigenous selves.

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[15] Interview conducted on 21 July 2007. Translated by the author from Filipino, but the italicized portions were said by the informant in English.

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"From generation to generation"

Further, even the discourse on land rights is colonizing, when seen from the perspective of the Ifugao women. As previously mentioned, the women I talked to came individually in search of lands that they can own and cultivate. From the time that they arrived in Didipio, the Ifugao women have had the status of individual land occupants, possessors or owners. They stake their legal claim on their land by obtaining tax declarations, though by no means equivalent to a Torrens title, evince at least the fact of possession and the length of occupation. They do not point to any 'mystical' (and more often, mythical) connection to the land that is often reified in the literature on women and indigenous peoples (Shiva 1989; Harwood 2002; Molintas 2004), except for the interest to keep the land long enough for the next generation to inherit.

The phrase 'from generation to generation' is one that I kept hearing from the informants and which is key to why most of them oppose the mining activities in the area. They fear that because of the mining operation they will lose their land, which they would rather keep for their children. They said that if the land is kept intact then it can be inherited and passed down from generation to generation, which is more sustainable compared to mining. When I asked whether she sees more negative than positive effects with the presence of the mining company in the area, Maria, an Ifugao farmer in her 60s, said,

> "There are more negative effects because the land and the rice fields will be ruined, even the houses may be buried in mud. If ever the mine clicks or becomes successful, the old people would not be able to work [in the company] anymore. But the land, if the mining activity will be halted, will subsist from generation to generation. It can be inherited."[16]

Remy, also an Ifugao farmer, said,

> "I would consider joining the anti because the land that I farm, that I have inherited from my parents, may be affected by mining. I don't want it to be ruined because I inherited it. So, I'll join the anti. The land is from generation to generation. For us who are poor, land is the only thing that we can leave for our children. Land can be inherited and passed on (*namamana*)."[17]

[16] Interview conducted on 12 July 2007. Transcribed as translated from Ifugao.
[17] Interview conducted on 13 July 2007. Transcribed as translated from Ifugao.

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I heard this 'from generation to generation' sentiment consistently from women farmers and landowners who have invested time and effort, first, in clearing off the forest to prepare the land for rice farming or citrus growing and second, in maintaining their farms as their main source of livelihood, but never from the informants who are working in the company or who are trained professionals. So, looking at the profiles of the women informants, I cannot easily conclude that as indigenous peoples, they (have to) naturally care about the land because the nature of their individual occupations comes into play. For farmers, they obviously have an affinity with the land but for the others, such affinity, if it even exists, is not easily apparent.

Reifying Indigenous Identity

The deployment of indigenous identity does not seem to be that relevant and important an identity marker for the women who I spent time with. As previously mentioned, they refer to themselves as Ifugao and they claim to still observe Ifugao customs and traditions but at this point, such ethnic identity does not figure much in how they deal with others. Rather, the invocation of their indigeneity comes from other actors, like the non-government groups, the government, the media and even the mining company that they come in close contact with, as if being indigenous has additional currency. For the non-governmental groups that work with the Didipio residents in the anti-mining campaign, their identity as Ifugao is always emphasized and highlighted. In all the pleadings that are filed in court, for instance, their indigenous identity is included in their identification as petitioners. When DESAMA filed the case challenging the FTAA of Climax Arimco in May 2003, the group's members went to the Philippine Supreme Court in their traditional Ifugao garb.[18] In rallies that will be covered by the national media, some of the participants will be dressed accordingly and some kind of ritual will be performed, like traditional

[18] I was part of the legal team that filed the case on behalf of DESAMA. I remember that our campaigner then asked the DESAMA members if they could come in their traditional Ifugao costume as they march in one by one to the Supreme Court in Manila to file the case. Since we were required to file around 30 copies of the pleading, 30 Ifugaos lined up and trooped inside, while the rest of the members of DESAMA, some of whom wore the traditional costume too, stayed outside on the sidewalk and 'posed' for the media.

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dances.[19] In covering blockades, the media predictably underscore the indigenous participants. When foreign investors or guests come to the mine office, they are welcomed by Ifugaos in costume.

In this manner, the Ifugao identity becomes almost performative, which they are asked to act out on demand. This is not to say though that the Ifugao women are less indigenous because they do not wear the traditional garb on a daily basis or because they do not invoke it regularly. My point merely is, on the ground, the indigenous identity may be less of an identity marker for the Ifugao women than being farmers who value the land as their source of livelihood, or mothers who care about what they can pass on to their children, or community members who care enough about other members of the village to think of a liquor ban[20] to minimize alcohol abuse or landowners who are forced to negotiate with the company over lands that they are not willing to sell. For the Ifugao women, their individual identities always have to be negotiated in relation to their collective identity as Ifugao and to the external non-indigenous society thereby conflating other identities that may actually be weightier or more temporal. Their situation proves that the idea of a single homogenous indigenous identity is socially constructed and serves to colonize the lived realities of the women.

Identity has been actively theorized in feminist analysis; in fact, one of the most important contributions of feminist critique in other disciplines is the argument that identity is neither stable nor singular. Nowhere is this more evident than in the discourse on third world women and feminism (Mohanty 1986; Narayan 1997; Wood 2001), where the homogeneity of the category 'third world women' in Western feminist literature was disputed and where the appeal to allow for the surfacing of local and context specific experiences of women from the third world was articulated.

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[19] We filed another case on behalf of DESAMA against the mining company in March 2006, but this time, it was at the regional trial court level. We asked some of the DESAMA members to come (again) in their traditional Ifugao dress for the filing of the petition. Although there were not a lot compared to the number of 'costumed' Ifugaos during the Supreme Court case filing, we asked them to peacefully march from the court to the Catholic Church in Bayombong, Nueva Vizcaya and some of the members were playing their *gangsa* (traditional drums) as they walk. After the mass, during which the Bishop 'blessed' the legal initiative, the members conducted a traditional dance ritual outside the church.

[20] When I was in the field, the village council was implementing the liquor ban by checking all the public vehicles that enter the village. The council would confiscate liquor bottles that were in excess of the amount for personal consumption. I was later on informed that the women proposed the liquor ban.

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Expounding on the concept of multiple identities, Mouffe points to the multiple and contradictory identities of a subject and argues that,

> such identity is always contingent and precarious, temporarily fixed at the intersection of those subject positions and dependent on specific forms of identification…this plurality does not involve *coexistence*, one by one, of a plurality of subject positions but rather the constant subversion and overdetermination of one by the others…(1992, 372).

Although the studies on the multiplicity of identities of third world women have gained currency over the last decade, parallel studies on the identity/identities of indigenous women are lagging behind. The field remains under-investigated and under-theorized. Few of the exceptions are the efforts of Resurreccion (2000) on the Kalanguya women, Bacigalupo (2003) and Richards (2005) on the Mapuche women, and Lawrence (2003) on the intersection of gender and native identity of the Indian women in Canada and the United States.

In the case of the Ifugao women, I have referred earlier to how they manage their different identities in dealing with the intersections of globalization/mining and indigenous identity. I have discussed their locations and identities as landowners, farmers, Ifugaos, parents, and caretakers of the land and resources for their children. However, a more relevant and critical identity marker for the Ifugao women, which is not apparent until we take their local and specific experience into account, is how they position themselves in the mining issue.

'Pro', 'Anti', 'Neutral'

According to my informants, the division and disunity over the mining issue are two of the most serious negative effects that the presence of the mining company in the village has caused. Most of the informants became nostalgic about how the situation was before large-scale mining arrived in their area. They said it was *maayos* (orderly) and *walang awayan* (peaceful and harmonious). For instance, Nora, an Ifugao woman from Banaue and who has been living in Didipio since 1995, observed,

> "At first, when there was no mining, we were okay and peaceful. But later on, when the mining issue keeps persisting, I see that because of this mine, it seems division within the community is occurring. Before, even if you do not know the person well, you're still friendly to each other. After that, because of the issue, there is now the anti and the pro. With the pros, I see that they become unfriendly to us because they know that we are not in favor of this

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> mine. Sometimes, we'll have a plan, like the women's organization that we are trying to establish, it should have been for the whole Didipio community. But it did not come to pass because they want the women's organization to serve as a bargaining entity for all the things that they want from the company. What we want, on the contrary, is for the organization to be something through which we can ask the government for any kind of help."[21]

Below is a short portion of the transcript of my interview with Manang Evelyn, Manang Juanita and Manang Maura. They are Ifugao women living in Sitio Dinaoyan, the identified site for the mine tailings dam. They are staunch members of DESAMA and they have been part of the anti-mining campaign since its conception.

> Q: Can you describe the situation in Didipio before the mining company arrived?
> *Juanita*: Before the company came, it was good. It was quiet and there are no secrets. Not like now, when people are gossiping. Before, for livelihood, if you are industrious, you can plant rice (*palay)* and vegetables.
> *Evelyn*: Before, people were united. There was no chaos.
> *Maura*: Before, it was quiet. People used to help each other out with their work. In terms of livelihood, we planted rice and root crops.
>
> Q: Did you notice any changes from the time the company came?
> *Juanita*: There was division in the community when the company came. There is anti and pro. The antis have their own system (*patakaran*) and the pros have their own too. So, even between siblings, there is conflict because of the difference in *prinsipyo*[22].
> *Evelyn*: When there's work in the farm, there was *bayanihan*[23]. Now, if you ask someone if s/he can help you out, they would refuse because they would rather work in the company where there is a bigger (daily) wage. So, we are the only ones who help each other out.
>
> Q: So, now you're having a hard time hiring people to work on the farm because of the competition with the company in terms of salary?
> *Evelyn*: You just have to sacrifice (*sakripisyo*) and bear the work alone. Because the company is going to pay them more, they would rather work there.[24]

From the information above, it appears that they unhesitatingly blamed the mining company for causing the rift among the residents. The informants said that the

[21] Interview conducted on 11 July 2007. Translated by the author from Filipino.
[22] *Prinsipyo* refers to principle or fundamental stand or belief.
[23] *Bayanihan* is a cooperative, more often voluntary, endeavor or labor, especially in a community project.
[24] Interview conducted on 27 July 2007. Transcribed by the author as translated from Ifugao.

