

RIGHTS FOR SUSTAINABILITY:

Community-led Practices
on People-Powered Consumption
and Production



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Consumption and Production**

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Foreword

In 2019, IBON International published a pre-study on the consumption and production patterns and practices in Indonesia, Kenya, and the Philippines. These case studies laid down an overview of these countries' policies and how they are faring in their response to the call for sustainable consumption and production (SCP). Results of the pre-study confirmed that the current dominant approach to SCP has led to incoherent policies in initiatives directed at the environmental, economic, and social pillars of development. Efficiency and technological innovations were given primacy, while the social aspects of development such as promoting people's rights and leaving no one behind fell off the table. Moreover, the prevailing bias towards the market under globalization and the even greater power being accumulated by corporations pose formidable challenges to SCP and sustainable development, in general. The corporate capture of these agenda has resulted in policies that dispossess people, and transfer the control of wealth and resources into the hands of the elite.

The pre-study also aided the formulation of the people-powered SCP (PP-SCP) framework which, if applied, will be essential in the transformation towards genuine sustainability by putting people's rights at the center of SCP policies and initiatives, and ensuring coherent economic, environmental, and social policies on SCP.

IBON International's work on sustainability and other areas of engagement has always been centered on people's rights. We believe that the people should be able to assert their rights and sovereignty in all areas of development. This calls for democratic governance, protection of civic spaces, and developing the capacity of communities and their organizations to engage these spaces to promote their rights. In this regard, we work with civil society and people's movements in the global South in engaging the closely interlinked agenda of SCP, climate, trade and investments, and financing for development.

The first volume published in 2019 briefly shared that there are existing sustainable consumption and production practices that are being led by people's organizations and communities on the ground. This current volume of case studies presents in-depth investigations of examples of people-powered SCP (PP-SCP) practices in Kenya and the Philippines. The case studies examine how the PP-SCP practices are carried out by the community; how these practices promote people's rights, sovereignty and self-sufficiency, support social innovations and community actions; and facilitate the communities' demands for accountability of duty bearers. The studies also lay down both the internal and external contexts of the practices, and analyzes the possibility of the diffusion of these practices considering these contexts. The examples of PP-SCP practices in Kenya and the Philippines that were studied are being conducted by society's primary producers—indigenous peoples and

farmers. Although the research team did not assign a particular priority on these types of communities when choosing research areas, the important roles that agriculture still plays in the economies of these countries in terms of employment and providing for the daily needs of the countries' populations have naturally led the researchers to such cases.

The PP-SCP practices of the farmers of Katuk Odeyo and the *bungkalan* areas in the Philippines, and of the indigenous Ogiek, Igorot, and Lumad, have all shown that these practices promote various aspects of people's rights such as the right to food, the right to housing, the right to healthy environments, and in the case of indigenous peoples, the right to self-determination. The advancement of people's rights is supported by the communities' assertion of their sovereignty through collective action and the exercise of democratic governance within their organizations.

Although all of their practices are not "new", what is innovative perhaps is how these communities use these practices to support their demands for accountability from governments and corporations. Their PP-SCP practices were not only a means for their economic survival, but were also means to push for their democratic rights, and for the indigenous peoples, a means towards the survival of their identities and cultures.

Examples of projects that are being marketed by governments as sustainable initiatives were also examined using PP-SCP as lens of analysis. In contrast to the people-led SCP practices, the Olkaria Geothermal projects and the New Clark City (formerly known as the Clark Green City) violated people's rights by displacing farmers and indigenous peoples, and even contributed to environmental destruction. These cases also proved that the protection of people's rights and communities' access and control over resources are key in promoting genuine sustainability.

A chapter was also devoted to examining the spaces for engaging the SCP agenda. Although there are existing spaces available to CSOs in engaging the SCP discourse at the national, regional, and global levels, these spaces are not easy to access, and issues remain on how these spaces really take into consideration inputs from CSOs. The limitations of these spaces in forwarding PP-SCP leads to the conclusion that the battle for SCP needs to be expanded to other arenas such as the human rights mechanisms and instruments and spaces discussing financing, trade, and investments.

However, the spaces and arenas outside of where SCP is formally discussed are also afflicted with the same problems. In the current context of widespread authoritarian governance, militarism, and disappearance of democratic spaces, civil society and communities are finding it more difficult to participate. Much worse, civil society leaders and activists are killed, and communities continue to get evicted to give way to large-scale profit-oriented projects. The PP-SCP practices presented in this volume are themselves threatened by government policies that contribute to resource grabs, supported by militarization of communities, intimidation, and actual physical violence against their members and leaders.

In the preceding five years of the implementation of the sustainable development agenda, assessments made by the United Nations have consistently warned policy makers that the world is not on track. Regression has been noted particularly in the areas of peace and justice, and SCP (even with the limited approach of SCP as noted in the goal's targets). These last ten years will be crucial in achieving sustainable development if we want to avoid irreversible consequences. It is time that governments properly address the crucial issues that CSOs and communities have been tirelessly calling their attention to. We hope that CSOs and people's movements will find the case studies and the policy recommendations in this volume useful for campaigning for people's rights whether inside intergovernmental spaces, or outside in the streets and in their communities.

Amy Padilla

Executive Director, IBON International

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Executive Summary

Sustainable consumption and production (SCP) plays a key role in realizing the overall sustainable development agenda. However, current dominant approaches to achieving SCP do not adequately address the systemic issues of poverty, underdevelopment, and rights repression especially in the poor countries. In 2018, IBON International developed the human rights-based framework People-Powered Sustainable Consumption and Production (PP-SCP) to address the fundamental weaknesses of the current dominant approaches to SCP. The PP-SCP framework has four key elements:

1. Protection and advancement of people's rights in the whole production and consumption chain
2. Through people's sovereignty, promotion of self-sufficiency, from the community to the national levels
3. Support and encouragement of social innovations and community actions toward SCP
4. Demanding and ensuring accountability of corporations and governments

Aside from filling in the big gaps of mainstream SCP approaches which do not address people's rights, the PP-SCP framework can also be used to introduce comprehensive and coherent reforms that will address structural barriers to sustainability.

At the UN level, SCP is included in the Sustainable Development Goals as SDG 12: Responsible Consumption and Production. SDG 12 has 11 targets and 13 indicators. SCP objectives and core elements are also present in other SDGs. These include SDG 8.4 on improving global resource efficiency in consumption and production and endeavoring to decouple economic growth from environmental degradation; and SDG 7.3 on doubling the global rate of improvement in energy efficiency by 2030. SCP approaches are also required in SDG 6.3 (on reducing water pollution and hazardous chemicals); SDG 6.4 (on increasing water-use efficiency); and SDG 11.6 (on improving municipal waste management).

While the SDGs acknowledge the need for approaching SCP in a fundamental (or systemic) way, the targets that have been outlined under SDG 12 appear to reinforce the prevailing efficiency approach to SCP. In its previous scoping paper on production and consumption patterns and policies in Indonesia, Kenya, and the Philippines, IBON International asserted that this approach was problematic as SCP should be viewed beyond indicators that mostly provided solutions simply through innovations. The neoliberal political and economic order promotes unsustainable consumption and production patterns through extractive industries especially in the global South, resource grabs from local and indigenous communities,

destruction of local food systems which are replaced by chemical-based monocrop agriculture, exporting of wastes to poor countries for “recycling” and off shoring, and the patronage of “flexible”, informal, or irregular labor subcontracted in the Southern countries. Neoliberal trade and investment agreements play a big role in promoting these practices, with investor-state dispute settlement (ISDS) currently posing threats to public interest regulations.

The PP-SCP framework challenges the neoliberal political and economic structures that frame consumption and production which engender a widening North-South gap and further empower elites such as corporations. “Decoupling” will need more than technological innovations and/or sustainability commitments from corporations. In order to make the shift towards a transformative SCP agenda, SCP policies and initiatives should respond to a country’s and its people’s particular needs and constraints, and should also recognize the need to address overlapping inequalities between and among societies and genders while democratizing policy formulation and reform, decision-making, and implementation. Concretely, PP-SCP calls for comprehensive assessments of environmental and rights impacts of dominant practices such as extractive industries, trade and investment agreements, and even innovations and initiatives that are supposedly pursued in the name of sustainable consumption and production.

Recognizing the central role of the people in achieving sustainability, IBON International’s scoping paper recommended to study existing initiatives towards people-powered SCP that are already being pursued on the ground by communities and peoples organizations; and to explore spaces for influencing policy and decision-making processes to advance a people-powered SCP agenda.

The current study selected community-led initiatives in Kenya and the Philippines that promoted people powered-SCP principles or most of its elements. The researches also studied government-led green initiatives that revealed the various gaps and weaknesses of dominant SCP approaches. These cases are:

- Philippines
 - *Bungkalan: A Struggle for Rights and Sustainability in the Farming Communities of Cavite and Negros*
 - *In the Name of Balitok: The Case of Itogon’s Indigenous Pocket Miners*
 - Sustainable Lumad Schools in Mindanaos
 - Exclusive Sustainability? New Clark City: Displacing the Poor, Sustaining the Rich
- Kenya
 - Asserting the Right to Ancestral Lands, Reclaiming Stewardship of the Forest: The Ogiek People
 - Restoring the Health of the Soil, Community, and Environment: Friends of Katuk Odeyo’s *Rito Aluora*
 - Green Energy, Uprooted People: Effects of the Olkaria Geothermal Projects on the Maasai

The government-sponsored “green” initiatives exposed the inadequacy of the dominant SCP approach in addressing people’s rights, poverty, and inequality.

While the Clark New City was championed as a model for sustainable cities, the case study revealed various violations of the rights of indigenous peoples and farmers displaced by the project. Communities affected by the project also shared how it damaged the environment and prevented the farmers from further practicing organic farming, and the indigenous peoples from their ritually-sanctioned shifting cultivation. In Kenya, the geothermal power plants in Olkaria displaced the Maasai from their ancestral territories. Furthermore, during the process of relocation and compensation for their displacement, their identities as indigenous peoples were neither recognized nor considered by both Kenyan government and the international financial institutions (IFIs) funding the project.

The PP-SCP practices on the other hand showed the link between sustainability, the communities' access and control over their resources, and the promotion of people's rights. These PP-SCP initiatives were created by the communities to survive the harsh conditions of poverty and government neglect. Not only did these practices enable the communities to address their basic needs for food, shelter, health, and decent jobs, they also empowered the members of the communities to exercise their civil and political rights. The organizations that the communities formed around their PP-SCP practices helped them address self-sufficiency for material needs and raise both knowledge and practice in participatory governance and collective decision-making. These organizations served as conduits of awareness-raising and capacity building for community members as they learned to assert their rights over resources such as land for the farmers and ancestral territories for the indigenous peoples against government policies and corporate entities that intended to grab these resources.

These practices also helped women break some of the cultural barriers that prevented them from participating in family and community decision-making. For example, the *rito aluora* and the beekeeping practices of the communities in Kenya assisted women in providing economic means to support their family, which in turn enabled them to have a say in decision-making. Participation in the organizations not only made women become part of a more cohesive community, but also gave them the space to lead. In the Philippines, for example, women of the *bungkalan* areas and of the indigenous peoples of the Lumad and the Cordilleras had significant roles in their organizations, either as holding important leadership positions, or as negotiators with state forces and corporate entities. In their stories of direct confrontation with state forces, women farmers and indigenous peoples in the Philippines and Kenya were always in the front line to defend their communities.

The possibility of diffusing these PP-SCP practices was also examined. In the Philippines and Kenya, agroecological and organic farming, soil conservation, beekeeping, and indigenous knowledge on managing natural resources were not actually unique to their communities since these were also practiced by other communities elsewhere. *Bungkalan* or land occupation was also being practiced by marginalized farmers and communities in India and Brazil. What was perhaps "unique" about these practices was how they advanced the rights of the communities.

However, as long as the Kenyan and Philippine governments implement neoliberal economic policies, it is more likely that these PP-SCP practices will

remain alternatives to the more dominant form of agro-chemical agriculture and continuous resource extraction from indigenous peoples' lands. These policies allow the corporate capture of resources and are premised on attracting foreign investments in both countries.

Combined with local corruption in the bureaucracy, non-implementation of laws protecting the environment and marginalized peoples, and weak accountability mechanisms towards erring corporations, these policies will continue the destruction of the environment and resource grabs from indigenous peoples and local communities.

In both countries, obstacles to promoting PP-SCP practices of communities were corporate capture of development, rights repression, and a disabling environment for CSOs and peoples organizations. Attacks by state and corporations against the communities are also common. To date, the Ogiek of the Mau forest, the Lumad of Mindanao, the indigenous peoples of the Cordilleras, and the farmers of the bungkalan areas continue to face threats of eviction from their lands, and threats to their lives. Despite facing huge challenges, including threats to the lives and security of leaders and members, these PP-SCP practices persist because of solidarity in the form of financial, material, and political support by groups and individuals within and outside the community.

Spaces for influencing policies on SCP at the global, regional, and national levels had varying levels of openness to CSO engagement. For example, the High Level Political Forum (HLPF) and the Voluntary National Reviews (VNRs) were being bogged down by the same fundamental issues that hampered the participation of non-government, non-business actors in UN processes and mechanisms. One of the common complaints from civil society was that most member states that participated in the process just used and treated the VNR as public relation stunts to boost the incumbent government's image before the international community, instead of a truthful and credible monitoring and assessment of what countries really achieved or not in terms of their commitments and goals for sustainable development. Other platforms, outside of, but still linked with, the HLPF and SDG 12 to pursue the SCP agenda for civil society were either more focused on innovations or technical monitoring instead of policy setting; or voluntary and lack accountability mechanisms. The presence of big business interests in these platforms also created additional challenges for the promotion of SCP. Furthermore, many cause-oriented groups faced increasing repression by their own governments and were thus severely hampered from fulfilling their role in the realization of the sustainable development agenda.

The country case studies reveal that indeed, the people play a central role in achieving sustainability and innovations alone cannot lead to sustainable consumption and production. The recognition of people's rights and sovereignty is important in realizing SCP not only to protect the environment but also to ensure the needs and rights of marginalized communities. The shift towards PP-SCP also demands transformations in political, social, and economic policies that govern relations on how resources are used and distributed. Material support and advocacy towards the recognition of these communities' rights and the democratization of

governance are very important.