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division was caused by difference in positions or principles with regard to the mining issue. They said that the issue even divided families because some members became interested in how much money selling the land can bring them. Angelina, a widow with four (4) children, who maintains her own farm and citrus groves, narrates –

> "There are many good customs before that are slowly disappearing. Now, with this mining issue, you can be alienated from your own siblings because, in this case, we will be antis and they will be pros. Our unity has been compromised and it has almost vanished because we can be estranged from our siblings and relatives because of the difference in our *prinsipyo*.[25]

The company, by aggressively acquiring lands in the village, made the offer of money too tempting and I was told that, when before, land boundaries and markers were not definitively identified, now neighbors and families are insisting on setting the markers in the hopes that a few more square meters will make a big difference in the selling price. This disunity and disharmony pervade the whole village. One cannot stay there even for a few days and remain unaware because a person's position in the mining issue dictates how s/he acts and whom s/he deals with. It has become a critical identity marker. For instance, the women would say, "oh, you want to talk to that person? She's pro-mining" – as if the person's positioning in the mining issue, or the 'principle' (*prinsipyo*) as they are wont to call it, is the totality of one's identity. In fact, one of the prominent residents in the village refused to be interviewed because she feared that if what she said during the interview comes out, it would further alienate her from the rest of the community members.

At present, there are three identified positions: the 'pro', the 'anti' and then the 'neutral'.[26] The 'pros' are the women who are perceived as supporting the mining activity. They do not call themselves as such. Rather, it is an identity that has been ascribed or assigned to them either because they work in the company as employees or because they accept work as daily wageworkers or because their husbands work in the company. Being labeled as 'pro' more or less limits how much information one

[25] Interview conducted on 18 July 2007. Translated by the author from Filipino.

[26] The actual number of women in each position and the number of women members of DESAMA cannot be ascertained at this point. If it is any indication, though, 6 anti-mining candidates for the village council won in the last (national) barangay elections held in October 2007. For the first time, an Ifugao woman will sit as part of the barangay council, which is the legislative branch of the barangay administration.

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can access about the mining operations as a whole. Even if they are interested in knowing more about the potentially negative impacts of mining, they have no way of getting information except through the company-distributed propaganda or what the company employees tell them. A few of them have said that they resort to asking the company employees about the developments in the mine site or else they read the company newsletter that narrates its accomplishments. When I asked a group of informants if they were able to attend any mining briefings that were previously conducted by NGOs, Tess (pseudonym) answered,

> "No, because they said that the briefings are only for antis. Those briefings are not open to just anybody. Whenever somebody comes, for instance speakers or NGO people who the antis have invited, they will not allow anybody else to join or listen in during the meeting. They thought we are purely pro but that's not true. That's why we do not know anything about what's happening with the mining project, except what we hear from company employees or what we read from company magazines."[27]

The 'neutrals' are the women who hesitate to be involved in the dispute. Two out of three non-Ifugao women who I talked to underscored their neutrality in the issue. When I asked Linda (pseudonym) what she thinks are the positive effects caused by the presence of the mining company in the area, she did not answer directly and instead said –

> "Some want to advance and get rich. I don't really care about that, if that's what they want. Neutral ako[28], neutral. I don't take anyone's side. I'm in the middle because you don't know what will happen in the future."

As non-Ifugaos in the predominantly Ifugao village, they may not want to be at odds with others and since the mining issue is an 'Ifugao issue', they may not want to be involved in the fracas.

The 'antis' are those women who are manifestly against the mining presence in their community. They belong to DESAMA and they actively participate in the organization's activities, particularly the anti-mining campaign. The 'anti' informants said that they are opposed to the mining activity because of the threat it poses to the land and to the sustainability of resources. They particularly said that they are

[27] Interview conducted on 26 July 2007. Translated by the author from Filipino.
[28] *Ako* means 'me' in Tagalog.

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thinking of the next generation and what will happen to them if they would allow mining to continue. Angelina, an Ifugao and a staunch anti-mining advocate said,

> "Mining has so many adverse effects, especially to our children. For us, if we say yes and support mining, it will probably not matter anymore because we are already old and we will not feel the adverse consequence so much. But our children, they will be the ones who will suffer if the mining operation continues."[29]

Nora, an Ifugao farmer with small children, also argues,

> "If this mining project really pushes through, it won't affect me so much because we might die even before the project finishes its operations. But after mining, it will be our children who will have to live with the destruction. If this pushes through now, I might still benefit from it but what about our children and the future generation? I mean, I see those people who have sold their lands to the company and who are now building big houses and buying new household appliances. Maybe for them, those are the only things that they consider, what's in it for them now. For me, I'm not only looking at the now but also at what will happen in the future."[30]

The antis are also the ones who claim that the land will sustain 'from generation to generation' while mining will only ruin it. Rita, an Ifugao farmer, asserted that, "It is better if the land will not be mined because land can be inherited and passed on, from generation to generation. If it will be mined, it will be ruined. It will not be sustainable if it will be mined."[31] From the data, it is evident that the 'antis' are able to put into play oppositional categories: they are thinking of the long-term while the 'pros' are only thinking of the short-term. They are thinking about what will happen to the neighboring barangays, while the 'pros' are only thinking of their own enrichment. For instance, Carmen said,

> "Then, those pro mining people are only thinking about themselves. Not like us, we are thinking about the neighboring barangays (villages). If we say yes to the mining operations, what will happen to the river? How will it survive? If the mining operations start, water in the village will disappear. So what will happen to those in the lowlands? That's what we are thinking of. Of course, we are considering what will happen to them."[32]

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[29] Interview conducted on 18 July 2007. Translated by the author from Filipino.
[30] Interview conducted on 11 July 2007. Translated by the author from Filipino.
[31] Interview conducted on 12 July 2007. Transcribed as translated from Ifugao.
[32] Interview conducted on 29 July 2007. Translated by the author from Filipino.

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Marina, the only woman founder of DESAMA, elaborated –

> "I already know what's good for the present. I saw what happened in Benguet during our field exposure to Philex Mines. If what happened there will happen here, it will be worse. In Benguet, it was solid rock but here it is not. And, Didipio has a high elevation. What will happen to Cagayan Valley then? We are thinking broadly but for others here, it is more like, 'don't you want jobs? The company is willing to buy the land for triple its value.' That's what they think of. But we say, it cannot be allowed because if we all say yes, what do they expect will happen to Didipio? It will not only be Didipio that will be affected but everything else."

From the foregoing, it becomes apparent that the mining issue, not only makes visible, but at the same time creates, issues of identities that will otherwise have been overlooked or those that might not have come into existence at all. The presence of transnational mining has brought to the fore issues about the colonizing and homogenizing tendencies of indigenous identity when considered with the situation of the Ifugao women in mind. In studying the impact of the discourse of indigeneity on the Ifugao women, I argued that the discourse conflates the women's identities by insisting on the fictive homogeneity of indigenous identity. It is revealed that the discourse is homogenizing and as a consequence, the characteristics of the indigenous group become essential and the particular differences within the tribe or group are either dismissed as a non-issue or otherwise ignored as irrelevant. The discourse is also exclusionary because the legal definition of indigenous peoples fails to capture the intricacies and nuances of the indigenous experience in the Philippines, such as in the particular situation of the Ifugao women as migrant indigenous individuals. In this case, the peculiar situation of the Ifugao women problematizes the contemporary indigeneity discourse by claiming indigenous membership, when the legal framework clearly nullifies such identification. Lastly, the indigeneity discourse serves to colonize the lived realities of the Ifugao women as individual land occupants, possessors and owners because of its failure to move beyond the rhetoric on the mythical relationship between indigenous women and the land that is often reified in the literature.

In order, however, to have a more inclusive picture of the situation of the Ifugao women as they negotiate not only their individual identities but also their collective identity as Ifugao, I enquired into the relevance of indigenous identity as

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regards the particular 'lived' narrative of the Ifugao women. I argued that it is only when one shifts the vantage point and takes the local and specific experience of the Ifugao women can one appreciate the possibility that there are more relevant and critical identity markers, other than the indigenous identity. At some point, the Ifugao identity of the women has been so reified that it has even become performative. In this study, however, I discovered that, in the particular case of the Ifugao women, rather than indigeneity, one critical and salient identity marker is their individual positioning in the mining issue to the extent that their manner of referring to and deploying such 'identity' seems to encapsulate the totality of one's identity. The various positions – the pro, the anti and the neutral – have become a critical identity marker for the Ifugao women. These 'identities' shape how they act and dictate how they deal with other members in the community. By taking on one such position, you embrace a whole slew of 'signifieds'. Lastly, the situation of the Ifugao women also leads us to think more about the contingency and multiplicity of identities. Their case seems to affirm the notion that identities have epistemic validity and that they are subject to multiple determinants that will have to be verified in the course of one's life. In the Ifugao women's case, an identity that is exogenously valued may not necessarily be substantiated by their local and specific realities.

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CHAPTER 4

MINING AND THE IFUGAO WOMEN

> *"These claims were in areas which the government considered to be public lands, but which the local people looked upon as a part of their patrimony, and they foresaw that these claims would sooner or later be sold to mining companies. The efforts of one old woman to resist the activities of one such intruder nearly caused bloodshed, for when she attempted to wrest a crowbar from the hands of a prospector, to prevent him from taking samples, she slipped and fell, and then rolled for a considerable distance down the steep mountain side, receiving severe cuts in the process. The yell which she let out quickly alerted her village, and a crisis ensued."* (1933) (Fry 1983, 178)

> *"I am not afraid of them. It's better if they just kill me rather than they take away and destroy my land."*
>
> - Dinaon, an Ifugao farmer in her 70s

In this chapter, the discourse on mining is examined with regard to how it impacts on the Ifugao women of Didipio. I argue that the discourse renders the Ifugao women invisible through the denial of the relationship that is created between the women and the mining company in a given territory. I locate three connections that are created particularly between the Ifugao women and the mining company as members of the same community, as subjects in an employee-employer relationship and as overlapping landowners. Through an analysis of these elements, the extent with which the company imbricates into the lives of the Ifugao women becomes evident.

Likewise, I argue that the discourse on mining 'erases' the contribution of the Ifugao women's labor as a result of the shift from subsistence agriculture economy,

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where the women are active participants, to a capitalist mining industry that excludes the women because they lack the skills necessary and required in order to participate in such an industry. However, to have a more inclusive view, I shift the viewpoint in order to take the Ifugao women's local and specific experience into account. With this shift, we are afforded a view that would otherwise have been concealed by the seemingly monolithic discourse on transnational mining – the women's agency. The last section of this chapter is devoted to a discussion of the narrative of the Ifugao women's resistance to the presence and imposition of globalized mining in Didipio.

The first quote above tells of the story of the old Ifugao woman who tried to resist the entry of mining activities into her land and how her yell signaled the start of the crisis between the village residents and the mining company. It happened in 1933. It caught my attention with the realization that the yell of the old woman has, through the years, been muted and silenced by contesting discourses. This chapter aims to be the medium for the yell to be heard anew.

Invisibilizing the Ifugao women

An analysis of the Mining Act and the Mining Revitalization Agenda actually makes apparent what is glaringly absent: the women. The only mention of gender and/or women is in section 56(k) of DENR Administrative Order 40 (1996), which mandates that the FTAA should include in its terms and conditions,

> A stipulation that the Contractor shall not discriminate on the basis of gender and that the Contractor shall respect the rights of women workers to participate in policy and decision-making processes affecting their rights and benefits.

A close reading of the provision reveals that it refers to the rights of women *workers* rather than rights of women who are affected by any mining project. To some extent, the invisibility of the women in the law is explicable given that it is more concerned with the arrangement between the state and the mining companies rather than other subjects and actors. The whole law is obsessed with laying down the terms and conditions of the mining venture and it does not pay much attention to (human) subjects or connections. Unless one's property will be affected by the operations then that is the only time that an individual figures in the discussion and it will only be

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about how much damage is owed or how much the property is worth. It seems like mining is seen as autonomous and separate from where the operation is located.

This assumption of autonomy renders the women invisible or irrelevant as subject matters in development projects in general and in mining activities in particular. Studying the impact of logging projects on the Dayaks in Sarawak, Xanthaki concludes that, "development projects have other particularly negative consequences on indigenous women: working opportunities are lower and women whose husbands work in logging or plantations lose control over their lands" (2003, 486). Furthermore, as regards the shift from subsistence farming to employment as wageworkers, the work of indigenous women as farmers are rendered invisible because the present economic system measures productivity in terms of cash and not of work (Addon 2003, 5; Tauli-Corpuz 1998, 216). Further, in a research on indigenous women conducted in the Ifugao province, it is argued that,

> Work which brings in cash is more valued than work which has no cash equivalent. Farming in Ifugao is generally for the family's subsistence, thus women's participation in it is more of a family labor. Viewed within the frame of cash economy, women's work is thus of lesser value than that of men's work, which primarily brings in cash for the family (*Babaylan* 1999, 2).

Linking the impact that the shift from traditional agriculture, where the women are active participants, to a capitalist mining industry that generally excludes women because of the lack of necessary skills and because of the consequent deprivation that results from it, Emberson-Bain asserts that women in mining communities feel the harsh effects of the industry more acutely. She argues that,

> It is they who bear the brunt of the loss of land resources and environmental degradation, the withdrawal of (male) labour, or the subjection of low (male) wage systems. All these processes directly impinge on women's capacity to provide nourishment and care for their families and have direct implications for their work burden and health. The depletion and contamination of sources of firewood and water, the loss of farming land and fishing grounds, and the inadequacy of household earnings, raise the labour intensity of women's work, for example in the distance that have to be traveled on foot and the time spent in food gathering or cultivation, or collecting firewood (1996, 7).

Therefore, contrary to the appearance of non-involvement and autonomy, the relationship that is built between the mining company and human subjects is intensely relevant. We have to take into consideration how the mining activity impacts on the

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host community and what kinds of relationships are created with such presence in order to make the women visible. In the particular case of the Ifugao women, the impact of the presence of mining in the area links them or creates a connection between them. To give evidence to my argument that mining in a specific area inevitably creates connections between it and other actors, particularly the indigenous women, I have located three aspects of the relationship that exists between the mining company and the Ifugao women of Didipio – first, as members of the same community; secondly, as subjects in an employer-employee relationship and thirdly, as "overlapping" landowners.

As members of the same community

The company undoubtedly believes that it is part of the community of Didipio. Its mere presence in the area should be enough evidence of its being part of the community but the company goes farther than just being present. As part of its agreement with the Philippine government, it sets aside funds for community development that should be administered by the barangay council. But since the barangay council, the majority of which is made up of kagawads or council members opposing the mining activities, refuses to touch the money, the company constituted an Interim Barangay Community Development Association (IBCDA) that manages the fund and implements the community development programs for the time being. According to one of the informants, the company believes that mining is not forever so it has to establish the community so that when it leaves, the community can stand on its own. Juana (pseudonym), an Ifugao who migrated to Didipio in 1967, narrates,

> "The company always says, "*we have to establish the community* so that [it can support itself] *after the mining*." Even they themselves say that, "*mining is not forever so we have to establish the community*." Even when the company has left, you can stand on your own. *Always, coordinated to the barangay council*. But what happens now is, because there is an issue that most of the barangay councils are antis, they do not want to implement [the projects]. So, we looked for a way to implement them. It is such a waste if we don't maximize the presence of the company. *Why not grab the opportunity* that we accept what the company is giving for community development and implement it for the good of the community? *So, there is an organization, the Interim Barangay Community Development Association* (IBCDA). It is the

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> one that implements [the projects] but everything is documented and the documents are open [for scrutiny].”[33]

Hence, a memorandum of agreement is executed between the company, as Australasian Philippines Mining, Incorporated (APMI), and the Didipio community, as represented by the Didipio Community Negotiating Panel, on 2 December 2006. In the preambular paragraph it states that,

> APMI is mandated to assist in the development of the host and neighboring communities, one of which is Didipio, in accordance with its Social Development and Management Program (SDMP) in order to promote the general welfare of the inhabitants living therein.

The total amount allotted for the implementation of the program is equivalent to one percent (1%) of the direct mining or milling costs once mining operation commences or P250,000.00 pesos a month (approximately US$6,000.00). In the agreement, there is a list of “allowable programs” that can be funded using the allotted SDMP amount, namely, community roads and bridges, barangay community center, water supply and irrigation system, education and scholarship, livelihood and skills training, science and technology, school facilities, health facilities, barangay facilities, agriculture and reforestation, sports and socio-cultural programs and environment protection. Frankly, this is a lot for P250,000.00 to cover on a monthly basis. If you look closely at the coverage, the amount allotted is not only for the development of Didipio but also its neighboring communities, which further shrinks what the amount can possibly do.

Although there is a potentially rich discussion in this vein, I want to focus on the social development programs that the company is implementing for the women in the community and that the informants have elaborated on, which are the livelihood and skills training programs and organizing for women. Various livelihood and skills training for women have been sponsored or offered by the company in recent years, some examples of which are trainings for sewing, crocheting, weaving, food processing, hog dispersal and cooking, among others. For the women who attended these trainings, these skills become handy when they are hired by the company to

[33] Interview conducted on 21 July 2007. Translated by the author from Filipino but those in italics were said in English.

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work in the kitchen to cook but for most of them, the trainings are intended for self-employment or as business opportunities. Acknowledging that not a lot of women will have the chance to be employed by the company given that most of the women in Didipio are unskilled or low-skilled, teaching the women additional skills is the next best thing to being directly employed. Juana (pseudonym) explains,

> "Even when the mining operation is ongoing, not everyone will be accommodated. That's why they are conducting skills training, livelihood, entrepreneurship to compensate for the fact that not everyone will be directly employed…Even if it is outside the company, those are indirect benefits."[34]

Further, the company, through SDMP, is purportedly supporting one of the women's organizations, the Didipio Women's Movement for Community Development. The movement seems to have a broad purpose, from community beautification to facilitating some of the skills training. It also acts as a conduit or 'agent' whenever the company employees need something like contracting for snacks for visitors or recruiting performers who are willing to don their native Ifugao costume to welcome visiting foreign company officials and guests.

Although the intent to develop the community is apparent, the livelihood and skills training and the attempt to organize a women's movement are not well received by most of the women I have talked to. There is such patent distrust of these so-called development projects, which is succinctly articulated by Marina, an Ifugao barangay health worker and a staunch anti-mining advocate, when she says,

> "The company may show concern for the community but *its primary purpose really is get what they want to get here: the mineral.* Others are just additional (*sideline*[35]) so that it will be accepted by the community."[36]

I consistently heard from most of the informants that they refuse to participate in the livelihood or skills trainings because they are usually in exchange for something (*may kapalit*). When I asked the informants if they have attended any of the livelihood trainings, Herminia, an Ifugao farmer, explains

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[34] Interview conducted on 21 July 2007. Translated by the author from Filipino.

[35] A colloquial term that means 'in addition to' or 'secondary'.

[36] Interview conducted on 29 July 2007. Translated by the author from Filipino but the ones in italics were said in English.

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> "Those programs are only for pro mining [women]. That's the condition that the company gave. Women who sold their lands would be given jobs. If the company has programs for women, they are mostly for pros."[37]

Their refusal may be caused by what they heard about other people's experience upon attending one of such trainings. Allegedly, the participants were compelled to sign attendance sheets, which were later on represented as the names of the people supporting the mining project. Luisa, an Ifugao farmer, narrates,

> "I was invited to attend the livelihood programs where they teach people to sew, crochet and embroider but I refused to attend because I fear that the company will ask me to sign something. And, even though I will not be asked to sign anything, they might take my picture that they will bring to Manila and show everyone that "these are the people who support the mine", when in fact they do not."[38]

However, a more profound reason for their refusal to participate in these trainings is to show their opposition to the mining project. Even the chance to learn additional skills from which they may later on benefit dims on the face of their steadfast refusal to support the company or to cash in on the company's presence. An informant confirms that there are livelihood programs like crocheting and sewing but when I asked if she ever attended any, she says, "The programs are for both pro and anti but mostly, the pros are the only ones participating in those programs. I was invited to attend but I refused because I am anti."[39]

The belief that the social development programs are in exchange for something is well founded. Under paragraph B.1 of the memorandum of agreement between the mining company and the Didipio Negotiating Panel on the implementation of the SDMP, it states that,

> The community shall *guaranty full endorsement* of the Didipio Gold Copper Project and its exploration activities within barangay Didipio, assist in the peaceful and orderly implementation thereof and conduct continuous monitoring of mining activities. (Emphasis added)

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[37] Interview conducted on 12 July 2007. Transcribed as translated from Ifugao.
[38] Interview conducted on 17 July 2007. Transcribed as translated from Ifugao.
[39] Interview conducted with Maria on 12 July 2007. Transcribed as translated from Ifugao.

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From this proviso, it seems that the social development programs will be implemented only if the community fully endorses the mining project and this is the exchange that the informants are seemingly referring to.

With regard to the attempt to organize the women into one 'movement', according to some informants, even before the company became active in community development, there was already a Didipio Women's Association, the primary purpose of which was rural improvement, with programs such as environmental and health awareness. But with the division among the women into 'pro' and 'anti' mining camps, the Didipio Women's Association was dissolved. Two separate organizations were subsequently formed: the Didipio Women's Movement for Community Development referred to earlier in this section and the DESAMA Women's Organization, an association of the women members of DESAMA. Currently, the only project of the DESAMA Women's Organization is the maintenance and management of the DESAMA Cooperative store for which members contribute a certain amount (500 pesos is the minimum) that is used to stock up on supplies and goods that are then sold in the store.