Civil society must appreciate and approach the issue of sustainable consumption and production as a “strategic battle”. In terms of engaging the UN, this means moving SCP engagement beyond the HLPF and its limited spaces and looking at SCP not as a standalone goal that can be achieved through innovations and measured by indicators. As a cross-cutting theme, it must be pursued in different available spaces and at various levels of the UN, optimizing and synergizing CSO efforts. Expanding the battleground for SCP also means operationalizing it at the national and local levels to mobilize communities on issues important to them and to engage governments through campaigns and policy advocacy. Broadening CSO engagement on SCP, and sustainable development in general, in the context of the people’s right to development can potentially achieve strategic gains for people-powered sustainable consumption and production.



Kenya

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II. Asserting the Right to Ancestral
Lands, Reclaiming Stewardship
of the Forest: The Ogiek People

III. Restoring the Health of the Soil,
Community, and Environment:
Friends of Katuk Odeyo's *Rito*
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IV. Assessing the Possibility of
Diffusion of the Community-
Based PP-SCP Practices

V. Green Energy, Uprooted People:
Effects of the Olkaria Geothermal
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I.

INTRODUCTION

In June 2019, Kenya landed in international news. The country's National Environmental Tribunal (NET) issued an historic ruling halting the construction of Kenya's first ever coal power plant in the coastal town of Lamu. According to the NET, the National Environment Management Authority (NEMA) failed to produce a proper Environmental and Social Impact Assessment (ESIA) for the USD2-billion coal power plant funded by China (Warah, 2019). The tribunal ruled that the ESIA was insufficient due to the lack of public consultations and the failure to inform the public of the coal plant's negative environmental impacts, as well as the size of the land that would be acquisitioned to build the power plant. Activists from the ranks of Save Lamu and deCOALonize Kenya welcomed the decision. Since 2016, they have been campaigning against the project due to its adverse impacts on the town's tourism, farmlands, and local fishing industry. However, the project is not yet completely shelved as the ruling ordered for a new ESIA which ensured public participation. AMU Power, the consortium of Chinese and Kenyan power firms behind the project, has also decided to appeal the case. For Save Lamu, deCOALonize Kenya, and other activists, the fight is far from over.

The ruling brings to light typical issues that developing countries like Kenya face in the context of sustainable consumption and production (SCP). Transitioning to clean production by shifting to clean energy is one of the major difficult issues faced not only by Kenya, but also by many other countries, both developed and underdeveloped. For Kenya, the decision to build a coal power plant despite already producing around 70% of its current power supply from renewable energy was pushed by the government's projections of increasing demand for energy as the Kenyan economy grows. In 2011, the Energy Regulatory Commission (ERC) forecasted a 13.4% annual energy demand load growth and an 11.4% average annual peak demand load growth for Kenya (Wang, 2019). This project also finds support in the country's Vision 2030, the country's long-term development blueprint. Vision 2030 identifies coal as one of the energy sources that will be tapped to support Kenya's economic growth. However, these policies and actions are in conflict with the declaration made by President Uhuru Kenyatta at the 2018 Paris Peace Forum about plans to make Kenya 100% powered by renewable energy by 2020 (Wood, 2018).

Another issue that the ruling also brought into light, but not frequently discussed in the SCP discourse, is the assertion of people's rights against corporate dominance in shaping policies and initiatives towards economic development and sustainability. Although the ruling did not question the project itself, it gave emphasis on the importance of community participation, a key component for democratic governance and achieving human rights. For the communities wanting to save

Lamu, asserting their right to participate in decision-making process was key in the struggle for what and for whom Lamu's resources will be used. For those against the coal plant, these resources should be used for the right to livelihood and a clean, healthy environment. This ruling could not have been made possible without Kenya's environmental activists whose ranks are increasing due to the encroachment of "business...on human territory, pollution, displacement of communities by the state and corporate activities..." (CIVICUS, 2016, para 3.).

The sections and case studies that follow will tackle these various issues surrounding SCP in Kenya through the lens of People-Powered Sustainable Consumption and Production (PP-SCP) which integrates a rights-based approach with the elements and principles of SCP. More importantly, these showcase Kenya communities' actions in asserting their rights against powerful and wealthy interests in the country as Kenya attempts to transition to sustainable development.

A. A Review of Kenya's Laws and Policies Related to SCP

Kenya's Vision 2030 serves as the country's long-term development program for achieving its aim of becoming a newly-industrializing, middle-income country by 2030. The Kenyan government identified the Big Four priorities that will be addressed in the Third Medium Term Plan (MTP) covering the years 2018 to 2022:

- Support value addition and raise the manufacturing sector's share to 15% of GDP by 2022. This will accelerate economic growth, create jobs and reduce poverty.
- Focus on initiatives that guarantee food security and nutrition to all Kenyans by 2022 through expansion of food production and supply, reduction of food prices to ensure affordability and support value addition in the food processing value chain.
- Provide Universal Health Coverage thereby guaranteeing quality and affordable healthcare to all Kenyans.
- Provide at least five hundred thousand (500,000) affordable new houses to Kenyans by 2022 and thereby improve the living conditions for Kenyans.

These priorities, along with the country's commitments to the SDGs, including SCP, are integrated in the policies, programs, and initiatives outlined in the Vision 2030. Recognizing Kenya's need for economic development while also addressing its population's vulnerabilities to climate change and other environmental risks, the government developed the Green Economy Strategy and Implementation Plan (GESIP 2016-2030). The plan aims to guide the implementation of the development program towards green growth, cleaner environment, and higher productivity through the promotion of its four thematic areas which are "economic resilience and resource efficiency, sustainable management of natural resources, development of sustainable infrastructure, and providing support for social inclusion," (Kenya National Treasury and Planning, 2018, p. 109). The plan embeds SCP principles in each thematic area.

Some of Kenya's existing laws and regulatory framework to support the country's SCP transition are listed in Table 1.1. Additionally, the Kenya National Cleaner Production Center (KNCPC) was created in 2000 through a partnership with

the Government of South Korea and the United Nations Development Program. The KNCPC provides technical assistance to enterprises on resource-efficient and cleaner production practices.

Table 1.1

EXISTING LAWS AND REGULATORY FRAMEWORK TO SUPPORT KENYA'S SCP TRANSITION	
National Environmental Management and Coordination Act (1999)	Provides legal and institutional framework for environmental management and conservation. Created the following: National Environment Management Authority, Public Complaints Committee, National Environment Tribunal, National Environment Action Plan Committees, and County Environment Committees. Amended in 2015.
National Land Policy (2009)	Identifies the numerous problems in the land sector of Kenya and the principles by which these should be approached and resolved.
Environment and Land Court Act (2011)	Established the Environment and Land Court, distinct from ordinary courts, to hear on matters pertaining to the environment and land.
Water Policy (2012)	Policy specific to the water sector and legal framework for devolution in accordance with the 2010 Constitution.
National Environmental Policy (2013)	Creates a framework for an integrated approach to sustainable management of environmental and natural resources
Climate Change Act (2016)	Creates a regulatory framework for climate change response and resilience, and for low-carbon development.
Water Act (2016)	Regulation, management and development of water resources, water and sewerage services and other related matters.
Energy Act (2019)	Creates a regulatory framework for achieving universal energy by 2030 while reducing greenhouse gas emissions.
NEMA-issued regulations	Wetland (2009), environmental impact assessment (2003), water quality (2006), controlled substances (2007), biodiversity (2006), air quality (2014), waste management (2006) and noise (2009).

However, incoherencies between policies and the commitments to SCP persist. As mentioned earlier, Pres. Kenyatta's pronouncement on Kenya's aim to be 100% powered by renewable energy goes contrary to the Third MTP wherein 328 MW will be sourced from coal and 400 MW from energy imports to achieve the increase of additional electricity-installed capacity to 5,221 MW by 2022. Moreover, nuclear power development was also identified as one of the flagship projects for 2018-2022.

Lack of capacity and corruption further cripple the country's SCP transition. NEMA's capacity to deliver proper ESIA's for example is affected by the meager budget allocation for its operations, as well as conflicts of interests that lead to corruption (Barczewski & Vasquez, as cited in Kakonge, 2015). Licensed experts from NEMA are employed by project proponents to conduct the ESIA, which almost always turn out positive for the project. Consultations with the public that are deemed to produce negative results for the project are not conducted because of this conflict of interest (Kakonge, 2015).

A study conducted by Jaffer (2013) on the entire environment policy process in Kenya reveals that weak environmental regulation is caused by "a lack of institutional capacity in state agencies; corrupt and nepotistic governance; and the splintering of the environmental mandate among numerous state institutions, leading to competition and conflict among them" (p. iii).

Kenyan economist David Ndii (2014) describes the Kenyan government's development ideology as "capital fundamentalism,' where, in the name of Vision 2030, growth is fuelled by mega-infrastructure projects" (para. 21). According to him, the push for infrastructure projects as reflected in the Vision 2030 comes from the biggest politicians in the country who benefit from the country's increased borrowing and plunder (Ndii, 2019). Huge resources are going to the pockets of the country's political elites and foreign powers (Western powers, but increasingly China, says Ndii), instead of fulfilling the needs of the Kenyan population, the majority of whom remain mired in unemployment, hunger, and poverty.

These economic policies go hand-in-hand with widespread human rights violations in the country and shrinking democratic spaces for CSOs. Human rights defenders in the country face arrests, trumped-up charges as well as threats, intimidation, and harassment (Namwaya, 2019). Environmental activists in particular also faced attacks such as office raids, arson, surveillance, and vilification (CIVICUS, 2016).

B. People-Powered Sustainable Production and Consumption

It is against the backdrop of the Kenyan government's inadequate approach to SCP and its problematic implementation of its policies and laws on SCP that we examine case studies of People-Powered Sustainable Consumption and Production (PP-SCP) practices in the country. We turn to the grassroots, to communities, in searching for PP-SCP practices at present.

The four elements of PP-SCP were used to evaluate candidate case studies and choose the ones that meet these criteria. Because there are also many Non-Government Organizations (NGOs) in the country, care was taken to choose the PP-SCP practices that are being carried out by Community-Based Organizations (CBOs).

The case studies were also chosen on the basis of the issues that they bring up and how these connect with major issues confronting Kenya. In the end, the following case studies were chosen for this research:

1. The Ogiek people's struggle for their ancestral lands

The Ogiek are indigenous people living in the Mau Forest located in western Kenya. Under the government's ownership and stewardship, the Mau Forest is facing destruction. After many decades of government attempts to "resettle" them outside of the forest, the Ogiek were allowed to live in areas adjacent to the forest.

Deprived of their ancestral domains and displaced by the influx of outside communities, the Ogiek increasingly felt being pushed to the margins. At the same time, from being hunters and gatherers and beekeepers inside the forest, they were left with no option but to engage in various forms of livelihood in order to survive – even as they work to defend the forest.

They have been fighting for the recognition as indigenous peoples and, with it, the right to their ancestral domain inside the Mau Forest. They want to return to the Mau Forest and finally resume stewardship of the forest.

2. The Friends of Katuk Odeyo's initiatives to nourish their land and health

Katuk Odeyo is a village located in western Kenya. Its residents have been facing various challenges: (a) poverty, including hunger and malnutrition, as well as high below-five and maternal mortality; (b) high incidence of persons living with HIV or AIDS; (c) soil and climate that are not conducive to farming; and (d) the formation of gullies that cause damage to their lives, homes, and livelihood.

Residents of Katuk Odeyo have been coming together to respond to the challenges that they face in their community. In 2000, they formed Friends of Katuk Odeyo or FOKO, an umbrella organization of organizations in their area that coordinates their responses to the challenges mentioned above.

Under FOKO's leadership, the residents of Katuk Odeyo used *rito aluora* or soil conservation as a key response to the challenges. By nourishing the soil, FOKO and the residents of Katuk Odeyo discovered, they are nourishing their own health, the environment, and their community.

In the process, they have received support and solidarity of many local and international NGOs, as well as the assistance of some government agencies.

3. The Maasai community in the face of the Olkaria geothermal project

The third case study area, the Maasai community in the geothermal project area in Olkaria, was chosen to compare community-led SCP actions with those initiated by the government supposedly to meet its commitments to sustainability.

The Maasai are an indigenous people that are pastoralists and travel to large parts of Kenya and northern Tanzania. Since colonial times and even after the country's independence, they have been denied of their indigenous lands. They have been gradually evicted from portions of the land that they roam until they opposed such evictions by taking legal action.

One area where they have been evicted is Olkaria in south western Kenya. Here, they were evicted in favor of the Olkaria geothermal project, the biggest geothermal plant in the African continent. While the project is a significant part of the Kenya's drive to attain 100% renewable energy, the plant itself is causing harm to the environment of Olkaria and to communities living nearby, including the relocated Maasai.

The Maasai have been struggling with new conditions in their relocation areas. Hindered from being the pastoralists that they really are, they are forced to farm and undertake other economic activities. They are being forced to surrender their old ways of life, and their community has been divided by various efforts to evict them from the land where they carry out their pastoralist activities. Now, they are struggling to be recognized as the rightful owners of the land in Olkaria, to receive a share from the benefits of the project, and to rebuild their lives given the new conditions that they face.

Key informant interviews, focus group discussions, and field visits with the members of the communities under study were used during data gathering. Secondary research was also employed to provide supporting data.

II.

ASSERTING THE RIGHT TO ANCESTRAL LANDS, RECLAIMING STEWARDSHIP OF THE FOREST: THE OGIEK PEOPLE

“Kenya was colonized and gained independence, but we never gained ours.”

- Ogiek Interviewee

The Ogiek invoke the term “kanyalilet” to describe their situation. Kanyalilet means a triple heritage of pain and torture from the multiple violent evictions from their ancestral lands. The pain and torture were inherited from their great grandfathers, and passed down to the present generation.

The Ogiek is a group of indigenous peoples who have been living for centuries in the area around and in the Mau Forest Complex, which covers 2,700 square kilometers. It is the largest montane forest in Kenya and is considered an important water catchment area. It is located adjacent to the Aberdare ranges in the vast Rift Valley Region in the western part of the country. East Mau, which is around 900 square kilometres, has the highest number of Ogiek dwellers (Sang, 2003). Their neighbouring tribes in other parts of the forest include the Maasai who were pastoralists, and other subtribes of the Kalenjin, such as the Kipsigis, who practiced farming.