As subjects in an employer-employee relationship

A second connection between the Ifugao women and the mining company is made with the creation of the employer-employee relationship. One of the things that the mining company brags about is how it will provide employment for the residents of Didipio. According to the Amended Environment Impact Assessment (EIS) submitted by the company to the DENR, the construction of the mine facilities and subsequent mining operations will involve a workforce of 476 personnel, out of which 264 will be local workers (*EIS* 2004, 4.25), both skilled and unskilled.

Although there is no apparent gender discrimination in terms of employment, discrimination is still created among women (unskilled/low-skilled wageworkers and skilled employees) and between men and women of the same skill-set. Among skilled employees, as long as one is qualified, gender does not seem to be relevant. Even now, there are Ifugao women working in the Community Relations Office (CRO) and the Surface Rights Acquisition (SRA) Division of the company. Some are also employed as secretaries, accountants, computer operators and clerks. Among several

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employment opportunities listed in the EIS document, the only available jobs for unskilled women in Didipio are as part of the support staff. Currently, the company is employing unskilled women to cook, launder, clean the offices, perform other janitorial work, maintain the nursery, clean toilets and weed along the roads and the employment arrangement is on rotation basis. It is not clear how often the unskilled workers are rotated. What is clear though is that the employment of these women are temporary and insecure with no other benefits than the daily wages that they will bring home at the end of the employment period. I was also told that the lack of enough jobs for unskilled women creates conflict among unskilled women workers. Nora reports, "Because of the large number of unskilled women workers here, they fight over the small number of available positions in the company. This becomes the source of conflict. Of course, they want to get jobs in the company, even though they will be on rotation."[40] Contrary to the situation of the unskilled women workers, the skilled and semi-skilled women employees enjoy more secure employment tenure. Between male and female low-skilled wageworkers, on the other hand, more men are being hired because the available work entails manual labor as carpenters, masons, plumbers, painters and process plant workers, among others (*EIS* 2004, 4.25). So, even if there are jobs available, there are more jobs available for unskilled men than for unskilled women. An informant, who works at the mining company, gives a hedged confirmation. She explains,

> "There are more opportunities for men but there are also a lot of opportunities for women, mostly in the office. There are also women in the kitchen, in the laundry and in the nursery who pot and weed plants. There are jobs but there are more jobs for men because they work on the road, as spotters for the large equipment. Men can do more. They can be drivers and helpers. But, there are also a lot of women. For women who cannot be hired by the company, they enter into business like selling snacks to company employees. They will cook then they can sell it to the workers. It's the same with selling vegetables."[41]

It is an unfortunate fact that majority of the Ifugao women in Didipio are unskilled or low skilled because most of them did not finish school and therefore did not gain the necessary experience to be employed in the company. Even if they are employed,

[40] This information has to be confirmed. Interview with Nora was conducted on 11 July 2007. Translated by the author from Filipino.
[41] See footnote 31 for reference.

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there is job insecurity because of the rotation arrangement. When asked, most of my informants did not appear interested to seek employment in the company because of the kind of the work being offered (as support staff) and because of the temporary nature of the job. They said that for women, who do not have college degrees or who only finished primary education, there is no possibility of being permanently employed and they would rather continue working on their farm because at least their livelihood is secure. In talking about employment opportunities in the company, a group of informants explains,

> "In terms of work, there are more opportunities for men who finished school. If you look at Didipio, there are only few who have achieved that. Those who finished school are the only ones allowed to handle the equipment. Mostly, these are foreigners or migrants (*dayuhan*) from Manila who finished school. We will not be hired because we are ignorant. We don't know how to operate their [the company's] equipment and machines. We don't know how to handle the equipment of Australians. The only thing we know is how to wash dishes and pans and sweep the floor."[42]

Another informant, an Igorot who migrated to Didipio in 1995, shares her observation:

> "There are few jobs available in the mining company for women. You can count the number of women who are employed as cooks or who help around the mine offices. They are only hiring a few. There's really no place for them in the company. Especially if the mine "clicks", what kinds of jobs will be available for women there? There's none. Of course, the company is hiring a lot of workers but most of them are men. If you'll only rely on the company, there's not much chance. Only those women whose lands have been affected by the mining project presently have jobs in the company. The time will come when the company will bring in more high technology equipment and machines. There will be fewer jobs available then even for the men."[43]

Aside from direct employment, however, the company hopes that with its presence in the area, more indirect employment opportunities will be created in non-mining enterprises like as a result of livelihood programs, or in day-care/child minding services, education, food related services like restaurants and support services like beauty parlors and tailoring/dressmaking, among others (*EIS* 2004, 4.25-4.26).

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[42] Interview conducted on 17 July 2007. Transcribed as translated from Ifugao.
[43] Interview conducted on 19 July 2007. Translated by the author from Filipino.

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However, what the company is trying to do now, like giving livelihood seminars and employing women on rotation basis, is a little synthetic, in the sense that, these programs seek to meet practical needs rather than address the more structural problems brought about by its presence in the area. Livelihood programs and temporary and insecure employment are put in place in exchange for what the women have already lost. For instance, when families had the farm, all members of the family had work. But after selling their lands, and even though the company hires one of the them, the rest of the family remain unemployed or out of work. Unfortunately, majority of those that are unemployed are the indigenous women for two main reasons: they lack the skill required for employment in the company and there are not enough jobs in the company to absorb unskilled or low-skilled wageworkers. At the same time, however, the overtures of the mining company are rejected by the women at every turn. The company is always undermined in some way, either by the refusal of the women to participate in company sponsored livelihood programs or by their refusal to work in the company.

As "overlapping" landowners

The third connection between the mining company and the Ifugao women is created because of their situation as "overlapping" landowners. The primary source of the conflict here is the fact that the state retains ownership of sub-surface resources, including mineral resources, even though somebody else already owns the surface. It is based on the fiction of **regalian doctrine**, a Spanish colonial policy that managed to survive until today. Under section 2 of Article XII of the 1987 Constitution, it is stated in part that, "all lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State." The continued observance of this doctrine is also one of the reasons for the patent incompatibility of the national mining framework and the state policy on indigenous peoples.

Among the Ifugao women in Didipio, each has individual right to own property. It is not an uncommon arrangement for women to maintain a farm other than the family farm. For instance, my host family has a farm where they plant rice

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and another where they have their citrus trees. Both husband and wife maintain these lands. The wife however has another farm where she plants ginger and other root crops and she is in charge of maintaining that plot, from planting to harvesting the crops. Currently, these women landowners and farmers are facing a host of problems with regard to the presence of the mining company in Didipio. They are having problems in connection with the road widening projects that the company is undertaking all over the village. For instance, Conchita, an Ifugao farmer, questions the legality of the road-widening project that the company is undertaking. Apparently, her farm is along the road and once the 8-meter barangay road is expanded, it will eat up almost 2 hectares of her land. She said that the company is only willing to pay for the damages to the crops but not the value of the land itself.

A more endemic case is the problem of the women as regards the reported intimidation and force that both company officials and government representatives are employing to acquire their lands. A woman I talked to complained about how government officials would come and offer to buy her land situated in Sitio Bacbacan.[44] She said that the officials told her that if she would not sell her land to the company, the government would come to take her land away, with compensation at fair market value, which is markedly less than what the company is offering. As of December 2006, the offer for compensation ranged from P200,000.00 to P250,000.00 per hectare, depending on the type of crops or improvements introduced and P150,000.00 per hectare of unimproved or uncultivated land (as cited in the Petition for Action to Enforce Right of Entry and to Fix Disturbance Compensation under Section 76 of R.A. No. 7942 filed by Australasian Philippines Mining Incorporated, dated 13 December 2006). While I was in the area in July, the offer went up to as high as P500,000.00 (or approximately US$12,000.00) per hectare of cultivated and improved land.

The company, sometimes through the Department of Environment and Natural Resources (DENR) employees, also reportedly resorts to “summoning” the landowners for a conference or negotiation meetings to discuss the terms and compensation packages for the land that the company needs to acquire for its mining

[44] The old lady, an Ifugao farmer, did not want to be interviewed and she came to me to ask for legal advice as regards her tenure problems.

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activities.[45] So far, among the women that I've interviewed, none of them attended these negotiation meetings simply because they are not interested to sell their land. For the women who have been summoned to these kinds of meetings, they look at the whole process as irritating or onerous (*"malaking abala"*) because dealing with these kinds of legal problems forces their attention away from their work. When asked about what they feel about the legal challenges, Evelyn and Juanita, both Ifugao farmers living in Sitio Dinaoyan and who have received such summons, share their frustration,

> *Evelyn*: It makes me mad whenever I receive such papers. It is bothersome.
> *Juanita*: It is irritating. Somebody from Tuguegarao, a Tagalog, always comes. Of course, I don't understand what the person is talking about so we have to call on Kagawad to talk to him/her[46]. Kagawad would say, "Why do you do these things? You cannot force a person to sell his/her land. Now, you resort to summoning people to court."

Talking Rights

In talking about their land, some of them have used the rights-language to emphasize their right to stay in their land and their right over the land as their main source of livelihood. I remember provocatively asking Remy, an Ifugao farmer, why she thinks her right to land is more important than the right of the company to conduct its mining activities, which are covered by ostensibly legal permits. She answers, "The right to land is more important because that's where we get our livelihood. Land is our source of income. For sure, the right to land is more important."[47] In a group interview with the informants from Sitio Bacbacan, I asked why they are interested in the mining campaign and they said that, "We are interested to fight for our rights as women. We will fight for our rights because if the mining project pushes through, we will lose our farms and our homes because Didipio will then be destroyed."[48]

The women also link their engagement in the anti-mining campaign with the struggle for rights. When I asked a group of Ifugao farmers from Sitios Surong and Camgat why they are engaged in the mining campaign, they answered, "We are

[45] A sample copy of the communiqué from the company is attached as Appendix C.
[46] The word used was *kanya*, a Tagalog word that by itself does not indicate the gender of the object or subject being referred to.
[47] Interview conducted on 13 July 2007. Transcribed as translated from Ifugao.
[48] Interview conducted on 15 July 2007. Transcribed as translated from Ifugao.

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interested to fight for our rights to land that's why we joined the anti-mining campaign." I asked, "why, what do you think is your right over your land?" "Livelihood", they answered. "The land is our source of living. This is where we plant for our daily sustenance. You can inherit the land. It is from generation to generation." Predominant is the perception that once the mining company "clicks" or becomes successful, they will be displaced from their land. The source of this trepidation is not some abstract relationship with the land. The very practical and real source of the anxiety is their status as landowners and farmers, who are sourcing their main livelihood from the land. For them, since they have no hope of being employed by the company as permanent salaried employees, losing the land means being left with nothing.

Anxiety and Foreboding

Aside from their anxiety as landowners who are under threat of displacement from their land, they are likewise worried about the perceived effects of the activities of the mining company on their farms. Concerns are varied. They worry about the destruction of their farms when the mining company forces entry into their land, which under the Mining Act[49] it has the right to do so. From the examples I gave above, it should be obvious that the women informants do not care about the compensation because what is more important to them is to be allowed to hold on to their lands long enough to sustain them and to ensure that the land can be passed on to the next generation. As my host Carmen explains, in the course of talking about citrus farming,

> "The pro-mining people refer to how hard farm work is. I was told previously that if ever I decide to sell my land, I would be paid millions. I asked my children if I should sell the land, they refused and said, "If you sell the land, what will happen to us?" Money, no matter how plentiful, will run out. But the fruits of the citrus trees, there won't only be 1 million. There will be more than 1 million. The trees can bear fruit forever."[50]

[49] Section 76 of the Mining Act states that: The holders of mining rights shall not be prevented from entry into private lands and concession areas by surface owners, occupants, or concessionaires when conducting mining operations therein: *Provided*, that any damage done to the property of the surface owner, occupant, or concessionaire as a consequence of such operations shall be properly compensated as may be provided for in the implementing rules and regulations.

[50] This was said during an informal conversation with Carmen. Field notes dated 15-17 July 2007.

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The women informants also fear the very real possibility of water shortage, which will make farming harder for them. It doesn't need too much elaboration because farming, especially rice farming and swidden agriculture which are the main sources of livelihood of the Ifugao women, depend largely on the availability and accessibility of water. Water shortage will not only make farming harder but it will also make performing their household chores more difficult. As primary water users in the home, which they use for cooking, cleaning and washing clothes, among others, restriction of water usage and inaccessibility of the water resources will unduly burden them. In fact, when I asked if the presence of the mine impacts on men and women differently, Carmen, an Ifugao farmer from Sitio Bacbacan, says,

> "Yes, there's a difference especially in terms of the mine operation's impact on water. Women will be affected more because we are the ones using the water more often, for instance, in cooking. And, even though you have money and food, you won't just eat the food without needing to drink water."[51]

A group of Ifugao farmers from Verona further adds,

> "Another negative effect of the presence of the mining company is its' operations impact on water. It has become dirty and muddy. The dirt and chemicals that they use in drilling get into our crops. Sometimes, our *palay* (rice plant) dies. The fertilizer that we use is not as effective as before because it reacts to the chemicals that the company uses."[52]

Some informants also feel threatened by the massive tree cutting that the company is currently undertaking. The company is clearing off parts of the forest in order to build roads and other infrastructure. The women are afraid that the company will use up all the wood by cutting off trees and taking over the mountains. Cecilia, an Ifugao farmer from Sitio Camgat, says,

> "If the mining project pushes through, it will pollute the air and water. We may also lose our source of firewood because the company owns the mountains now. Since they use electricity for cooking, they don't have to worry about where to get firewood. For us who do not have electricity, we need the firewood for cooking."[53]

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[51] Interview conducted on 15 July 2007. Transcribed as translated from Ifugao.

[52] Interview conducted on 12 July 2007. Transcribed as translated from Ifugao.

[53] Interview conducted on 17 July 2007. Transcribed as translated from Ifugao. Here, Cecilia does not only refer to the mining company itself. When she refers to 'them' or 'they', she is also referring to people who are employed in the company.

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Aside from worrying about the potential water shortage and loss of timber, some of the informants are also worried about the adverse impact on the environment that the mining activities may cause, like air, noise and water pollution. Myrna (pseudonym), a Kalanguya farmer in her 30s, while washing off the mud from her newly harvested ginger narrates,

> "The possible negative effect of the mine really troubles my mind. It bothers me a lot because even now that mining is not fully operating yet, you can already notice that there is less water available. There are many bad effects like air pollution. For now, everything, Didipio itself, still looks healthy with all the green. But, if mining goes on, maybe there won't be fresh air any longer and the view of Didipio may change for the worse. Maybe there won't be any trees left. The source of livelihood and nature are important."[54]

Both the perceived threat and their actual experience of living alongside the mining company consequently shape how the Ifugao women respond to the presence of mining in Didipio.

Resisting Mining

> "In the third illustration, are you happy with all the things there? Do you want to change or remove anything from the picture?"
> "We hope that the bunkhouse will be removed."
> "Does it mean that you want to remove Dinkidi[55] as well?"
> "No, just the bunkhouse so there will be no problems."
> "The company should be removed because it is the reason why there is so much conflict and disunity here in our barangay."

The discussion quoted above occurred during a workshop I conducted with Ifugao women from Sitios Camgat and Surong. I asked the participants to portray Didipio using symbols or pictures. In their illustration, they drew citrus groves, banana, ginger plants, rice fields, Dinkidi, the elementary school and the bunkhouse (the mine offices). By wishing that the bunkhouse could be removed, they obviously see the bunkhouse as a symbol of the continued presence and threat of mining in their community.

[54] Interview conducted on 12 July 2007. Translated by the author from Filipino.
[55] Dinkidi is the hill in the middle of Didipio where the mining company will conduct its open-pit mining activities.

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Most of my informants are members of Didipio Earth-savers' Multi-purpose Association (DESAMA), the people's organization that is at the forefront of the campaign against large-scale mining in Didipio. Two of the women who are most active in DESAMA and in the anti-mining campaign shared with me their stories on how they became involved in the movement. Marina, the barangay health worker from Hungduan, Ifugao, is one of the six (6) founders of DESAMA and at that time, she was the sole female in the group. She was able to go into exposure trips sponsored by local non-government organizations to mining areas in Baguio City and Benguet and see for herself what happened in mined-out areas. She also remains very active in community activities and she is recognized as one of the women leaders in the barangay. She told me that, as a health worker, she could not help but be involved in all stages of an individual's life. She laughingly said, "I am a meddler. I am with people when they give birth, when they get sick and when they die. I am always around." She often proudly tells the story of how she brought her youngest child, then only a couple of months' old, to join one of the anti-mining rallies in Bayombong, leading the church's Bishop to christen the baby as 'the DESAMA boy'. She also remembers,

> "Once, there was even a typhoon and we had to go to Manila just to show them how we totally oppose mining. We went with municipal officials. It was during a meeting of the mining financiers at Shangri-la Hotel. We went and rallied in front of the hotel. Of course, we were not allowed to go inside. There was another group then but they were paid by the government to rally in support of mining. With us, we went there to show how opposed we are to mining. There were so many people then who joined the rally and it was pure sacrifice on our part. It's good for the other side because the companies have money. For us, it's all sacrifice. We don't like how they deceive and lie to people. For the pro mining people, they only follow what the company tells them to do or where the company tells them to go. In any case, they will be paid for their trouble. The company will provide for everything they need; whereas, everything is pure sacrifice on our part."[56]

My host Carmen, an Ifugao farmer from Banaue and who migrated to Didipio in her teens, followed a different path. She says,

> "At first, I wasn't aware that there is a division between the pro and anti so whenever the company representatives called for a meeting, I would attend it.

[56] Interview conducted on 29 July 2007. Translated by the author from Filipino.

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> At the same time, whenever DESAMA called for an assembly, I would attend it as well. I even went to a couple of livelihood seminars on how to raise pigs and how to build fishponds that were sponsored by the company. There was an instance when somebody said, "ay, that Carmen is unreliable. She is not a real pro." That was the first time that I heard the term so I started asking around. I talked to the barangay captain then. He said, "You have to choose one position."
>
> Then, I talked to my husband and asked him about the issue. By then, he was already involved in DESAMA and he would often leave at night to attend the DESAMA meetings. He would just say, "I need to go to Surong." But he would not say why and I would often be left to wonder what it is that they do in Surong. But, when I finally asked him, my husband explained to me what the mining issue is all about. That's when I started to think about it seriously. Of course, I had to consider what would happen to our family if I would become pro and my husband remained truly anti. When the barangay captain asked me again as to where I stand on the mining issue, I said, "I decided to join the anti." The captain said, "Okay, it's good that you have your stand (*prinsipyo*) but think about whether that is the right stand." I said, "Yes, I think this is the right stand."[57]

As DESAMA women, they formed a cooperative store that they themselves built and currently manage. The DESAMA coop seems to be widely regarded as a major accomplishment of the anti-mining women and an express challenge to the 'pro-mining' women who have their own coop store. They thought of building their own store when they noticed that they were also the ones who were consuming all the goods in the 'pro-mining' cooperative. The fact that the DESAMA coop has become bigger than the pros' store seems to be a source of pride and joy because it proved that they have money of their own and that they do not need the company to have some income. As Nora explains,

> "We thought about building this Coop because we noticed that the antis are also the ones patronizing and buying out the goods in the other store. We realized that the antis have money after all and those people working at the company are not the only ones who have money. That's what those people say about us, that we don't have money. We felt challenged. That's when we decided to start this Coop, no matter how small initially. The store was located at Carmen's house at first then we moved it to Mary's place. We were able to get some money and we bought this lot for DESAMA. So, this new Coop

[57] The conversation with Carmen occurred in two separate instances. The first one was on 15 July 2007 (as recorded on my field notes) and the second one was during an interview conducted on 29 July 2007. Translated by the author from Filipino.

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> store was constructed on DESAMA property now. We also plan to build a DESAMA office at the back."[58]

Although, when I asked if the coop members talk about the mining issue, they said that they only talk about coop matters during the meetings. The DESAMA Women's Group, that manages the coop, already has a separate identity within DESAMA but the women members have not maximized the opportunity and space afforded by having their own organization. Although some of them have recognized that forming the coop is actually a show of protest against mining, when I asked why they have not used the forum as an additional venue for a more institutionalized protest, a couple of them explained that,

> "We've thought of that but we haven't really done anything about it yet. There was one time, in March, I think, that one of us heard somebody say, "Why can't the pro-mining break DESAMA up?" We had a meeting and we decided to focus on keeping DESAMA together and not to separate."[59]

The women consider being active members in DESAMA, by abiding with the plans of the group and cooperating with other members of the group, including the men, as their way of engaging the mining issue. At this point, there is still some resistance to framing the mining issue as a "women's issue", although mining as we have seen from the data above, impacts on and unequally burdens the women.