Originally, the Ogiek were hunters and gatherers who depended on the forest for their food, shelter, clothing, and medicine. Violent evictions started during the British colonial era to make way for white settlers. Colonial soldiers were sent to force them out of their ancestral lands, resulting in the loss of access to most of their hunting and gathering grounds. Overtime, the Ogiek adopted practices that helped them adapt to more sedentary lifestyles. At the same time, they kept on returning to the Mau Forest after evictions. There were times when the women and children would face the colonial authorities because the men are hunting outside of the community. Saying they had to go back to reunite with their husbands, the women with their children would then return to the forest.

After independence in 1963, the land-buying schemes instituted by the government focused on the redistribution of white settlers’ lands through a willing-buyer-willing-seller framework, which failed to recognize communities’ ancestral lands. As the Ogiek lacked land titles to the Mau Forest, the state authorities sold sections of the Mau to outside communities, especially the Kikuyus who had no ancestral claim on the land. Since then, there has been an influx of outside communities to areas surrounding, and within the Mau Forest.

Throughout the 1990s, the Kenyan government forced the Ogiek to resettle to lands at the periphery of the Mau Forest under the guise of conservation, as well

as for the benefit of businesses in agriculture and forestry (Siegel, 2018). Evictions conducted by the Kenya Forest Service (KFS) have been violent. In 2016, for example, armed rangers from the KFS attacked an Ogiek community on the slopes of Mt. Elgon without warning. They ordered people to get out and burned their houses, forcing most of them to live out in the cold and hungry (Savage, 2016). According to one woman interviewee, *“during these evictions, they would flee and women would hide their children and tell them to stay silent so as to not get killed.”*

Corporate interests, in direct collusion with powerful politicians, also play a big role in carving out the Mau Forest. In 2001, the government opened up 60,000 hectares for private use, which could further benefit already active logging companies such as the Timsales, Pan African Paper Mills, and Raiply Timber (Survival International, 2001). Timsales is closely associated with President Uhuru Kenyatta, through his younger brother, Muhoho Kenyatta, who sits as the director of the company.

The Mau Forest was also opened up for the development of tea plantations. In the 1980s, President Moi developed the Nyayo Tea Zone Development Corporation (NTDZC) “with the aim of establishing a tea buffer zone to protect the forest against encroachments and logging” (Albertazzi, Bini, Lindon & Trivellini, 2018, p. 6). However, the NTDZC was directed by the Office of the President and allocated parts of the forest to close political allies. Under the guise of allotting land for the settling of landless peoples including the Ogiek, 1,812 hectares of land was excised from the Mau Forest. However, the beneficiaries of the large tracts of land included politicians close to then-President Moi, including he himself, wherein he developed his Kiptagich Tea Estate which measured more than 900 hectares (Albertazzi et al., 2018).

Figure 1.1. Kiptagich tea estate in Mau Forest (Kosgei, 2018)



Their resettlement from within the forest to its margins as well as the increasing number of settlers living in and around the Mau Forest has created among the Ogiek the sense of being evicted from their ancestral land. This sense has grown hand-in-hand with the increasing deterioration and destruction of the Mau Forest caused by clearings to make way for plantations and agricultural lands, licensed logging, human settlements, government-led forest excisions, and forest fires (Obare & Wange, 1998). In the period of 1973-2009, forest cover was reduced from 254,100 hectares to 179,000 hectares, or a 30% reduction – with the period 2000-2009 registering the biggest forest loss (Olang & Kundu, 2011).

The destruction of the forest is detrimental not only to the Ogiek people but also to the many communities dependent on the water systems that are connected with the forest. It has brought about the greater risk of flood and soil erosion, and has caused greater soil sediment in the water system, all of which are destructive to biodiversity. Destruction is also caused by the KFS-sanctioned exotic tree plantations which cover almost 1/3 of the Mau Forest (Albertazzi et. al, 2018). These exotic trees are targeted for timber production, do not have medicinal value, do not complement the Ogiek's diet, and do not benefit the ecosystem.

Particularly affected is the Ogiek's traditional practice of beekeeping, which they consider integral to their livelihood and way of life. Because of deforestation, the area for beekeeping has shrunk. The traditional trees which the Ogiek use and prefer for beekeeping, especially what they call "mutarakwa", or *Juniperus procera* (East African cedar or pencil cedar), have also been reduced. The Ogiek people complain that the exotic trees being planted by the government are not suitable for making beehives. Furthermore, the influx of settlers with their own livelihoods and ways of life is creating conditions that are less conducive for beekeeping.

This situation has made it difficult for the Ogiek to live in the old way. It is endangering their livelihood, their way of living, and the very survival of their people.

The elders of the Ogiek community who were raised in the forest expressed their bitterness and anger over the destruction of the forest and their old ways of living. "My main school was to go with my father to the forest... The forest was our farm," said one of the elders. The forest used to provide so many medicines that even women giving birth depended on the forest. They long for the time when no other person can enter the forest and when a person does, the elders decide what to do with her or, mostly, him.

"In those days we still had energy and the forest was still whole," said Kiplang'at, one of the community elders. *"Things have now been depleted. Now, where is the medicine from the forest? Where are the bees? Even those wild animals, the white one that used to sound 'grrr; grrr; grrr' at 3:00 in the morning just like chickens do early in the morning, where are they now?"*

A. Indigenous Natural Resource Management for Rights and Sustainability

Ogiek communities have started to adopt farming and livestock keeping because they have lost access to their traditional hunting and gathering grounds in the Mau

forest. Their practices, however, on beekeeping for honey production and on forest conservation still reflect their application of indigenous knowledge on managing natural resources. This continued practice of indigenous knowledge help the Ogiek to assert their rights and cultural identity.

Honey plays important roles in Ogiek culture and identity. Not only is it considered a source of food, it is also used as medicine for different types of ailments, gifts for different occasions, used in cultural ceremonies, brewed into alcoholic drinks during celebrations, and as payment for bride price (Lengoisa, 2015). The Ogiek have indigenous names for several types of bees based on qualities like how they look, whether they sting or not, where they are found, how they build their hives, and the quality of honey these bees produce. Their traditions in relation to natural resource management, including the practice of not cutting down trees, not only protect the forest and the animals which they hunt, but also protect the bees that provide them honey.

As hunters and gatherers, the Ogiek did not use to keep bees. They used to be semi-nomadic and followed the migration of bees in the different eco-climatic zones of the Mau Forest Complex as the seasons change. They store their honey in structures made of cedar wood so that they can go back to that area in case food in the new zone is not that abundant (Lengoisa, 2015). However, due to their eviction from their ancestral lands and the destruction of the forest, the Ogiek had to adapt to more sedentary lifestyles. Since the 1900s, they have begun to adopt the practice of beekeeping (Lengoisa, 2015).

Cylindrical wooden hives are hung from tall trees by men, while women set up their hives closer to the ground. Women are responsible for making the vines used for climbing the trees and bags for collecting the honey. Men would climb trees with the aid of the vines and burn moss or leaves to smoke out the bees. This would disorient the bees but would not harm them. Traditional beehives are made from carefully removing the barks of particular trees without damaging them, which allows the trees to regenerate (Kiage, 2019). According to one male interviewee, *“we used mutarakwa trees to make the hives. We do not cut them down but we used trees that had fallen already. If we use the bark of a standing mutarakwa tree, we remove the bark on one side and leave the other side.”*

With the commercialization of honey, efforts were made to modernize beekeeping methods. Metal sheets, which last from three to four years, were introduced as replacement for tree barks. This has resulted in an easier method of tapping and higher yield of honey. The traditional method is still practiced because according to the Ogiek, they and their customers prefer the taste of honey from hives using tree barks.

Community members are prohibited from cutting indigenous tree species because of their importance to honey production. One of these tree species is the “silibwet” (*D. goetzenii*) which has flowers frequented by bees (Lengoisa, 2015). Ogiek communities involved in reforestation initiatives focused on indigenous trees because of their central role in food and medicine production, honey production, and ecosystem protection (Mwangi & Evans, 2018). Community members are directly involved in the growing of saplings in tree nurseries, as well

Figure 1.2. Log beehives used by the Ogiek (Vigilar, 2017)



as in the planting and taking care of these saplings once they get transferred to the reforestation areas.

Through a project with Ogiek Peoples' Development Program (OPDP), the Ogiek developed a system for designating individuals to take turns in patrolling the forest to monitor and stop activities that are destructive of the forest. These volunteer scouts venture into the forest to look for illegal activities like charcoal production and illegal logging. They put out charcoal kilns that endanger the forest by cutting down trees and can potentially cause forest fires. Guarding the forest from destructive practices by 'outsiders' dates back to the times before they were evicted. According to one elder *"it used to be that no other community could enter the forest. Because if somebody entered the forest, the elders follow their tracks by looking at where the grass has slanted from where they entered through, until they find out who it was. They will then decide what to do with the person."*

For the Ogiek people, the government must finally give them control over the Mau forest. They wish to go back *"to their old clan system of division of land, whereby each clan is given a piece of land that they are responsible for protecting."*

B. The Ogiek's Achievements on Promoting PP-SCP

Protection and advancement of people's rights

Beekeeping and forest conservation by the Ogiek promote their right to their ancestral domains, as well as their right to self-determination. In the face of eviction and influence of other settlers, the Ogiek's application of their indigenous knowledge is not only a means to sustain their economic survival, the survival of what is left of the forest they consider their home, but also the survival of their identity and distinct way of life.

The Ogiek are aware that the protection of their ancestral domains and their ability to pass on their traditions and practices are integral to asserting their self-

determination. Without these elements, their identity as the Ogiek and their ability to determine their own economic, cultural, and political, and social development will continue to diminish.

By maintaining their beekeeping practices and carrying out forest conservation, the Ogiek people are not only preserving but also rejuvenating the Mau Forest's ecosystem. Around 100,000 species of plants are vulnerable to extinction in the absence of pollination in the Mau forest (Agera, 2011). These measures are important to upholding the rights not only of Ogiek or communities living in the forest, but all communities dependent, in one way or another, on the Mau Forest.

In the process of organizing themselves to assert their rights, the Ogiek are still able to maintain their other distinct cultural practices through their clothes, songs, and dance. The Ogiek also use songs and cultural festivals in promoting their campaign for ancestral lands. Women play an important role in passing on these traditions. They are responsible for teaching children the traditional values of discipline and peaceful means of resolving conflicts.

Through establishing women's groups, Ogiek women are also able to overcome cultural barriers to independently engage in economic activities. Women's savings cooperatives and livestock growing enable them to contribute to their family's earnings and get involved in decision-making (Kibet, 2014).

The Ogiek are adapting to their present conditions while asserting a return to their traditional practices. The latter is, of course, predicated upon fully attaining their right to their ancestral domain.

Promotion of self-sufficiency through people's sovereignty

The loss of their traditional hunting and gathering grounds, multiple evictions, and violence inflicted on the Ogiek pushed them deep into poverty. According to OPDP, an estimated 90% of the Ogiek are illiterate, which subjects them to further marginalization.

While the Ogiek have embraced farming, OPDP says this is done on a small scale and that communities are still largely dependent on the access to the forest for their survival. Beekeeping not only provides a source of traditional food and medicine for the Ogiek, but also a source of income. Through their various community organizations and partnerships with other NGOs, the Ogiek are able to negotiate reasonable prices for their products.

Their efforts to preserve the forest support the availability of the Ogiek's traditional medicines. This enables the older generations to pass on to younger generations the knowledge on how to identify medicinal plants and how to use them for different ailments. It also reduces the Ogiek's dependence on non-traditional medicines to which they do not have access because of the lack of services in communities where they have been resettled.

The Ogiek have different community organizations supported by various NGOs. The OPDP is just one of them. From 2011 to 2015, the OPDP initiated a process

of developing a Biocultural Community Protocol (BCP) among the 12 clans of the Ogiek throughout the different parts of the Mau Forest to support the Ogiek's claim to their rights over their lands and resources. In 2015, the Ogiek Biocultural Community Protocol (OBCP) was released. The document reflects the social, cultural, and economic values of the Ogiek as well as the challenges they face, and their common aspirations to adapt to their new way of life while asserting their traditional values and ways of life.

The OBCP also provides an engagement framework in relation to natural resource management through governance systems, asserting their land administration systems as well as their traditional names of different areas, and through access and benefit sharing agreements.¹ The document also reinforces the establishment of a Council of Elders (CoE) which handles disputes on access to land and other resources, inheritance of properties, and family set-up among the Ogiek. If the CoE cannot find any resolution, they are allowed to refer the case to relevant law enforcement authorities. The OBCP also states that there should be at least one third representation of any of the genders, and that caucuses involving women and youth shall be established in all regions inhabited by their community.

Support for community actions for rights and sustainability

Campaign and advocacy by the Ogiek raised awareness about their plight among activists and international CSOs. The support that they received enabled the Ogiek to adopt new practices to sustain their survival and their culture, as well as gain political and legal recognition.

Various CSOs are supporting their beekeeping activities by helping them gain markets to sell their honey through fair trade. Ogiek organizations like the OPDP are supporting their beekeeping methods as well as their forest conservation initiatives by helping them set up nurseries and take care of trees in reforestation areas, training volunteer scouts to patrol the Mau Forest, and raise awareness about the Ogiek's rights.

Aside from applying their indigenous methods of natural resource management, the Ogiek have also asserted their rights through applying innovations in campaigning and advocacy to secure legal and political recognition of their stewardship of the Mau Forest. One such innovation is the development of the OBCP which puts down into writing what used to be customary traditions that were passed down through oral tradition and practice.

Demanding accountability from duty bearers

The Ogiek have sought the accountability of the Kenyan government through international and national courts and other actions. They have opposed the drives by the government and corporations to plant trees that are not indigenous to the forest and are for timber harvesting. Through constant advocacy and engagement, they have developed partnerships with Kenya Forest Service (KFS) in forest conservation, although their relationship with the institution remains somewhat tenuous because of the evictions and violence perpetrated against them by the KFS.

¹ The OBCP can be accessed at <https://www.ogiekpeoples.org/images/downloads/Ogiek-Bio-Cultural-Protocol.pdf>

Their most prominent success is the African Court of Justice ruling in favour of their case against the Kenyan government on their eviction from the Mau Forest. In 2009, the OPDP and the Center for Minority Rights and Development (CEMRIDE) filed a case before the African Commission on Human and Peoples' Rights (African Commission) against the Government of Kenya which violated their rights to life, property, culture, natural resources, development, and religion. These rights are enshrined in various articles of the African Charter on Human and Peoples' Rights (OPDP, 2019a). After finding grave violations of the Ogiek's rights, the African Commission referred the case to the African Court on Human and Peoples' Rights (African Court) to begin legal proceedings in 2012.