Most of the informants believe that it is their responsibility to know what is happening and what steps the company is taking to further its mineral development that is why they attend the DESAMA assemblies as often as they could. When asked, they seem to be well informed as to what the company is planning to do in their particular sitios. As part of the institutional plan of DESAMA (and other support non-governmental organizations), the women participate in rallies and protest actions held in Manila and Bayombong. Some of the women, especially the younger ones, have joined information and education campaigns (IECs) in neighboring barangays, to explain the nature of the Didipio mining project (which actually covers not just Didipio but 16 more adjacent barangays) and to urge the residents in these

[58] Interview conducted on 11 July 2007. Translated by the author from Filipino.
[59] Interview with Carmen and Marina conducted on 29 July 2007. Translated by the author from Filipino.

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neighboring barangays to join the anti-mining movement. The women also have their own assignments as regards the maintenance of the DESAMA farm.[60]

The women informants have also signed up as petitioners in various legal challenges posed by DESAMA against the mining regime and against the mining company, in particular. I remember when I was gathering the petitioners' signatures and verifications in preparation for filing the case in the Supreme Court back in 2003, some of the women had to affix their thumbprints, rather than their signatures, because they do not know how to write; not that their illiteracy held them back from participating in the case. As Manang Dinaon says,

> "We refuse to join the other side because they lie when they say that the antis do not know what is in store for the future of our children. For the antis, like us, the land should be from generation to generation. We sign resolutions and oppositions against the mine. Even though we're ignorant, even though we can't read or write, we sign those resolutions."[61]

She continues,

> "You want to know what we're fighting for? We are fighting for all the hard work and sacrifice that we endured in clearing out the mountains just so we could plant rice. Then, this company thinks that it could just come and mine the land? We are fighting for our past sacrifices, hardships and difficulties. We show our opposition to the mine by signing those papers."

At that time, the legal case that questioned the legality of the mining permit awarded to Climax Arimco was the most explicit articulation of the group members' rejection of the mining project and by participating in the case wherein the legality of the Mining Act was also questioned, the women were able to join and in turn, shape, the national advocacy against mining that reached its strongest momentum after DESAMA filed the case in May 2003. It was then that both local and national non-government organizations were mobilized into a consolidated campaign against large-scale foreign mining.

When, however, I expressed concern about whether the issues of DESAMA women members are really articulated in the way the anti-mining campaign is

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[60] The DESAMA farm is intended to be developed into a model citrus farm, which is one of the identified campaign strategies to show that there are more viable (agricultural) livelihood in the area other than mining.

[61] Interview conducted on 15 July 2007. Transcribed as translated from Ifugao.

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presently being mobilized and carried out, they simply said that, “Mining is the major concern of the women here.” This assertion was somehow affirmed by the lack of answer (or else I got silence and blank stares) whenever I asked what other community issues or problems are there aside from mining. Florinda candidly says,

> “I don’t know if there are other issues aside from mining. If there are, I am not aware of them because I am so focused on the mining issue. Maybe if there is no mining issue, I will be able to notice if there are other problems in the community. That’s how it works now. Because we’re solely focused on mining, we don’t notice anything else.”[62]

The institutional makeup of DESAMA may give the appearance of being very male given that most of the leaders are men but the women believe that they are sufficiently represented in the anti-mining campaign because they give their input and opinion during planning and strategizing meetings. Most of the informants said that they have their individual stand on the mining issue and they are active participants themselves and not merely as adjuncts of their husbands. Rebecca (pseudonym), an Ifugao who was born in Didipio, says, “These women join the anti-mining campaign on their own volition. If there is a rally or a meeting, the women participate too even if their husbands are already present.”[63] In fact, Marina says, the fact that she is always out of the house because of matters related to the anti-mining campaign irritates her husband. However, I got a different answer from a group of Ifugao farmers from Bacbacan. When I asked if they often attend the meetings, they said that it is mostly men who attend the meetings. When I asked why they could not also go, they said that because their husbands go to these meetings, they are the ones who have to take up the slack, to go and work on the farm. While I was conducting this interview, the husband of one of the women I was then interviewing jumped in and interjected,

> “Whenever I attend the DESAMA meeting, my wife gets left behind to work on the farm. If she refused to take on the extra work, I would not be able to go to the meeting because then I have to stay on and work on the farm so that we would have something to eat. That’s my wife’s contribution to the campaign. This is how we focus on the problem”[64]

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[62] Interview conducted on 12 July 2007. Translated by the author from Filipino.
[63] Interview conducted on 27 July 2007. Transcribed as translated from Ifugao.
[64] As recorded on my field notes dated 15 July 2007.

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The interviewees did not say anything in reaction or in response to the interjection, either because they did not understand what he said (he spoke in Filipino) or they simply did not interpret taking on additional work as resistance. It is interesting, though, that 'resistance' in this form is more evident when seen from the point of view of third persons (like the husband) and not from the vantage point of the women themselves.

According to the women I interviewed, as mentioned previously in another section, they also interpret as resistance to the mining activity their refusal to participate in company-sponsored livelihood programs (which is discussed at length in the previous section). This refusal gains significance if you take into account their socio-economic standing as subsistence farmers. One of my informants, an Igorot who migrated to Didipio in 1995, recognizes that there is a problem with regard to the income status of the women in the barangay. She says, "Most of the women here do not have jobs and there are not enough opportunities from which to earn money except farming."[65] But, although the women informants acknowledge that additional skills like sewing or pig-raising can help augment their present income, they see their refusal to attend those trainings as a rejection of the continued presence of mining in their community. Further, when I asked how they show their opposition to the mine, a group of Ifugao farmers from Bacbacan enumerates,

> "We refuse to let the company vehicles on their way to Tubo pass through our properties. We also do not sign anything that the pro-mining people or the company asks us to sign. Even when they say that they will hire us, we refuse the work being offered to us because we do not want mining to continue. Whatever happens, whatever they offer, we will continue opposing the mine. We rather continue planting in our farms and do *kaingin*[66] than work in the company that will disappear after a few years and leave Didipio in ruins."[67]

Even the offer of employment in the company fails to tempt the women. Angelina, a widow with two young children, explains,

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[65] Interview conducted on 19 July 2007. Translated by the author from Filipino.

[66] *Kaingin* is the practice of clearing a forest by cutting and burning the trees for the purpose of planting and raising crops.

[67] Interview conducted on 15 July 2007. Transcribed as translated from Ifugao.

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> "If I accept work from the company, it would seem that I myself picked up the stone to beat my own head with. If getting the work is not in exchange for something, there's no problem. But what will happen to my children in the future? We already know how bad the effects of mining are, especially to children. I don't have to work in the company to be able to eat three times a day. I'm used to doing heavy work in the farm on my own."[68]

An informant, at some point, exclaimed, "Do they [referring to the pro-mining people] think we enjoy doing this? Whenever we have to go to rallies, we have to abandon our work. If you leave the farm unattended even for two days, when you come back, the grass would have grown really fast. It means more work for us to do. Hay, sometimes the whole thing really makes me mad."[69]

As a last point, the question on opportunities dumbfounded most of the interviewees. The question was – what do you think are the opportunities that have opened up because CAMC (the mining company) came here. I am not sure if it is because of the difficulty of translating the word 'opportunity' into Ifugao or Filipino or whether it is actually something that they have not thought of before. During those times that I asked the question, I had to prod them hard before they would say anything and what I would hear were the examples I gave. I had to abandon the question because I was not getting any response from them. From this, I can say that there is some difficulty in transcending their current positions in order to see the bigger picture. They do not seem to be in the habit of looking at the situation from a distance. Obviously, the Ifugao women do not see themselves as part of a bigger movement against global capital. The point of their struggle is to drive away one specific mining company from what they see as their territory.

In conclusion, by analyzing the impact of discourse on mining on the Ifugao women, we were able to see how the mining regime has rendered the women invisible by the denial of the connection that is created between actors in a particular mining relationship. Looking at the regime, it seems that the only connection that is created is between the state, as the grantor and owner of mineral resources, and the mining company, which is given the right to conduct its business. In this study, I identified

[68] Interview conducted on 18 July 2007. Translated by the author from Filipino.

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three aspects of the relationship that is created between the Ifugao women and the mining company – as members of the same community, as subjects in an employer-employee relationship and as overlapping landowners. Another negative impact of the discourse of mining on the Ifugao women, however, is the erasure of the contribution of the women's labor as a result of the shift from subsistence agriculture economy, where the women are active participants, to a capitalist mining industry, where the women are excluded from participating because they lack the skills necessary and required in order to participate in such an industry. For the Ifugao women in Didipio, who are unskilled workers, there is not only the threat of losing their lands where they mainly source their livelihood but also, in the event that displacement actually happens, the resulting deprivation will be exacerbated by the absence of other viable employment opportunities.

More seriously, however, what the discourse on mining conceals is the response of the Ifugao women to the persistent threat brought about by the continued presence of the mine. It is only when you shift the vantage point and 'look upward' from their location would one be able to discern their agency. The narrative of their resistance is rich and evocative. In addition to their participation in an institutionalized protest, through their membership in DESAMA, their narrative is also rife with stories of how they, individually, manifest their opposition to the mining project in varied and creative ways. The Ifugao women, through their resistance, are able to cross the boundaries of their small remote village to link up and connect to a bigger group working against large-scale foreign extractive industries and hence, they are able to stake their claim on the ongoing transnational discourse against development aggression. More importantly, however, the Ifugao women, through their resistance to large-scale mining, claim for themselves the right to speak out and oppose something that they believe threatens not only the peace and unity in their village, but also the sustainability of their livelihood and the viability of future generations. Looking at and understanding resistance make the Ifugao women's roles and activities visible by explicitly including those spheres and sites, here the community and the private realm in which many women tend to spend much of their

[69] Interview conducted on 29 July 2007. Translated by the author from Filipino.

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lives, that the transnational mining regime has rendered invisible. I hesitate to identify an all-consuming reason for their resistance because its intangibility eludes speech, but the narrative re-centers what has been up to now only tangentially known as the periphery and through such resistance, power in all its manifold forms is exposed for its fragility. It is said that power itself breeds the resistance to it and the Ifugao women, in resisting transnational mining with all its capital muscle, demystify the seemingly monolithic power of capital and take it upon themselves to be, not the targets of power, but the vehicles of its new articulation.

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CHAPTER 5
CONCLUSIONS

In the course of my field research, I was often asked why I was only talking to the women. At first, I would flippantly answer that I have talked to the men enough, only to realize that is actually the real reason why I decided to focus on the Ifugao women of Didipio for this project– it is because I have talked to the men enough. I have worked with the Didipio community as their legal counsel, on and off for six years while I was with LRCKsK and since the engagement was on an institutional level, I ended up talking to and negotiating with the predominantly male leaders of DESAMA. This research was mediated by my curiosity and desire to hear from the women in the community that I have worked with for so long but who I have never 'heard'.

I started this thesis with four questions: *first*, what composes the relationship of the Ifugao women in Didipio and the transnational mining corporation operating in the area; *second*, what are the prevailing legal and discursive formations that govern this relationship and how these formations situate the location of the Ifugao women; *third*, how does this relationship (re)produce the identity of the Ifugao women; and *fourth*, how do the Ifugao women negotiate their context? In posing these questions, my main objective was to make the Ifugao women visible in the discourses on indigenous peoples and mining, working on the premise that the twin discourses on transnational mining and indigeneity have rendered them invisible. I also sought to enquire into how and why they have been rendered invisible in the discourse.

I have situated this research in the critical frame that entailed shifting the gaze from the search for where the women are and instead asked, which women we are talking about when we discuss the gendered nature and impacts of the discourses on globalization. With this paradigm shift, I was able to bring the women's agency back in to the picture and to consider how multiple identities are re(constructed) and re(inscribed) into an otherwise amorphous and abstract discussion about globalization

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processes and discourses. This methodological standpoint entailed what Mohanty (2003) refers to as transnational anticapitalist feminist critique that draws on the notion of epistemic privilege and assumes that an ascending analysis from the local and specific location of the women would yield a more inclusive viewing of global and systemic power.

The presence of transnational mining in Didipio has brought to the fore issues about the colonizing and homogenizing tendencies of the discourses on mining and indigenous identity when considered with the situation of the Ifugao women in mind. Using the shift in discursive premise as guide, I analyzed the local and specific experience of the Ifugao women as they confront and contest the discursive sites of mining and indigeneity. In this research, I first looked at how these sites impact on the Ifugao women and I found out that the twin discourses, *first*, conflated their multiple identities by insisting on the fictive homogeneity of indigenous identity; *second*, rendered the Ifugao women invisible by denying the connection that is created between actors in a particular mining relationship and *third*, erased the value of the Ifugao women's labor in the process of shifting from subsistence agricultural economy, where the women are active participants, to a capitalist mining industry that generally excludes women because of the lack of skills necessary to participate in said industry.

In order, however, to have a more inclusive picture of the situation of the Ifugao women and to take the point of reclaiming agency further, I subsequently examined the two discursive sites of mining and indigeneity from the bottom up. In applying this methodological standpoint in my research, through a critical reading that dialogically links not only the global to the local but also the local to the global, I found out that in so far as indigeneity is concerned, the case of the Ifugao women seems to suggest that there are possibly more relevant and critical identity markers, other than the indigenous identity. As the Ifugao women negotiate not only their individual identities but also their collective identity as Ifugaos, I enquired into the relevance of indigenous identity with regard to the particular 'lived' narrative of the Ifugao women. In this study, I discovered that, in the particular case of the Ifugao women, rather than indigeneity, one critical and salient identity marker is their individual positioning in the mining issue to the extent that their manner of referring

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to and deploying such 'identity' seems to encapsulate the totality of one's identity. The various positions – the pro, the anti and the neutral – have become a critical identity marker for the Ifugao women and these 'identities' shape how they act and dictate how they deal with other members in the community. This particular situation of the Ifugao women also leads us to think more about the contingency and multiplicity of identities. Their case seems to affirm the notion that identities have epistemic validity and that they are subject to multiple determinants that will have to be verified in the course of one's life. I argued that, in the Ifugao women's case, an identity that is exogenously valued might not necessarily be substantiated by their local and specific realities.

Furthermore, by taking their local and specific experience in account, I discovered that what the discourse on mining has concealed is the response of the Ifugao women to the persistent threat brought about by the continued presence of the mine. It is only when you shift the vantage point and 'look upward' from their location would one be able to discern their agency. In addition to their participation in an institutionalized protest, through their membership in DESAMA, the narrative of the women's resistance is rich with stories of how they, individually, manifest their opposition to the mining project in varied and creative ways. The Ifugao women, through their resistance, are able to cross the boundaries of their small remote village to link up and connect to a bigger group working against large-scale foreign extractive industries and hence, they are able to stake their claim on the ongoing transnational discourse against development aggression. More importantly, however, the Ifugao women, through their resistance to large-scale mining, claim for themselves the right to speak out and oppose something that they believe threatens not only the peace and unity in their village, but also the sustainability of their livelihood and the viability of future generations. Looking at and understanding resistance make the Ifugao women's roles and activities visible by explicitly including those spheres and sites, here the community and the private realm in which many women tend to spend much of their lives, that the transnational mining regime has rendered invisible. The particular case of the Ifugao women leads us to think about power and resistance and the women, in confronting and resisting transnational mining with all its capital muscle, are demystifying the seemingly monolithic power

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of capital by taking it upon themselves to be, not inert targets of power, but the vehicles of its new articulation.

During one of the last interviews that I conducted, I was asked by one of the Ifugao elders how my research – what I was doing talking to women – could help them. The question might have been compelled by her confusion as to why I was not discussing their most pressing legal problems or it might have been a kind attempt to ask me what the point of my research really was. In the end, it is about the importance of the visuality of systemic power. Throughout this research, the concept of 'invisibility' is enquired into and problematized. The converse – visuality – mediates the effect and outcome of power, which is inequality, as power differentiates and excludes. As long as inequality remains invisible, a transformative agenda, that hopefully will ultimately be social and economic justice, will continue to be elusive.

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FIGURES

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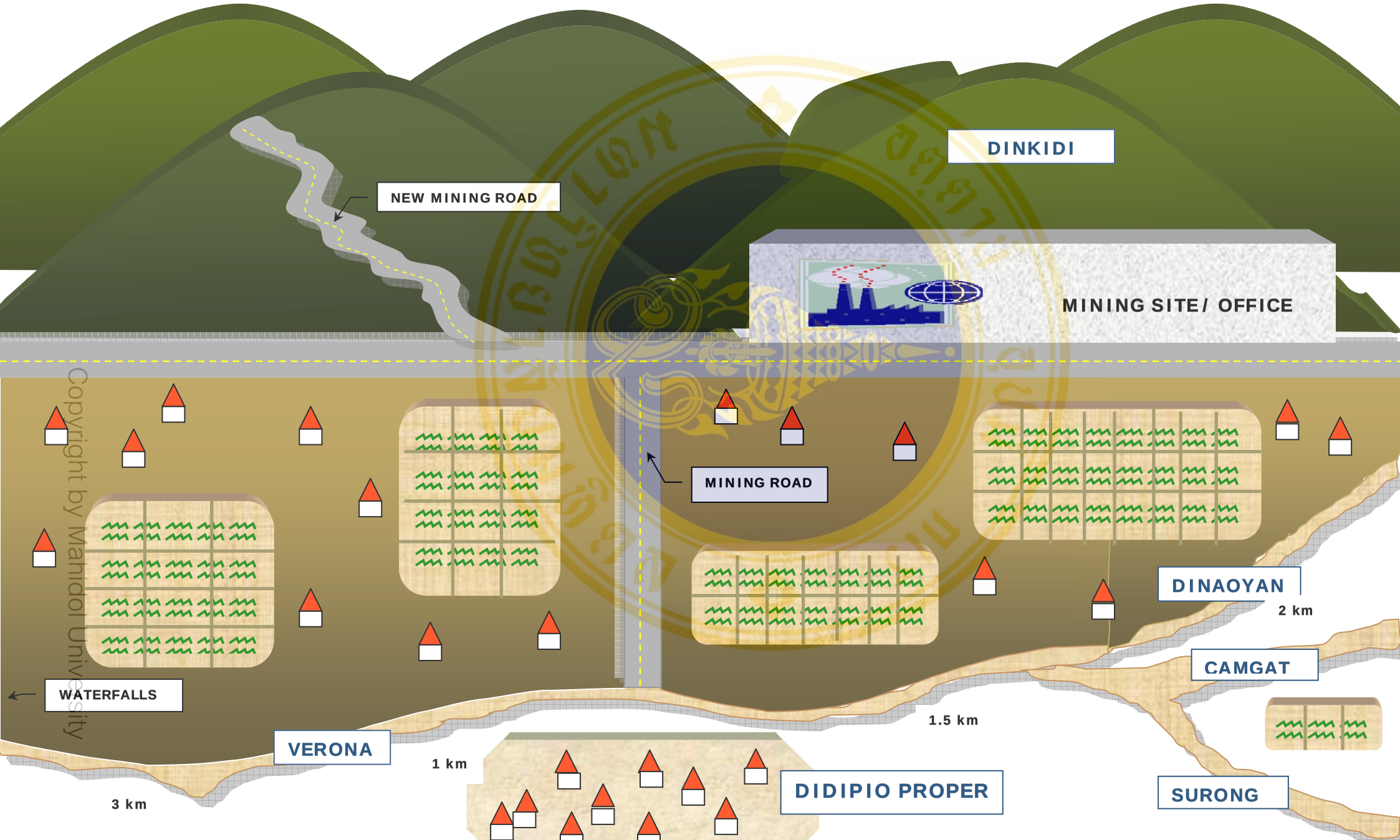