After almost a decade of legal battle, the African Court in 2017 ruled that the Government of Kenya had violated the Ogiek's rights to land, freedom from discrimination, religious freedom, right to enjoy and freely dispose of the abundance produce by their ancestral land, and the right to economic, social and cultural development. The ruling also recognized the Ogiek as a distinct group of indigenous people. The ruling ordered the Kenyan government to offer remedies and reparations to the Ogiek people.

This victory bolstered the filing of a separate case on May 30, 2017 by the Ogiek Independent Council of Southwest Mau Forest wherein they petitioned the High Court of Kenya around the question of recognition of Mau as their ancestral land. By July 2018, the High Court of Kenya ruled that the Kenyan government violated the Ogiek community's constitutional rights to human dignity, own property, equal benefit of law, fair administrative action, fair hearing and access to justice (Minority Rights Group International, 2019).

C. Further Challenges Faced by the Ogiek

The biggest challenge for the Ogiek's struggle for survival and self-determination remains the government's continued implementation of policies that destroy the Mau Forest and the non-implementation of the African and High Court of Kenya's separate rulings. Interviewees allege that corruption and bribery within the KFS allow the continuation of logging in the forest. Although there are Ogiek people in the government, an interviewee said *"we lack genuine representation in the government because they [Ogiek in government] are not actually representing our interests."*

The Government of Kenya has yet to implement the rulings of the African Court and the High Court of Kenya. In 2017 the Kenyan government commissioned a task force to facilitate the implementation of the African Court ruling. There was no representation from the Ogiek community in the original task force. After the mandate of the task force expired without issuing any recommendation, the government created a second task force. This new task force still had no Ogiek representative, but has taken steps in consulting with their communities. Again, the task force has yet to submit its report and recommendations.

Meanwhile, threats of eviction against the Ogiek still continue. On August 2019, the Kenyan government issued a 60-day notice to people living in the Mau Forest to vacate the area. The Ogiek living in the different parts of the forest fear that they

will be included in the eviction as some 17 Ogiek households in the Maasai Mau have been served notices of eviction (International Work Group for Indigenous Affairs [IWGIA], 2019). Ogiek's leaders and advocates also face threats to their lives. OPDP Executive Director Daniel Kobei and Program Officer John Samorai, received death threats allegedly from corrupt politicians and beneficiaries of land deals in the Mau Forest (OPDP, 2019b). On July 2019, two scouts from the Ogiek community were attacked and severely injured (IWGIA, 2019).

The Ogiek also face economic challenges brought by the big geographical area covered by the Mau Forest, the heavy rainfall, and the hilly topography which hinder their mobility and cause difficulties in transporting their goods. Settlers and big farms are able to take advantage of the Ogiek economically because of their poverty, illiteracy, and lack of skills in marketing their products. *"Brokers buy low and sell high. Big farms monopolize products and control the prices of the things that we need,"* one interviewee shared. Illiteracy is worsened by eviction from their lands, lack of schools in areas where the Ogiek are relocated, and poverty which force Ogiek youth to seek work instead of going to school.

For the Ogiek, the struggle for their right to self-determination continues despite these challenges. They believe that their persistent efforts to unite the clans of the Ogiek, their advocacy through their different organizations, and the economic gains from their beekeeping projects are key to supporting their struggle.

The Ogiek have created a substantial network of supporters among national and international organizations. Among them are the African Court of Human and Peoples' Rights and the High Court of Kenya for recognizing the Ogiek as an indigenous people and upholding their rights; international organizations raised awareness about their situation and helped them win the landmark rulings in their favour; and national organizations like Macodev who help them with beekeeping.

D. Recommendations from the Community

1. Uphold the Ogiek people's right to self-determination and their right to their ancestral domains. The rulings made by the African Court and the High Court of Kenya should be upheld and implemented by the Kenyan government with the direct participation of the Ogiek.
2. Safeguard the Mau Forest within the framework of, first, recognizing the Ogiek's ancestral lands and, second, recognizing the forest's importance to numerous communities and the country. Forest protection by the government through the Kenya Forest Service should recognize the Ogiek's rights as well as their indigenous knowledge on natural resource management through meaningful dialogue and engagement.
3. The government should extend various forms of support to the Ogiek people:
 - Improve infrastructure leading to the Mau Forest to facilitate the transportation of the Ogiek people's products.
 - Limit, if not eradicate, brokers' power to buy cheaply from the Ogiek and sell them at a high markup in the market.

- Support the capacity of the Ogiek people in preserving and further improving their practices on beekeeping and forest conservation.
- Support similar initiatives by Kenyan communities on applying indigenous knowledge on natural resource management.

III.

RESTORING THE HEALTH OF THE SOIL, COMMUNITY, AND ENVIRONMENT: FRIENDS OF KATUK ODEYO'S RITO ALUORA

Katuk Odeyo village is found in the East Jimo ward of the Nyakach constituency of Kisumu County, located in the western part of Kenya. Kisumu is known to be the home of Lake Victoria, the world's largest freshwater lake, and of two major rivers and seven permanent rivers. The Luo people constitute the majority population in Kisumu, as they do in Katuk Odeyo (County Government of Kisumu, 2017).

The residents of Katuk Odeyo have been facing numerous developmental and environmental challenges:

Poverty, hunger, and malnutrition. While Kisumu is ninth among Kenya's richest counties, (Richest and Poorest Counties in Kenya 2019, 2019), its capital city is among those with the worst poverty levels and health indicators (Earth Institute, 2012). At the same time, Nyakach is the poorest constituency in the county. Northern Nyakach, in which East Jimo is located, also has the highest population in the constituency (County Government of Kisumu, 2017).

In Nyakach, almost half of the population (46.4%) live below the poverty line (Kenya National Bureau of Statistics [KNBS] & Society for International Development [SID], 2013). This situation meant that poverty, hunger, and malnutrition are widespread in the area. In Katuk Odeyo, this has meant in previous years a high rate of under-five maternal mortality.

High prevalence of HIV infection. Kisumu has the third number of HIV prevalence in Kenya² and observers label the situation a "pandemic." The Luo community, which occupies most of Kisumu country, does not practice male circumcision which increases their susceptibility to heterosexually acquired HIV infection. The community also practices spousal inheritance which can contribute to the spread of the virus. Because of poverty and lack of job opportunities, prostitution is widespread in Kisumu, often with fish from Lake Victoria serving as payment. Because of lack of awareness, unprotected sex with prostitutes is widespread (Mutai, Mwariri, Nyamai, & Ng'ang'a, 2017).

For Katuk Odeyo, poverty, hunger and malnutrition also meant not being able to take care of HIV patients well, and early mortality from the disease.

Climate change and poor soil quality. With the onset of climate change, Kisumu farmers have been observing overall poor distribution and higher variability and unpredictability of rains as well as higher temperatures, stronger winds, soil degradation, and lower water volumes (Ministry of Agriculture, Livestock and Fisheries [MoALF], 2017).

² An estimated 22-25% of the county's population is HIV positive. More than 33,500 people are under home care for HIV and AIDS, while more than 10,000 new cases are registered annually (Mutai et al., 2017). This has significantly reduced life expectancy in the county when compared to the national level (Mungai & Okewo, 2014).

Katuk Odeyo residents describe their weather conditions as semi-arid, and complain of not receiving rainfall level that is sufficient for agriculture. They say they now experience an even more erratic weather pattern and even desert-like droughts.

Katuk Odeyo does not have Kisumu's rich alluvial soils. Residents say their area has various types of soil, from loamy to rocky soil, from murrum to black cotton soil. In general, they have dry clay soil with loose and large particles which makes traditional agriculture difficult to practice in Katuk Odeyo. Adaptive interventions have to be made in order for residents to successfully engage in farming.

Formation of gullies. A very particular feature of Katuk Odeyo is the formation of gullies – deep valleys formed by imbalances in run-off conditions (Geyik, 1986). The hilly topography of Katuk Odeyo makes it vulnerable to the formation of gullies as it has both high and low land areas. The coarseness of the soil in the area also contributes to gully formation. The weather and soil conditions in the area, as well as the onset of climate change, all contribute to soil erosion – and therefore to the formation of gullies. The formation of gullies, meanwhile, makes agriculture even more difficult for the residents of Katuk Odeyo.

The biggest of the gullies in the area, which the residents call “Gully of Death,” started forming in the 1960s and now stretches along a 10-kilometer area. Its formation was accompanied by flash floods and strong winds. According to the residents, more than a hundred families were displaced by its formation and expansion.

The formation of gullies in Katuk Odeyo has caused the displacement of hundreds of families, the removal of countless graves, and the destruction of farms and livestock that were swallowed by the land. Some residents' homes were left alone like islands, and so had to move to a different place. There is no government effort to help relocate residents; hence many of them still live in affected areas.

Figure 1.3. Deep gully formed by soil erosion in Katuk Odeyo



A. How *Rito Aluora* Addresses the Challenges Faced by Katuk Odeyo Residents

The residents of the village have been coming together and forming organizations to collectively address the challenges that they face. In 2000, community members formed Friends of Katuk Odeyo or FOKO, the umbrella organization of farmers' organizations in the village.

Within the framework of FOKO, the residents of Katuk Odeyo have been carrying out *rito aluora*, the Luo term for soil conservation, to address the various challenges that they face. Their practice of *rito aluora* is composed of the following actions:

1. *Gully mitigation.* FOKO has sought information from experts on the formation of gullies in the community. The residents found out that planting trees around affected areas can lessen the impact of water running over the surface of the soil and soil erosion and therefore the further formation of gullies.

The planting of agroforest trees around the gullies have the following positive effects:

- Soil becomes moisturized and compact, thereby avoiding soil erosion and aiding soil conservation.
- The trees' roots also hold the soil together, making it further compact.
- The trees' branches minimize the impact of winds, rain and water flow on the soil.
- The trees provide nitrogen that is good for soil fertility, food for animals, and materials for making various objects.

FOKO partner residents whose lands have been affected by the formation of gullies planted agroforest trees. Among these were fruit trees such as mango and paw paw; native trees such as the markhamia; and other tree species known to be drought tolerant such as *Grevilla robusta* and *Cupressus lusitanica*. FOKO members planted these "multipurpose" trees that would not only protect the soil from aggressive erosion, but also provide food and raw materials. FOKO taught the residents how to take good care of the trees that were planted.

In relation to this, FOKO has promoted the creation of tree nurseries, making the ownership of a tree nursery a requirement for membership. Tree nurseries are a must because of the long dry spells and erratic weather patterns in the area, which hinder the growth of trees. This entails management of water resources, such as the creation of boreholes and water harvesting, in order to sustain the nurseries and trees.

2. *Kitchen gardening using organic methods.* FOKO has promoted kitchen gardening among its members, as well as the use of organic farming methods in these gardens. This is to ensure that community members have food to eat and that what they eat is nutritious.

FOKO has an innovation fund and demonstration garden. It has also provided its youth group with a greenhouse and a collective farm. Through these, it aims

to encourage members to make and practice innovations in their organic farming methods. Among these methods are:

- Crop diversification to control pests and diseases, maximize harvest, fix nitrogen in the soil, retain moisture in the soil, and conserve soil.
- Limiting the use of synthetic pesticides and at the same time, promoting the following organic, pest control methods:
 - The use of organic pesticide made of hot pepper and tithonia plants mixed with water to be sprayed on the crops. This concoction could also be mixed with ash from neem.
 - Letting loose chickens to feed on amphids.
 - Attracting birds to feed on armyworms in maize plantations.
 - Planting onion and tobacco as they act as repellents for insects and disease-causing organisms.
 - Planting tomatoes and onions within the same sack or planting bags where onions act as repellents to insects.
- Terracing, which helps mitigate soil erosion and control the expansion of gullies
- The creation of “flying gardens,” where plants are hung from structures to save space.

These methods developed for kitchen gardening are also used in planting cash crops such as sorghum, groundnuts, green grams, beans, and cowpeas.

Successes in kitchen gardening have enabled FOKO to help provide nutritious food to its members. Access to nutritious food helped HIV patients eat better, reduce malnutrition among children, reduce deaths below the age of five, and enhance the health of mothers.

Figure 1.4. Crop diversification practiced by FOKO members



3. *Composting*. Composting is a key aspect of FOKO's organic farming methods. It nourishes the soil and makes the latter suitable to farming.

Composting makes a lot of sense for the community because many residents raise livestock. They used to throw away household and animal wastes or sell them to neighbouring villages. The residents of Katuk Odeyo are proud of using compost manure because it provides moisture to the soil and reduces heat, unlike chemical fertilizers which increase acidity and heat in the soil. One method uses dry soil, ash, green vegetation, and cow dung. This takes two months to become organic fertilizer. Another uses chicken dropping and household wastes, as well as the flower of wild sunflower (*Tithonia diversifolia*) which speeds up the rotting process. Composting is done in the shade so moisture does not escape from the materials.

Through composting, the fertility and water-holding capacity of the soil increased, helping prevent soil erosion. The residents also observed that using compost prevents the parasitic striga weeds from growing and damaging their crops.

4. *Water harvesting and conservation for farming*. The residents harvest rain water through water pans and dam liners. Stored water is then pumped from tanks to houses. For agriculture, the residents use drip technology or open field farming to save up on water. They also make terraces across farms to maximize the use of water, improve soil moisture, and prevent soil erosion. Planting different types of vegetables in the dry season also help in water conservation.

Residents have also started to use dam liners for farming fish such as tilapia. By harnessing the waste of the fish to balance pH levels, they are able to increase the water's quality. The water where fish are grown is also good for using in the greenhouse.

Edward Ouko, FOKO chairperson, says that FOKO has the following elected officials: chairperson, deputy chairperson, secretary and assistant secretary. These officials sit in a body they call "committee" with the representatives of women, youth and people with disabilities, as well as representatives of the various groups affiliated with FOKO. These representatives are responsible for mobilizing their members for various activities. The committee, which Ouko also calls "the executive," sits down in meetings with representatives of the various groups when they have a report or an issue to present.

Within the framework of FOKO, affiliated organizations can take the initiative to make particular plans. For example, women's organizations Kamulasi Self Help Group and Katu Self Help Group are FOKO affiliates and they have their own officials such as the chairperson, secretary, treasurer, timekeeper and peacekeeper – the last for peaceful resolution of conflicts. Before joining FOKO, they had limited information about agricultural innovations, but learned a lot after joining. On their own, they work on particular activities pertaining to improvements in farming methods.

The women's group within FOKO, on the other hand, also carries out particular plans, such as table banking. Table banking enables a group to pool in their savings

and contributions once a month, which in turn allows members to borrow for either a short term or long term loan. The process is repeated the next month the group meets, with their loan payments included in the pooled resources. Pamela Akoth Pedo, women's representative to the FOKO committee, says this has helped women pay for school fees, improve businesses, and address family needs. She also says that decision-making in FOKO is based on consensus, where women and men have equal voice. Women members of FOKO who were interviewed for this research said that they felt that the national and county governments had forgotten them, but FOKO was both an outlet and advocate for their rights.

B. Partnerships for *Rito aluora*

Through networking and advocacy, FOKO has been a focal point for support from the government and organizations outside of the community. Ouko says that most of the support that the organization receives comes in the form of training that increase members' capacity.

With the help of the Ministry of Health, the organization has trained government-recognized community health workers. These health workers have educated the community about the dangers of open defecation and are instrumental for the success of the campaign on the issue in the community. They have also promoted HIV awareness and taught the community simple health measures such as regular washing of hands.

FOKO has also trained mothers on how to make nutritional porridge or uji. The uji mix contains millets, ground nuts, beans, sardines (omena), maize, and sometimes cassava. This mix is a nutritious meal made of organically and culturally-accepted food options.

FOKO has accessed other forms of support as well. To address the problem of poor attendance in prenatal and postnatal clinics, the organization tapped the Ministry of Health and the Great Lakes University of Kisumu to provide free mobile clinics every month. In these clinics, there are free testing for malaria and HIV, prenatal and postnatal check-ups, and referrals.

The organization has also served as a conduit for help from international organizations such as the World Neighbors, which has financially supported the organization for 15 years.

C. Achievements of the *Rito Aluora*

Since they started the practice in 2000, FOKO has achieved results in all the areas of PP-SCP.

Protection and advancement of people's rights

The practice of *rito aluora* helps promote the rights of Katuk Odeyo villagers to food and livelihoods. Through soil conservation, the formation of gullies and their effects are tempered, thereby allowing the community to farm for food production and to earn cash.

The right to health and healthcare is also promoted by the availability of nutritious, organically grown food, and the health services that FOKO has made accessible through partnerships with both government and non-government organizations.

Women in the community are empowered by greater participation in the running of their community and in economic activities. They participate in tree planting, kitchen gardening, raising poultry and in composting. They have also been starting small businesses. By coming together, women in the community are able to decide on and carry out projects that improve their livelihoods.

Through FOKO, women members have been able to rent and manage lands outside of their family lands to circumvent patriarchal norms in land ownership such as spousal inheritance keep land ownership within the family and women's lack of control over land. They are now studying the possibility of farms collectively-owned by women.

Although not directly related to *rito aluora*, the practice of table banking among women's groups in FOKO has helped promote women's economic rights by enabling them to access financing for starting and improving businesses, acquiring livestock, paying for school fees, and defraying household expenses. Organizations constantly find ways to address associated problems such as members defaulting on loans.

Economic independence for women is quite important especially in households headed by widows and orphans who lost family members to HIV. Groups such as the Jimo Nguono Women Support Group were formed to gather support for widows and orphans and to deal with community stigma.

Self-sufficiency of the community is enhanced

The promotion of the rights to livelihood, food, and health and the practice of collective leadership by FOKO have improved the self-sufficiency of the Kaduk Odeyo villagers.

Residents have an enhanced sense of being proactive members of their community. They show their ownership of community processes and initiatives. Ouko, FOKO chairperson, is proud of members' active participation in the organizations' activities and meetings.

Through *rito aluora* and other initiatives by FOKO, the villagers have learned new skills and technologies that are help improve their economic and social well-being. Women are involved in making and implementing decisions that affect the entire community as well as themselves as a group.

Kitchen gardening and innovative farming methods have allowed residents to be self-sufficient in food. Access to nutritious and organically-grown food improved the overall economic and health situation of community members – especially those most in need of nutritious food such as babies, young children, mothers and persons living with HIV.

Apart from the residents' health, their hygiene has also been improved, redounding to greater protection from diseases and overall better health. Persons living with HIV (PLHIV) are better taken care of, with a community that better nourishes and cares for them. Aside from enabling PLHIV to access nutritious food, FOKO has helped provide the following to the community: free clinics, sensitization trainings that reduce the stigma towards PLHIV, and nutritional trainings for PLHIV. A support group within the organization also provides community support and counselling to PLHIV and widows.

Support for social innovations and communications towards SCP

The community has come up with numerous innovations in trying to respond to their challenges. Such innovations and community actions are clearest in FOKO's farming methods. For example, gully mitigation and food security are addressed through the planting of trees.

The organization has also developed mechanisms for its operations and for encouraging its members' participation. Ouko says that crucial to this is the mobilization by leaders of sub-groups within the organization – such as those for women, youth, persons with disabilities, among others.

FOKO has also bred a new generation of youth who believes in gender equality and seeks to practice this in their actual activities. FOKO's youth groups are proud that their organizations do not depend on gender roles in assigning tasks and say that men and women have the same capabilities. They say that the only "gender role" in their organizations is that women are tasked to sell their organizations' produce in the market.

Demanding accountability from duty holders

Villagers from Katuk Odeyo lament the lack of government effort to relocate residents living in areas affected by gullies. Because of this, the villagers worked to mitigate gully formation and engaged government agencies to help them address the problems brought by the gullies and the rampant HIV infections.

They have asked government agencies, especially those pertaining to health and agriculture, to respond to the community's needs. Community members interviewed for this research commend the government's agencies on health for responding positively to their requests. They lament, however, the weak response that they have received from government agencies on agriculture.

The community members' experience with organic methods of farming has shown them the benefits of these over the use of commercially available chemical fertilizers and pesticides.

The community through FOKO has also developed its network of NGOs and community-based organizations that it can partner with for its activities, independent of the government and corporations. These organizations offer support that ranges from providing training to assistance in selling produce.

D. Enabling and Disabling Factors Faced by the Community in Conducting *Rito aluora*

Despite their successes, the villagers of Katuk Odeyo also face challenges in practicing *rito aluora*.

Internal challenges include the lack of commitment from some members. There is also the misconception, stemming from working with various organizations, that leaders of FOKO are employed in the work that they do and are receiving high salaries. This can cause members to distrust their leaders, and expectations of funds for activities. Ouko counters this misconception, saying what he and the organization's officers do is volunteer work. He also states the need for more resources to improve the organization's offices, for example.

Government action to address the continued formation of gullies in some areas where their efforts are not enough due to the severity of the gullies remains inadequate. National government agencies on agriculture have been unresponsive to the requests of the community for various trainings. Devolution of government functions makes it difficult for services to reach far-flung communities like Katuk Odeyo.

According to community members, government agencies wrongly assume that FOKO has a lot of funds and does not need support from government. Community members recall agency officials citing lack of funds for even going to their area to conduct trainings. According to FOKO, the Constituency Development Fund (CDF) managed by the National Government CDF Board under the Ministry of Devolution and Planning is particularly difficult for them to access. This is despite the fact that the fund aims to support grassroots projects, especially in education, security, sports, environment, and other national government functions.

Local political actors, including some members of the parliament, are unsupportive. Community members claim some of them never show up for activities despite having been invited repeatedly by the community.

Government policies, such as expensive registration payments, make it difficult for Community-Based Organizations (CBOs) like FOKO to operate. According to Ouko, *"the yearly renewal fee of 1,000 Shillings is difficult to raise if one is a new group. The fee also increases yearly."* He says non-payment of the fee for two times means an organization's deregistration. FOKO, he said, *"was forced to ask its members for more contributions for the fees."*

On top of all that is the lack of government services for community-based organizations.

Community members also complain of hostility from neighbouring communities who think that Katuk Odeyo is getting a lot of support. According to some respondents, there was a time when people from neighbouring villages would steal their cattle, although this has subsided in recent years.

Despite these challenges, members of FOKO have realized that even the hindrances can be turned into opportunities for community development. They are confident of their internal capacities to overcome these challenges and turn them into opportunities. Despite developing a network of supporters, one member believes that they themselves are their best asset: *“I think we should start with ourselves because we are the ones who do the work before other people came in to help us.”*

Democracy in the organization is alive, with members deciding on policies and leaders implementing these, and with all groups within the community represented in the leading committees. Women members see the organization as empowering them.

FOKO has many supporters from local and international NGOs, research institutions and government agencies. *“We are not walking alone,”* concluded one of the participants. The list of organizations supporting FOKO is found in Table 1.2.

E. Recommendations from the Community

1. Resources for the Ministry of Agriculture should be increased to enable it to service faraway communities. The ministry should expand its provision of trainings to farmers, and implement the government’s agriculture programs and laws. Resources for the Ministry of Health should likewise be increased, especially its program of training community health workers.
2. National-level government agencies should work directly with community-based organizations. Their counterparts in the sub-country level, that have varying levels of effectiveness in this task, should also be directed to do the same.
3. Abolish the yearly increase of registration payments for CBOs.
4. Loan processes, especially for CBOs and women’s organizations, should be simplified. The government should allot funds to directly help such organizations.
5. The government should help FOKO and other organizations in Kisumu to market their products. The government can also limit imports coming into Kisumu and directly buy some of the products from local farmers. Partnerships with local hospitals, restaurants and universities at the county level can also be created to help the farmers sell their produce.
6. The government should try to replicate in other communities what FOKO is doing in Katuk Odeyo.
7. Encouraged by their experience, community members recommend taking actions to empower women. In particular, they recommend the implementation of the 2/3 gender rule, which means that there shall be no more than 2/3 representation of all genders in all political elections, appointment and recruitment to public positions. This, the residents hope, will also mean gender balance in policy-making and the government’s responsiveness to women’s issues and the needs of women’s organizations.

IV.

ASSESSING THE POSSIBILITY OF DIFFUSION OF THE COMMUNITY-BASED PP-SCP PRACTICES

The two cases in this study presented the people-powered sustainable consumption and production practices of the villagers of Katuk Odeyo (*rito aluora*) and the indigenous Ogiek of the Mau Forest (beekeeping and forest conservation). Both practices are alternative modes of consumption and production. They veer away from the more dominant corporate-led agriculture and nature conservation because these practices are directly controlled by the communities themselves, and directly address the needs of the communities.

These practices are actually not unique to these communities, or to Kenya. Indigenous beekeeping for example, is practiced by other tribes in Kenya such as the Tugen and Akamba, and also by other indigenous peoples in Ethiopia, Uganda, and India. Other indigenous peoples also have their own forms of forest conservation based on their knowledge of their environment. The concept of kitchen gardening is also not new as it is also being practiced in other communities within and outside Kenya.

As such, diffusion through replication will not be complicated as long as the necessary conditions (knowledge, skills, and availability of resources, among others)

Table 1.2.

NGO SUPPORT NETWORKS OF KATUK ODEYO AND OGIEK INDIGENOUS PEOPLES		
Area	Enablers Identified	
	Internal	External
Friends of Katuk Odeyo	-FOKO member organizations and their membership	-World Neighbors -World Vision -Magos Farm Enterprise -Biodiversity International -Vi Agroforestry - CGIAR Research Program on Climate Change, Agriculture and Food Security -Municipal Agriculture and Livestock Department -Ministry of Health
Ogiek	-Ogiek Welfare Council -Ogiek People's Development Programme	-Ministry of Gender, Sports, Culture and Social Services -Lawyers that handled their case: Atty. Lucy Claridge and Atty. Gibson Kuria -Mariashoni Community Development Cooperative (MaCoDev)

for doing organic farming and traditional beekeeping also exist. These practices also receive support from various NGOs as mentioned by the villagers of Katuk Odeyo and the Ogiek. What is perhaps “unique” about these practices is how they are integral to the advancement of the rights of the communities that practice them.

Both communities believe that the main sources of support for their production and consumption practices are their own community organizations and members. However support from organizations and individuals outside their communities have also been valuable. For FOKO, there is a need for additional capacity development and resources to help communities develop and maintain their kitchen gardens and health services. Women’s organizations have been approaching FOKO to learn from its work on women. The Ogiek require help in marketing their honey and in the advocacy with regard to their legal battle in courts.

The practice of *rito aluora*, indigenous beekeeping, and forest conservation, along with their practitioners, are threatened by government policies and neglect. For the Katuk Odeyo villagers, the national and local government’s inaction on arresting the formation of gullies is putting the community in danger. Although FOKO is able to rehabilitate some of the damage caused by the gullies, the severity of the damage and the continuing advancement of the gullies due to climate change already needs government intervention, which the villagers find wanting. Moreover, the government’s increasing of fees for the registration of community-based organizations presents yet another difficulty for the organization in raising resources.

The beekeeping and forest conservation practices of the Ogiek on the other hand are threatened by their eviction from the forest, which is pushed not only by government policies that supposedly protect important water catchments in the Mau Forest, but also by private interests. On Table 3, the Ogiek listed former and current Kenyan government officials whom they know benefited from the excisions of portions of the Mau Forest to make concessions for timber and sawmill companies and tea plantations. Timsales Timber is closely related to the current President Uhuru Kenyatta; Superply Mills and Awen Sawmills are directed by former Former Cabinet Minister Musa Sirma; and Kiptagich Tea Estates is owned by former President Moi. Aside from former Presidents Jomo Kenyatta and Daniel Moi, all of those listed are still holding different government positions.

These private interests along with the government’s snail-paced action on the African Court’s ruling seriously endanger the security of the Ogiek’s claim to their ancestral lands, as well as their capacity to practice their indigenous beekeeping and forest conservation.

Because of these barriers, FOKO’s *rito aluora* and the Ogiek’s beekeeping and forest conservation will probably remain “alternatives” to the more dominant agro-chemical dependent agriculture and continuous resource extraction of Kenya’s forests. These barriers point to the need for supporting the actual PP-SCP practices of FOKO and Ogiek, but also for strengthened advocacy for the recognition of the rights of these communities by the government, and to hold accountable those who are responsible for the inaction on the gullies and the destruction of the Mau

forest. Otherwise, the loss of land for the Katuk Odeyo villagers, and the ancestral territories for the Ogiek, will also mean the loss of the basis for these communities to continue their PP-SCP practices.

Table 1.3.