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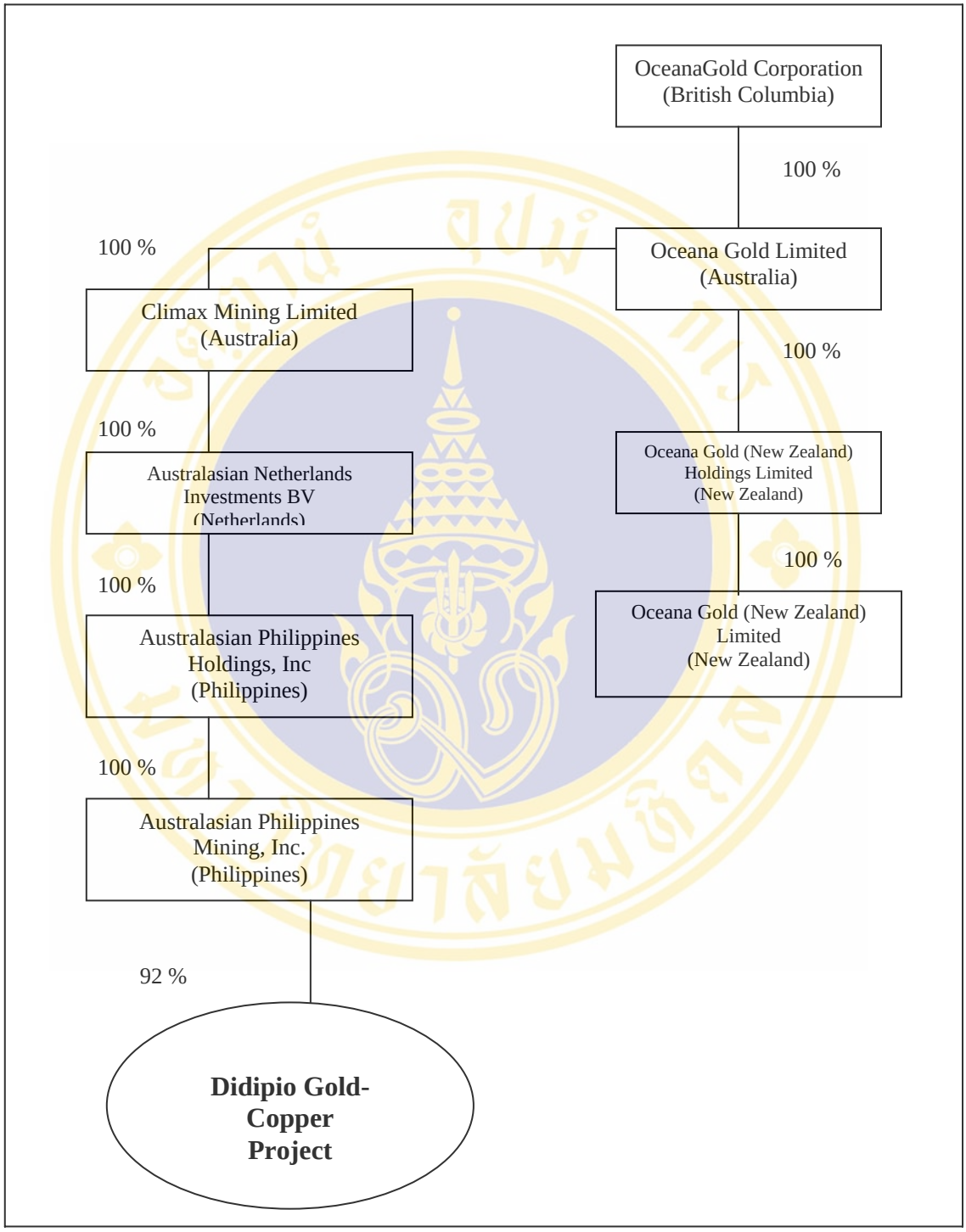

Figure 2 - OceanaGold Corporate Structure. (OceanaGold Prospectus 2007, 17).

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APPENDIX

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APPENDIX A

INTERVIEW GUIDE QUESTIONS

1. Can you describe your life here in Didipio before CAMC/APMI came?
2. Did anything change in your life when CAMC came?
3. What are the positive and negative impacts with the coming of the mine?
4. Do you think these things impact on men and women differently? Is there any difference as regards the effect or impact of the mine on women and men in the community? Why and how? If there is, what is the difference or in what way is the impact different? If there is none, why do you think there is no difference?
5. What are the challenges that you face with the coming of the mine? Classify as to whether the challenges are positive or negative?
6. What do you think are the opportunities that have opened up because CAMC came here?
7. As women, do you think you have any relationship or connection with the mine?
8. What is the extent of your knowledge about the company's plans? Start with the sitio.
9. Regarding the mining issue, how active or engaged are you in the mining campaign? Are you part of it? How do you manifest your interest in or engagement with the issue? Is there a woman-led mining campaign in the community?
10. Do you think you have a voice in the community with regard to the mining issue? How can you say that you have a voice? Can you give some examples when you voiced out your opinions and they were carried out or you were listened to? Alternatively, how can you say that you do not have a voice in the community or with regard to the mining issue? Can you give some instances that can back up your conclusion/assertion?
11. If you can direct the mining advocacy, how would you go about it? What are the issues or aspects will you emphasize or highlight?
12. Do you think your representation as Ifugao women in the anti-mining activities is sufficient? What do you think are the reasons why the representation is not sufficient? What are the factors that can serve as basis to measure what is sufficient representation?

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APPENDIX B

WORKSHOP DESIGN

Objectives:

1. Portray and explain the positioning/location of the subjects from their perspective
2. Explain how the subjects negotiate their particular location
3. Obtain data about ethnicity variables

20-30 minutes group work 15-20 minutes reporting per group

Materials:

Manila paper Scissors
Art papers Scotch tape
Crayons/markers

The target number of participants is 10 individuals. Check if there are women belonging to indigenous groups other than Ifugao. If there are none, divide the group into 2 randomly. If there are non-Ifugao participants, divide the group along ethnic lines, with one group being composed of Ifugao women only. After dividing the group into smaller clusters, ask the participants to describe the following pictorially:

(a) What are your roles within the family?
(b) What are the women's roles in the community?
(c) How will you represent or describe Didipio using symbols and drawings?

For the reporting, the groups' reporters will be asked to explain their pictures. Conduct a short plenary session and ask the participants if there is anything that they want to change or remove from each of the pictures and why. Synthesize what happened. Check if anybody disagrees with the representation. Get the pertinent information about the person, especially, ethnicity and status in the community. Schedule interviews with key informants.

Data content: pictures/representations, lists (including attendance sheet), transcripts of discussions and field notes.

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APPENDIX C
SAMPLE COMMUNIQUÉ

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ANNEX D

AUSTRALASIAN PHILIPPINES MINING, INC.

16 August 2006

MR. AND MRS. JOSE BUYA
Sitio Dinauyan, Brgy. Didipio
Kasibu, Nueva Vizcaya

Subject: Offer of Compensation

Dear Mr. and Mrs. Buya:

Manipud pay idi March 2006, namin-anu nga daras ken tiempo nga imbitaran dakayo nga umay kuma maki-tungtung ken maki-sarita panggep diay panaka-usar mi iti daga yu idiay Didipio nga ma-apektaran ti panag-rugi ti minas, ngem kanayon lat-ta nga madiyu kayat makitungtung ken maki-sinnabat.

Ket kasta ngarud nagsurat kami ta mai-presentar mi iti programa ti kumpanya nga panag-bayad ken panagbalor mi idiay daga yu nga maapektaran iti Didipio Gold-Copper Project nga imatmatunan ti Australasian Philippines Mining Inc. nga pinalubusan ken innikan ti gobyerno ti permit kas mining contractor.

1. **Agricultural Land (2 parcels of land Estimated at 6.0 ha total)** : **Php 1,200,000.00 amin**

2. **Relocation (Nu ada iti balay nga pag-gigianan ti landowner idiay affected area manipud idi lumabas nga maysa tawen)** : **Relocation House and Lot wenno Php 200,000.00 lump sum compensation amin**

3. **Educational Assistance** : **Php 10,000 / schoolyear for enrolled children**

4. **Priority ti trabajo nu adda bakante nga position**

(Plus other benefits nga applicable iti situwasyon yu)

Ti panang-awat yu ditoy surat wenno ti madiyu panang-ala ket kasla metlang nae-pannakammo ken naebaga mi kadakayo diay balor ti panang-bayad mi ti pannaka-usar mi iti daga yu. Expektaran mi ngarud nga masungbatan yu datuy surat mi iti makaunig iti lima (5) nga aldaw manipud iti panang-ited mi ditoy surat.

Nu madiyu pay kayat makitungtung ken maki-negotiate panggep iti compensation nga ibayad ken dakayu para idiay panaka-usar ti kumpanya iti daga yu, ket mapilitan kami ngarud nga ipaka-ammu iti gobyerno ta maited at ipalubos ti kalintigan nga okuparan ti kumpanya diay daga yu sapay kuma ta priority project ti gobyerno datoy panagminas idiay Didipio.

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Manila Office 3 Tolentino Street, San Lorenzo Village, 1223 Makati City, PHILIPPINES Tel No. 892 6643 Fax No. 892 8399

(English translation)

As far back as in March 2006, we have made several attempts to invite you to a negotiation meeting to discuss a mutually acceptable compensation for your house and two (2) lots located in Barangay Didipio, Kasibu, Nueva Vizcaya affected by the commencement of the mining operations of the company, but you have always been non-committal and evasive.

We now write to formally offer you the compensation package as stated above for your property affected by the Didipio Gold Copper Project of which Australasian Philippines Mining Inc. is the Philippine Government's duly recognized mining contractor.

Your receipt of this letter or refusal to do shall be deemed as tender to you of our formal offer as above stated. We therefore expect your response to said offer within **five (5) days** from receipt of this letter. Your continuous refusal shall leave us with no other recourse but to invoke the rights available to our client under applicable laws.

Sincerely yours,

ATTY. CELA MAGDALEN AGPAOA
SRA Legal Counsel

Received by : saan ko nga awaten dayta ited yo nga offer (compensation
Date : August 29, 2006 ta diak kayat nga i lako diay daga

If refused to receive:

Tendered by : Simeon Ivansayo
Date : August 29, 2006
Witness : Peter Afiwon

Manila Office 3 Tolentino Street, San Lorenzo Village, 1223 Makati City, PHILIPPINES Tel No. 892 6643 Fax No. 892 8399

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ANNEX E

September 9, 2006

AUSTRALASIAN PHILIPPINES MING, INC.
c/o the bunk house
Brgy. Didipio, Kasibu, Nueva Vizcaya

To whom it may concern:

We the residents of sitio Dinaoyan are sending a copy of our Resolution stating our firm stand not to sell our land to your company, APMI, or to any of your representatives. The Resolution also states our firm opposition to the operation of your company in our areas.

Therefore there is no more need for you to send your representatives to try and negotiate with us. All invitations or offers to buy our land will continue to be rejected.

Along with our decision not to sell our land, we demand that you or your representatives do not enter our private properties. You are not welcome in our homes.

From the Didipio Earth Savers Multi-Purpose Association, Inc.

LOPEZ DUMULAG
LOPEZ DUMULAG
Dinaoyan purok President

Certified correct by:

PETER DUYAPAT Sr.
Brgy. Kagawad

Purok sectoral representatives

Received:
10/23/06
SRA staff Didipio

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APPENDIX D
PICTURES OF DIDIPIO

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BIOGRAPHY

NAME	Miss Melizel Fojas Asuncion
DATE OF BIRTH	May 7, 1976
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INSTITUTIONS ATTENDED	University of the Philippines, 1992-1996 Bachelor of Arts (English Studies) University of the Philippines, 1996-2001 Bachelor of Laws Mahidol University, 2006-2007 Master of Arts (Human Rights)
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