BARRIERS TO PP-SCP IN KENYA		
Area	Barriers Identified	
	Government Actors	Individual/ Private Interests
Friends of Katuk Odeyo	-Local and National Government, -Policies on registration of CBOs	
Ogiek	-Kenya Forest Service -Government of Kenya	-Jennifer Chemutai Kositany (Daughter of former President Moi) -Settlers
	-First President of Kenya, Jomo Kenyatta -Former President Daniel Moi (owns Kiptagich Tea Estate) -Former Cabinet Minister Musa Sirma (Director of Superlpy Mills and Awen Sawmills) -Internal Security Permanent Secretary Zakayo Cheruiyot -Former Land Commissioner Sammy Mwaita -Governor Francis Kimemia (Former Cabinet Secretary of Kenya) -Former Nakuru Governor Kinuthia Mbugua	

V.

GREEN ENERGY, UPROOTED PEOPLE: EFFECTS OF THE OLKARIA GEOTHERMAL PROJECTS ON THE MAASAI

Olkaria is a region located in the south of Lake Naivasha in southwest Kenya. It has become synonymous with geothermal energy not only in Kenya but also in the whole of Africa as it sits on the tectonically active Great Rift Valley. Since 1979, the Government of Kenya has built four geothermal powerplants in Olkaria through financing from the World Bank (WB), the European Investment Bank (EIB), KfW Development Bank (KfW)³, Africa Development Bank (AfDB), Japan International Cooperation Agency (JICA), and Kenya Electricity Generating Company (KenGen).

KenGen operates Okaria I, II, IV, and is set to build Olkaria V. Olkaria III is operated by Ormat Technologies. Producing 75% of the electricity consumed by the country, KenGen is currently the biggest energy producer in East Africa (KenGen, n.d.a).

Table 1.4.

OLKARIA GEOTHERMAL POWERPLANTS		
Geothermal Power Stations	Year Commissioned	Description
Olkaria I	Three phases: 1981, 1982, 1985	First geothermal power plant in Africa, produces 45 MW.
Olkaria II	2003. Third of three units constructed in 2010	Produces 105 MW, co-financed by the World Bank, the European Investment Bank (EIB), KfW, and KenGen
Olkaria I Units 4 and 5	2015	Produces 140 MW. Together with Olkaria IV, the biggest geothermal energy project in Kenya.
Olkaria IV	2014	Produces 140 MW. Funded by KenGen, World Bank, Japan International Cooperation Agency (JICA), EIB, Africa Development Bank and KfW.
Olkaria V	Not yet commissioned, construction began in 2017	Funded by a loan from JICA. Capacity of 165.4 MW.

Source: (KenGen, n.d.b).

³ Kreditanstalt für Wiederaufbau = Credit Institution for Reconstruction. KfW is a German government-owned development bank

Kenya's Third Medium Term Plan (2018-2022) of the Vision 2030 aims to source 913MW out of the 5,221 MW target additional electricity installed capacity by 2022 from geothermal sources. President Uhuru Kenyatta also eyes new investments on geothermal energy after his pronouncement of achieving 100% renewable energy for Kenya by 2030 (Wood, 2018).

However, all is not green in Olkaria as the construction and operation of the geothermal projects produced negative social and environmental impacts.

Olkaria is home to the Maasai indigenous people who, since time immemorial, have been living in, and using the area as pasture for their cattle. The name "Olkaria" itself comes from the red soil that the Maasai gather from the area to smear on their heads.

The Maasai are nomadic pastoralists who roam the Great Rift Valley from southern Kenya all the way to northern Tanzania. They grow and exchange livestock and plant indigenous trees which they use for medicinal purposes. In recent times and for various reasons, they have also engaged in agriculture.

When the British colonialists came to Africa in the late 1800s and early 1900s, they took away the Maasai's land to create the White Highlands, a place for British settlers in the new protectorate. When Kenya gained independence in 1963, postcolonial governments retained colonial legislation on lands, including those that deny the Maasai their ancestral territories.

There has been a series of relocations of the Maasai because of the geothermal projects. The first was carried out in 1984 while the latest happened in 2013 (Koissaba, 2017). The latest incident became a national controversy, as hundreds of armed goons, together with armed policemen, arrived and burned down 61 homesteads, killing livestock, leaving more than 2,000 Maasai homeless. The role of the World Bank as a funder has also been brought into spotlight because of the human rights violations caused by the project. (International Alliance of Inhabitants, 2013).

Contributing to the eviction of the Maasai is the creation of the Hell's Gate National Park in 1984, which covers the area where Olkaria I has been built. A national park is a land area with a big concentration of wildlife and important geological features that the law seeks to protect (Western, Russell, & Cuthill 2009). Despite posing problems to the objectives of a national park, the construction and expansion of the Olkaria Geothermal Projects continued within and around Hell's Gate.

A. Impacts on the Maasai and the Environment

The Olkaria Geothermal projects, in relation to the Maasai people, run against all elements of People-Powered Sustainable Consumption and Production. These caused the eviction of the Maasai from parts of their ancestral lands and the violation of their traditional ways of living. The projects also caused environmental problems that affect the Maasai and other communities living near the geothermal plants.

Figure 1.5. Location of power plants in Olkaria



Violation of the Maasai's right to self-determination

Self-determination among indigenous peoples is strongly related to their ancestral lands, as well as to free, prior and informed consent (FPIC). Both are important, internationally recognized principles for indigenous peoples to freely pursue their economic, social, and cultural development. For the Maasai, their right to self-determination has been grossly violated by their eviction from their ancestral lands and the lack of FPIC from their community.

During the expansion of Olkaria I and the construction of Olkaria IV in 2010, KenGen and the WB acquired consent from the affected Maasai communities through the newly-elected village chairmen instead of the Maasai's traditional Council of Elders (International Indigenous Peoples Movement for Self-Determination and Liberation [IPMSDL], 2018). Aside from the reported influence of KenGen over the elections, irregularities such as conducting the consultation in a language other than the native tongue of the village chairmen and including only one member of the Council of Elders marred the FPIC process (Schade, as cited in IPMSDL, 2018).

One of the interviewees shared that, *“the people who were picked to participate for the consultation knew nothing about the settlements plan and all the projects that come to the area... they [KenGen] never used public participation to seek views from the locals.”* Another interviewee felt the consultations that were done were just for formality: *“consultation was really not given importance because the the government has already secured the land...whatever consultation was just for formality and it was really poorly done.”*

The Resettlement Action Plan land (RAPland) proved unfavorable to the Maasai. No viable alternative sites for resettlement were offered aside from the one in RAPland, which was considerably smaller in size than their previous land and was not fit for grazing (Shaa & Perreras, 2016). The investigation of the Maasai's complaint by the World Bank's Inspection Panel (IPN) concluded that the Maasai's rights were not upheld and there was no genuine FPIC because the WB had categorized the Maasai as pastoralists, and thus did not apply its Indigenous Peoples Policy (IPP) (Shaa & Perreras, 2016). The WB's own IPP is key to its projects because according to its guidelines, no project should proceed without support from indigenous peoples.

Negative impacts on livelihoods, self-sufficiency, and cultural identity

With the reduction of their lands to just 1,700 acres, or less than half of their original 4,200 acres, the Maasai found the relocation area too cramped to graze their cattle which consist of around 8,000 cows and 36,000 sheep and goats. At the same time, they had to build homes for 164 families.

The interviewees however claimed that actually, 335 Maasai families were affected, and only 155 were relocated despite the government listing 164 families. Maasai who were deemed ineligible for resettlement were only given cash compensations, including “women who were widows, single mothers, and household heads who comprised 20% of the affected Maasai (Inspection Panel as cited in IPMSDL, 2018, p. 68).

From being a nomadic pastoralist community that was self-sufficient, the Maasai of Olkaria have become residents of a relocation site and are becoming increasingly incapable of growing livestock and dependent on outside communities for livelihood.

Out of the 1,700 hectares of land for relocation, only 560 acres were arable and productive, as the rest was filled with gullies that posed dangers for the community and their cattle. The electric fences set up by KenGen also hurt and killed livestock that accidentally wandered in those areas. Their relocation site also pushed them closer to wild animals that prey on their cattle.

On the dangers of the gullies, one interviewee said *“Children stay at home during the rainy season because there are so many gullies and it is dangerous for them to walk to schools. The land is too small, the place is full of gullies, keeping livestock there is hard because they fall in the gullies.”* Another interviewee said, *“If not to the gullies, the cattle fall prey to the hyenas and leopards, or get hurt or killed by the fences around KenGen.”*

Figure 1.6. Gullies near the RAPland



Not only KenGen built fences. Akiira, another geothermal company, and the Kenya Wildlife Service (KWS) of the Hell's Gate National Park also put up fences. A woman interviewee felt unsafe in their relocation because of this. *"I feel threatened and only Lord God can save us. I feel imprisoned. We have been fenced around and one side is Kengen, the other side is Akiira, the other side is KWS. Being fenced in between Akiira, KenGen, and KWS feels like prison."*

As a result, many have been forced to sell their livestock and find alternative means of livelihood. According to the interviewees, only around 100 Maasai have been employed by KenGen. These employed Maasai came from different parts of Kenya, not just Olkaria. Furthermore, they have been employed as low-skilled contractors even though many have degrees in courses such as engineering.

The project's impacts on Maasai women are significant. Before the project, their roles for decades were clear-cut: taking care of homes, children, and animals. With the project's implementation, they had to learn how to farm and many went to school. Despite showing their physical strength and earning degrees, the Maasai women of Olkaria still find it difficult to be hired in the geothermal projects. According to a woman interviewee, that *"the distance and the threat from wildlife and charcoal burners make it very risky for women to apply for jobs there. Hiring for jobs at KenGen is very nepotistic. However, these jobs are all low positions."*

The houses provided in the relocation sites are also not appropriate for their cultural practices surrounding gender segregation in sleeping quarters. The Maasai prohibit men and women who are not married from sleeping together. Even brothers and sisters should sleep in separate rooms. The two-bedroom houses provided in the relocations sites pose problems for this cultural norm. As a result, husbands and wives are forced to sleep in separate rooms with their male and female children.

In Maasai culture, too, once a person reaches 18 years old, he or she should not live with his or her parents anymore. Before the relocation, there were many youths who were living on their own. The relocation, however, failed to provide houses to 70 youths who previously had houses.

Figure 1.7. Maasai women walk past the fences built by Kenya Wildlife Services (Yumnam, 2018)



Violation of the right to adequate housing and shelter, freedom from the threat of eviction

Aside from making it difficult for the Maasai to practice their indigenous culture regarding gender segregation in sleeping areas, KenGen did not provide adequate services and safety from the threat of future eviction.

The RAPland relocatees initially had access to water, electricity and roads. The roads, however, have been damaged or destroyed because of the formation of gullies, making transportation difficult. The water and power supplies have also been cut off. The residents also cite poor drainage system and extreme flooding. According to a male interviewee, “*transportation is another major issue, the roads are not good and there is no proper drainage. When it rains, there are some places that become muddy and some houses washed away by the floods. KenGen is to blame because they constructed the drainage points heading towards the roads, so that means when it rains, the water will be easily coming down.*”

Meanwhile, 99% of the Narasha relocation community does not have access to electricity. At the same time, hospitals and schools are not being created in the area, causing people to fear that this is because they will be evicted yet again from the location. In RAPland, the Maasai were given leaseholds instead of land titles.

Denial of the right to enjoy a fair distribution of the project's benefits

As previously discussed, only about 100 of the Maasai have been employed by KenGen, which has 1,400 employees. Less than 15 youths are employed by the project, most of them as security guards. The total comes from all Maasai people in the country, not just those who were displaced by the project.

The Maasai are hired as low-skilled employees. They are contractual, not permanent, and receive low wages. There are complaints that women Maasai who were recommended to be employed were not hired.

They also demand a voice in the running of KenGen. Supposedly, KenGen employs women, youth and other sectors from the community, but interviewees claim that these representatives “are just there for the titles” and do not really represent community interests.

The Maasai have also been demanding profit-sharing with KenGen, but this has not borne fruit. While the new energy bill mandates that 5% of the company's profits should be shared with neighboring communities, there is no timetable for the implementation of this provision.

Violation of the right to a safe, clean, healthy and sustainable environment

The geothermal powerplants are located within the Hell's Gate National Park where wildlife, including endangered species, are found. Included in these are International Union for Conservation of Nature (IUCN) red-listed animals such as leopards (*Panthera pardus*, IUCN: Near Threatened), Rüppell's vulture (*Gyps rueppellii*, IUCN: Endangered), and the grey crested helmet shrike (*Prinops poliolophus*, IUCN: Near Threatened) (Japan International Cooperation Agency [JICA], 2014). Lake Naivasha, where the projects obtain their water source is a Ramsar site of ecological importance.

The impacts of the operations of the geothermal powerplants, particularly the hydrogen sulfide (H²S) emissions, disturbance due to construction, effluent release, and noise pollution pose dangers to these important environmental sites as well as to the health of the Maasai community. Effluents from geothermal power plants “pose a large potential risk to water quality, if released into the environment, due to high concentrations of toxics including antimony, arsenic, lead, and mercury but that the risk of release can be virtually eliminated through proper design and engineering controls (Berrizbeitia, 2014, p. 9).”

A study done by Gentoto (2018) on December 2015 to May 2016 concluded that there is a “significant negative correlation between threats due to geothermal power generation with the total number of birds and species richness further indicated that geothermal energy activities are a threat to birds,” (p. 63). Moreover, “contaminated soils and ground layer negatively affect Hell's Gate ground feeders. Foliage-gleaners and aerial insectivores are suffering due to reduction of arthropods population and the impact of H²S gas,” (p. 63).

The Maasai also complain of noise pollution and effluents, called brine water by the Maasai, released by the powerplants. According to a woman interviewee, *“the brine water is like diesel, it is hot and contaminated. When it mixes with other water reservoirs where our animals drink, it causes them to have miscarriage and die. There is also a certain plant that has started cropping up. It is very poisonous to the animals.”* The Maasai also claim that the plant has caused premature births among their women.

Unfortunately, the interviewees were not able to identify this poisonous plant. However, Gentoto’s study found out that more *Nicotiana glauca* (tree tobacco) and *Solanum incanum* (sodom apple) are growing in disturbed areas. Both are poisonous to livestock.

Continuing impunity and injustice

The Olkaria Geothermal Projects have been expanding at the expense of the Maasai who used to live in the area. Under the guise of sustainability, the Kenyan government continues to ignore the rights and plight of the Maasai. They have not sought a middle ground at the very least for the two parties, despite being in the position to use their power and financial resources to do so.

International financial institutions (IFIs), particularly the World Bank (WB) and the European Investment Bank (EIB), also need to take responsibility for funding these projects despite flaws in the impacts assessments and in the implementation. The EIB and WB created a Management Action Plan (MAP) in order to address the complaints filed by the Maasai. Most of the infrastructure-related commitments such as repairs of roads and water pipes are still underway (International Bank for Reconstruction and Development [IBRD] & International Development Association [IDA], 2018). The MAP also conducted post-resettlement assessments to identify project-affected people (PAPs) who were excluded in the previous resettlement. However, only five PAPs out of the 236 applicants were eligible for resettlement compensation in kind, and three for cash compensation as most of the applicants could not present evidence that they have ever lived in the area (IBRD & IDA, 2018).

New challenges for the Maasai in Olkaria appeared with the planned construction of the Akiira 1 Geothermal Power Project in 2020 to be financed by the EIB. Similar to the problems encountered during the impact assessments for the other geothermal projects, FPIC processes were not properly carried out. Aside from not consulting the duly-elected representatives of the affected Maasai community, the company did not provide enough information to those who were able to participate in order to help them make informed decisions (Narasha Community Development Group [NCDG] & International Accountability Project [IAP], 2018).

B. Community Struggles

With the increasing awareness of their rights and support from organizations in and outside Kenya, the Maasai of Olkaria have intensified their efforts to seek recognition as an indigenous people and redress for the historical injustices that they have faced.

They have sought the accountability of the World Bank and the European Investment Bank for financing some of the plants under the Olkaria Geothermal Projects. After the controversial eviction in 2013, they have used the grievance mechanisms of the said international financial institutions to point out the flaws in the process of their relocation (Koissaba, 2017)

This forced the EIB to intervene and sit with KenGen and the Maasai in a dialogue in 2016. KenGen promised title deeds for the relocation lands to the Maasai, but ended up offering land leases with no definite time period (Africa Uncensored & Tarazona, 2017). KenGen was also forced to undertake meetings on compensation and relocation with the Maasai every two months since 2014 to listen and hopefully respond to the community's demands (Mwanza, 2018).

The Maasai have also been holding protests. In 2016, their protests halted the construction of the Olkaria V plant. Negotiations were held and ended with a go-signal for the construction, hinting that an agreement between the two parties was reached (Mwanza, 2018). In February 2017, they held a protest outside KenGen's and JICA's offices in Nairobi for which KenGen, in retaliation, filed cases against some Maasai villages before the High Court of Kenya in Nakuru.

They have called on the Kenyan government to uphold the provision of United Nations Declaration on the Rights of Indigenous Peoples that ensures indigenous peoples' entitlement to a share in profits from endeavors that exploit natural resources in their lands. In this light, the Maasai have thrown their support behind a bill that stipulates a "revenue-sharing regime under which geothermal companies pay up to 2.5 percent of revenue from a site into a fund for a decade, with higher royalties in later years." In this scheme, the national government would take at least 75%, the local government 20%, and the local community 5% (Mwanza, 2018).

Although justice and impunity continue, the Maasai's struggle for their rights and the initial victories achieved to hold the government, KenGen, and the IFIs that fund these projects to account present a glimmer of hope not only for the Maasai but also for the other communities similarly struggling for their rights.

C. Recommendations from the Community

Members and leaders of the Olkaria Maasai community who were interviewed for this research discussed the following policy recommendations on the basis of their situation:

- 1. Respect the rights of indigenous people, especially their right to their ancestral lands.** The community demands ownership over their land and the recognition of the historical injustices that they have faced. They want Article 60 of the Kenyan Constitution and other relevant customary and conventional international laws which tackle the rights of indigenous peoples, to be promoted, protected, and upheld.
- 2. Share the benefits of the projects.** They want to be able to share in the projects' economic and social benefits. There should be economic compensation to the community alongside efforts to reduce poverty and hunger. Community

members say 30 percent of the projects' revenue should be given to the community. The community should be given preference in employment. KenGen's Corporate Social Responsibility should help widows have decent livelihoods and children to go to school.

3. **For energy projects, the government, IFIs, and project proponents should implement policies pertaining to consultation, environmental protection, and respect for human rights.** The Maasai also demand stronger mechanisms to demand redress and accountability for the social, economic, environmental, and cultural impacts of business operations and government policies on indigenous peoples.
4. **Improvements in the relocation areas should be undertaken.** Such improvements should include provision of electricity and water, repair and creation of roads, and access to services and social protection.

VI.

SYNTHESIS AND CONCLUSION

This study described two community actions that demonstrated people-powered sustainable consumption and production practices, and juxtaposed them with a case that was supposedly an example of “green” development but lacked a human rights-based approach. The three cases studied in the report shared the cross-cutting concerns discussed below.

A. People’s Rights and Access to Resources

The study on the practices of FOKO, Ogiek, and the situation of the Maasai in Olkaria all demonstrated the dynamic link between people’s rights, access to resources, and pursuing sustainable consumption and production.

Access to resources – such as land for Katuk Odeyo villagers, to the Mau Forest for the Ogiek, and to the traditional grazing lands for the Maasai in Olkaria – was important to meeting the most basic human rights: the right to food, livelihood, shelter and decent living conditions, and a clean and safe environment. To the Ogiek and Maasai, these resources were important not only for their economic survival, but also for their existence as a people with a distinct cultural identity and with the right to determine their own development path. The conservation of these resources as they were used in consumption and production by these communities was therefore key to upholding their rights.

The Ogiek and Masai sought to assert their rights by filing lawsuits in local and international courts. Meanwhile, the *rito aluora* by the Katuk Odeyo villagers, and the indigenous beekeeping and forest conservation by the Ogiek were concrete examples of how people-powered sustainable consumption and production practices could also be essential components of people’s assertion of their rights. These practices constituted people’s struggles for survival and provided paths towards sustainability that not only reinforced the conservation of resources but also supported the assertion of people’s rights.

B. Government Neglect and Resource Grabs

These struggles for rights and sustainability were directed at government neglect and resource grabs perpetrated by corporations and private interests, and quite often enabled by the government.

For the Katuk Odeyo villagers, *rito aluora* was their answer to government neglect that left their community in poverty and hunger, suffering from unaddressed HIV cases, and endangered by the advancement of the gullies. They were able to get support from government agencies for health and agricultural trainings

only through relentless advocacy for their cause. Although they were able to get support from the government on these issues, one of their biggest problems, the advancement of the gullies, remain unaddressed by the government. Inadequate response by the government on these gullies threatens the achievements of the Katuk Odeyo villagers in alleviating poverty.

Both the cases of the Ogiek and the Maasai of Olkaria demonstrated how government-enabled resource grabs violated the rights of the people and promoted environmental unsustainability. Both communities experienced historical injustice in the hands of colonial and so-called post-colonial governments. At the center of this injustice was the refusal to recognize them as indigenous peoples and their right to their ancestral domains and self-determination.

On the other hand, resource grabs that resulted in the continuing destruction of the Ogiek's and Maasai's ancestral lands and their eviction from these lands have benefitted local corporations such as Timsales Timber, Kiptagich Tea Estates, Superply Mills, and Awen Sawmills in the Mau Forest. All of these companies had connections to or were owned by powerful government officials. Foreign-owned companies such as Raiply, owned by the Indian Rai family which had close ties with the Moi, Kibaki, and Kenyatta governments (Amadala, Omondi, & Kamau, 2018); and colonial-era multinationals James Finlay, and Unilever Tea also benefited from resource grabs in the Mau Forest. It was quite difficult to reconcile the eviction of the Ogiek and other indigenous peoples as government efforts to conserve the Mau Forest when big corporations that destroyed wide swathes of forest land were allowed to operate.

The Ogiek suffered from the evictions from the Mau Forest since the British colonial era. The new wave of resource grabs from the Ogiek in post-independence Kenya coincided with the implementation of the International Monetary Fund's (IMF) structural adjustment programs in the 1980s, and the neoliberal policy reforms starting in 1986. Kenya started to adopt a more liberalized economy that encouraged growth in agriculture, and exports of tea, coffee, and horticultural products (Houser & Rosenberg-Carlson, 2018) which fuelled the expansion of agricultural areas, including lucrative tea plantations, into forest areas.

Citing documents released by the Ndungu Land Commission, Koisabba said that 200,000 illegal land titles were created in the period 1962-2002, 98% of which were issued in 1986-2002. The report said that beneficiaries of the distribution of titles were "ministers, senior civil servants, politicians, politically connected business people, and even churches and mosques." During this time, land became a principal means of political patronage.

These neoliberal policy reforms were upheld by the Kenyan government ever since, and applied in the energy sector. The government's drive to boost economic growth through increasing Kenya's electricity-generating capacity paved the way not only for the entry of government-controlled KenGen into Olkaria, but also for foreign corporations such as Ormat and Akiira, displacing the Maasai from their traditional grazing grounds, and fencing these off to keep them out. Foreign and local contractors also benefitted from building the KenGen power plants through

dubious tenders awarded to them in collusion with KenGen officials (Africa Centre for Open Governance, 2011; Kisero, 2015).

This same drive for increase in electricity-generating capacity and economic growth as mentioned in Vision 2030 also aimed to attract foreign investments in other sources of energy such as coal, which led to opening up to other foreign energy projects such as the China-funded Lamu coal plant, and the Kipeto Wind Farm which was financed by the International Finance Corporation and the UK Government through the Africa Infrastructure Investment Fund II.

Meanwhile, more resource grabs are likely to come as the Vision 2030 and its current Big Four priorities open up the different areas of Kenya's economy for foreign investments. For example, the construction of the Naivasha Industrial Park in Nakuru County, which is in line with the government's priority to boost manufacturing, is set to displace families and herders living in the area. Already, investors from India, United States of America (USA), Netherlands, China, Sri Lanka, and Thailand have expressed interest in the Special Economic Zone (SEZ) (Akinyi, Were, & Ng'ang'a, 2019).

The cases of the Ogiek and the Olkaria Maasai showed that initiatives towards sustainability, such as the protection of the Mau Forest and the move to renewable energy could be used as subterfuge to advance private interests of the corporate and political elite to the detriment of indigenous peoples. Engaging both the Maasai and Ogiek in the management of resources in their ancestral lands would help the country improve its sustainable consumption and production practice while safeguarding these communities' rights.

C. Women's Burden

The case studies showed the additional burden carried by women on top of the burden carried by their communities. The Ogiek women were affected in particular ways by the community's eviction from the Mau Forest and the need to find new sources of income. The women of Katuk Odeyo were hit the hardest by the HIV pandemic in their area and suffered the most from malnutrition and poverty. The women among the Olkaria Maasai also needed to adjust to a harsh resettlement area even as they tried to find new ways of earning income in the face of the geothermal plant's refusal to hire them.

The case studies also show how women were empowered by community organizations by giving them equal stature in organizational structures and by giving them space to create plans and programs that would address their personal and their families' needs. In the process, they were able to push back against cultural barriers that keep women from earning incomes, owning resources such as land, and starting businesses. The cases showed women claiming their rights, with the support of their organizations and usually without the support of the government.

D. Accountability from Government and IFIs

The lack of accountability from the Kenyan government for its neglect as well as its involvement in the displacement of indigenous peoples was another common theme that ran across the studies.

In seeking recognition for their rights, both the Ogiek and Maasai communities found international venues more receptive and even cognizant of their claims than the Kenyan government. The lack of implementation of the rulings on the Ogiek's case for example, was another form of injustice towards them.

The accountability of IFIs in facilitating development projects in Kenya, including those controlled by foreign companies was also put in the spotlight as these projects were mired in rights violations such as massive displacement of local communities. Although IFIs such as the World Bank had their own accountability mechanisms and guidelines, these can be ineffective during the implementation of the project. The 2010 Kenyan Constitution does not mention indigenous peoples but recognizes them as marginalized communities. This is mirrored in the Olkaria case wherein the WB did not recognize the Maasai as indigenous peoples, and therefore, did not apply its indigenous peoples policy. The implementation of these accountability mechanisms must therefore be critically scrutinized and engaged.

E. Conclusion

Pushed by the need to survive harsh conditions and marginalization, the villagers of Katuk Odeyo and the Ogiek indigenous peoples turned to alternative modes of consumption and production in order to meet their needs. Although the PP-SCP practices described were not unique to the communities in the case studies, they showed their importance beyond supporting the survival of marginalized communities by also becoming expressions of the assertion of the communities' rights; promoting self-sufficiency; enabling self-governance and political empowerment of communities, especially women; enabling the communities to demand accountability from duty bearers; and raising support from local allies and various international organizations.

However, these practices will remain as "alternative modes" of sustainable consumption and production practices, and are endangered, as long as the trajectory of the Kenyan government in implementing Vision 2030 is promoting neoliberal economic policies. These policies allow the privatization of resources and are premised on attracting foreign investments in Kenya. Combined with local corruption in the bureaucracy and non-implementation of laws protecting the environment and marginalized peoples, these policies will continue the destruction of the environment and resource grabs from indigenous peoples and local communities. Likewise, policies and initiatives that seemingly protect the environment through conservation or green energy production can still be harmful for the environment and violate the rights of communities if not crafted and implemented using a human rights-based approach.

The case studies showed that protecting people's rights for sustainability must include exacting accountability from duty holders: the government, IFIs, and the corporations that dominated the Kenyan economy. Those that perpetrated neglect of these marginalized communities, the displacement of the indigenous peoples and destruction of their ancestral lands, and the violence and harassment against their leaders must be held responsible.

All the three cases demonstrated the need to uphold people's rights by the people themselves in the context of moving towards sustainability. The rights that needed to be protected were not limited to those that ensure the survival of marginalized communities such as the right to food, livelihoods, health, and shelter. They included the right to self-determination, and thus, the need to ensure that civil and political rights, as well as the collective rights of peoples were protected in projects and policies that promised sustainability.

Therefore, promoting people's struggles and people's democratic participation in governance are key to the advancement of genuine, human rights-based sustainable consumption and production.

F. Policy Recommendations

From the foregoing, the following policy recommendations can be made:

1. Recognize indigenous peoples' rights. Uphold the provisions of the 2010 Kenyan Constitution that protect the rights of marginalized peoples.
 - a. Speed up the process of implementing the African Commission on Human and Peoples' Rights' ruling on the Ogiek people. Ensure that the rights of settler communities in the Mau Forest will be respected.
 - b. Recognize the Maasai as indigenous peoples and acknowledge the historical injustices perpetrated against them – in general and in the case of the Olkaria Geothermal Projects.
 - c. The rights of indigenous peoples should be explicitly recognized in the Kenyan Constitution.
2. Implement policies and initiatives to help communities mitigate the impacts of climate change by addressing the advancement of gullies and supporting agro-ecological farming for food self-sufficiency.
3. Provide an enabling environment for community-based organizations. Improve the legal regulatory framework by doing away with excessive requirements for registration.
4. Advance IFI and corporate accountability in development projects.
5. Work for women empowerment in government and community-based organizations. Uphold the country's 2/3 rule to ensure gender equality in governance and other structures.
6. Stop the attacks against indigenous peoples and activists. Provide support for environmental activists facing various types of threats.

VII.

REFERENCES

- Africa Uncensored & Tarazona, D. (2017). *The forgotten struggle of Kenyan indigenous people*. Retrieved from <https://www.eibinafrica.eu/the-forgotten-struggle-of-kenyan-indigenous-people/>
- Agera, S. I. N. (2011). Role of beekeeping in the conservation of forests. *Global Journal of Agricultural Sciences*, 10(1), 27-32. Retrieved from <https://www.ajol.info/index.php/gjass/article/viewFile/79068/69377>
- Ahern, A. (2016, December 24). *How a group in Kenya is preserving its pollinators*. Retrieved from <https://www.csmonitor.com/Business/The-Bite/2016/1224/How-a-group-in-Kenya-is-preserving-its-pollinators>
- Akinyi, Y., Were, S., & Ng'ang'a, J. (2019, December 11). Naivasha Industrial Park construction set to attract foreign investors. *Kenya News Agency*. Retrieved from <http://www.kenyanews.go.ke/naivasha-industrial-park-construction-set-to-attract-foreign-investors/>
- Albertazzi, S., Bini, V., Lindon, A., & Trivellini, A. (2018). Relations of power driving tropical deforestation: a case study from the Mau Forest (Kenya). *Belgeo*, 2. doi: 10.4000/belgeo.24223
- Amadala, B. Omondi, G., & Kamau, J. (2018, June 21). Rai family, the empire that decides how sweet your tea is. *Daily Nation*. Retrieved from <https://mobile.nation.co.ke/news/Rai-family--the-empire-that-decides-how-sweet-your-tea-is/1950946-4623146-item-1-k88hfq/index.html>
- Apollo, S. (2017, February 23). Amnesty report says Kenya tops Africa in extrajudicial killings. *Kenya Daily Nation*. Retrieved from <https://www.nation.co.ke/news/Kenya-top-Africa-police-shootings/1056-3824890-1183k27/index.html>
- Berrizbeitia, L.D. (2014, June 16). *Environmental impacts of geothermal energy generation and utilization*. Retrieved from. <https://geothermalcommunities.eu/assets/elearning/8.21.Berrizbeitia.pdf>
- British Broadcasting Corporation [BBC]. (2019, June 26). Kenya halts Lamu coal power project at World Heritage Site. *BBC News*. Retrieved from <https://www.bbc.com/news/world-africa-48771519>
- CIVICUS. (2016, June 9). *Environmental matters a risky affair for Kenyan activists: an interview with Phyllis Omido*. Retrieved from <https://www.civicus.org/index.php/media-resources/news/877-environmental-matters-a-risky-affair-for-kenyan-activists>

Cormack, Z. (2019, September 3). Kenya's huge wind power project might be great for the environment but not for local communities. *Quartz Africa*. Retrieved from <https://qz.com/africa/1700925/kenyas-huge-wind-power-project-in-turkana-hurts-local-people/>

County Government of Kisumu. (2017). *Kisumu County integrated development plan II, 2018-2022*. Retrieved from https://roggkenya.org/wp-content/uploads/Kisumu_CIDP_2018-2022_County-Integrated-Development-Plan.pdf

Earth Institute. (2012). *Kisumu, Kenya*. Retrieved from <http://mci.ei.columbia.edu/millennium-cities/kisumu-kenya/>

Gentoto, A. B. (2018). *Impacts of geothermal power station on Avifauna at Hell's Gate National Park, Nakuru County, Kenya*. Retrieved from <https://ir-library.ku.ac.ke/handle/123456789/18987>

Geyik, M. P. (1986). *FAO watershed management field manual: Gully control*. Retrieved from <http://www.fao.org/3/ad082e/AD082e00.htm>

Gicheru, L. (2019). *Policy reform for energy transition in Kenya*. Retrieved from <https://www.worldenergy.org/news-views/entry/member-views-policy-reform-for-energy-transition-in-kenya>

Houser, E. & Rosenberg-Carlson, E. (2018). *Modeling food security in kenya: interactions between neoliberal policy reforms, environmental factors, and food security*. Retrieved from <https://pdfs.semanticscholar.org/e09b/b7cde5d23f330932bf377800e87a485e8e40.pdf>

Indigenous People's Movement for Self-Determination and Liberation. (2018). Assessing the impacts of ODA on IPs using a human rights-based approach: A comparative study of ODA-funded projects in the Philippines and Kenya. In P.L. Quintos, J. del Rosario-Malonzo, C. C. Guevara, & J. Padilla (Eds.), *Policy research on the implementation of a human rights-based approach in development partnerships* (pp. 65-74). Retrieved from https://c419de57-e749-4591-9016-5feb763746da.filesusr.com/ugd/9f29ee_1af6ea4c31454af68f1f9171b9cae77c.pdf

International Alliance of Inhabitants. (2013). *Maasai geothermal project expansion cause of violent evictions*. Retrieved from https://www.habitants.org/space_of_organized_inhabitants/evictions/maasai_geothermal_project_expansion_cause_of_violent_evictions

International Work Group for Indigenous Affairs [IWGIA]. (2019, November 4). *Indigenous peoples are still struggling with getting their rights recognized in Kenya*. Retrieved from <https://www.iwgia.org/en/kenya/3521-indigenous-peoples-rights-violations-kenya>

Jaffer, Z. (2013). *From formulation to implementation: Investigating the Environmental policy process in Nairobi* (Masteral thesis, University of Waterloo, Waterloo, Canada). Retrieved from <https://core.ac.uk/download/pdf/144146660.pdf>

Japan International Cooperation Agency. (2014). *Preparatory survey on Second Olkaria geothermal power project*. Retrieved from https://www.jica.go.jp/english/our_work/social_environmental/id/africa/kenya/c8h0vm000090rho9-att/c8h0vm00009ezr5b.pdf

Kakonge, J. O. (2015, October 7). Environmental impact assessment: why it fails in Kenya. *Pambazuka News*. Retrieved from <https://www.pambazuka.org/land-environment/environmental-impact-assessment-why-it-fails-kenya>

Kenya Electricity Generating Company [KenGen]. (n. d. a). *Who we are*. Retrieved from <https://www.kengen.co.ke/index.php/our-company/who-we-are.html>

KenGen. (n. d. b). *Geothermal*. Retrieved from <https://www.kengen.co.ke/index.php/business/power-generation/geothermal.html>

Kenya Ministry of Environment and Natural Resources. (2016). *Green economy strategy and implementation plan – Kenya 2016-2030*. Retrieved from http://www.environment.go.ke/wp-content/uploads/2018/08/GESIP_Final23032017.pdf

Kenya National Bureau of Statistics [KNBS] & Society for International Development [SID]. (2013). *Exploring Kenya's inequality: Pulling apart or pooling together?* Retrieved from <http://inequalities.sidint.net/kenya/wp-content/uploads/sites/3/2013/11/Expenditure%20and%20poverty.pdf>

Kenya National Treasury and Planning. (2018). *Third medium term development plan 2018-2022*. Retrieved from <http://vision2030.go.ke/inc/uploads/2019/01/THIRD-MEDIUM-TERM-PLAN-2018-2022.pdf>

Namwaya, O. (2019, July 25). Kenya fails to honor human rights promises to UN. Retrieved from <https://www.hrw.org/news/2019/07/25/kenya-fails-honor-human-rights-promises-un>

Kiage, O. E. (2019). The Ogiek Peoples' Indigenous Knowledge: A pathway towards sustainable natural resource management in the Mau Forest, Kenya. *African Journal of Hospitality, Tourism and Leisure*, 8(1). Retrieved from https://www.ajhtl.com/uploads/7/1/6/3/7163688/article_1_vol_8_1__2019.pdf

Kibet, R. (2014, September 22). *Kenya's Ogiek women conquer cultural barriers to support their families*. Retrieved from <https://afjn.org/kenyas-ogiek-women-conquer-cultural-barriers-to-support-their-families/>

Kisero, J. (2015, August 8). KenGen's curious tender award. *Daily Nation*. Retrieved from <https://mobile.nation.co.ke/news/KenGen-Tender-Infrastructure-Energy-Contracts/1950946-2851568-format-xhtml-evkh2w/index.html>

Koissaba, B. O. (2016). *Elusive justice: The Maasai contestation of land appropriation in Kenya: A historical and contemporary perspective*. Retrieved from <https://intercontinentalcry.org/elusive-justice-maasai-contestation-land-kenya/>

Koissaba, B. O. (2017). *Geothermal energy and indigenous communities: The Olkaria projects in Kenya*. Retrieved from <https://eu.boell.org/sites/default/files/geothermal-energy-and-indigenous-communities-olkariaproject-kenya.pdf>

Lengoisa, J. S. (2015). Ogiek peoples of Kenya: Indigenous and local knowledge of pollination and pollinators associated with food production. In P. Lyver, E. Perez, M. Carneiro da Cunha, & M. Roué (Eds), *Indigenous and local knowledge about pollination and pollinators associated with food production* (pp. 18-26). Retrieved from <https://unesdoc.unesco.org/ark:/48223/pf0000233811>

Ministry of Agriculture, Livestock and Fisheries [MoALF]. (2017). *Climate risk profile for Kisumu County*. Retrieved from <https://ccafs.cgiar.org/es/node/56165#.Xec1uugzbIV>

Minority Rights Group International. (2019, June 5). *Two years on, Kenya has yet to implement judgment in Ogiek case*. Retrieved from. <https://minorityrights.org/2019/06/05/two-years-on-kenya-has-yet-to-implement-judgment-in-ogiek-case-mrg-statement/>

Mungai, C. & Okewo, E. (2014). *Why life's short in not-so poor Kenyan counties*. Retrieved <https://reliefweb.int/report/kenya/why-lifes-short-not-so-poor-kenyan-counties>

Mutai, P., Mwariri, M. E., Nyamai, P. M., & Ng'ang'a, S. (2017, December 4). *The HIV/AIDS pandemic in Kisumu county: the Chulaimbo sub-district hospital*. Retrieved from <https://macleki.org/stories/the-hiv-aids-pandemic-in-kisumu-county/>

Mwanza, K. (2018, March 19). When the Maasai met the Maori: Kenya seeks to end geothermal land conflicts. *Reuters*. Retrieved from <https://www.reuters.com/article/us-kenya-energy-newzealand/when-the-maasai-met-the-maori-kenya-seeks-to-end-geothermal-land-conflicts-idUSKBN1GV00H>

Ndii, D. (2014, January 16). Kenya: why you're struggling to make ends meet. *Pambazuka News*. Retrieved from <https://www.pambazuka.org/governance/kenya-why-you%E2%80%99re-struggling-make-ends-meet>

Ndii, D. (2019, November 15). I don't understand why Kenyans are broke': Mr. Kenyatta's debt distress revisited. *The Elephant*. Retrieved from <https://www.theelephant.info/op-eds/2019/11/15/i-dont-understand-why-kenyans-are-broke-mr-kenyattas-debt-distress-revisited/>

Obare, L. & Wangwe, J. B. (1998). *Underlying causes of deforestation and forest degradation in Kenya*. Retrieved from <https://www.ogiek.org/indepth/ind-underl-caus.htm>

Ogiek Peoples' Development Programme [OPDP]. (2019a). *FAQ*. Retrieved from <https://www.ogiekpeoples.org/index.php/faq>

Olang, L. O. & Kundu, P. M. (2011). Land degradation of the Mau Forest Complex in Eastern Africa: A review for management and restoration planning. In E. Ekundayo (Ed.), *Environmental Monitoring* (pp. 245- 262). doi: 10.5772/28532

OPDP. (2019b, June 15). *Daniel Kobei receives death threats over Ogiek land rights* [Video file]. Retrieved from https://www.youtube.com/watch?v=ugqSy871_6A&feature=youtu.be&fbclid=IwAR2ODOrP7tEFturZ6LF9mi v3OCWQjH029M-M0NxBooAGQXsE9ZtVh29zB8

Richest and poorest counties in Kenya 2019. (2019, November 9). *Venas News*. Retrieved from <https://venasnews.co.ke/2019/11/09/richest-and-poorest-counties-in-kenya-2019/>

Sang, J. K. (2003). The Ogiek in the Mau Forest. In J. Nelson & L. Hossack (Eds.), *Indigenous peoples and protected areas in Africa: From principles to practice* (pp. 111-138). Retrieved from <https://www.forestpeoples.org/sites/fpp/files/publication/2010/10/kenyaeng.pdf>

Savage, R. (2016, August 18). Kenya's Ogiek people forced from homes amid 'colonial approach to conservation'. *Guardian*. Retrieved from <https://www.theguardian.com/global-development/2016/aug/18/kenyas-ogiek-people-are-seeing-their-land-rights-brutalised>

Shaa, J. & Perreas, A. (2018, June 29). *Lessons from Kenya: Why the World Bank must apply the Indigenous Peoples Policy consistently*. Retrieved from <https://www.brettonwoodsproject.org/2016/06/lessons-from-kenya-why-the-world-bank-must-apply-the-indigenous-peoples-policy-consistently/>

Siegel, N. (2018, October 8). Kenya: Indigenous Ogiek face eviction from their ancestral forest... again. *Mongabay*. Retrieved from <https://news.mongabay.com/2018/10/kenya-indigenous-ogiek-face-eviction-from-their-ancestral-forest-again/>

Survival International. (2001, November 30). *Kenya: Government destroys the Ogiek's forest*. Retrieved from <https://www.survivalinternational.org/news/86>

Wang, C. N. (2019, October 14). *Kenya's Lamu Coal Fired Power Plant – Lessons learnt for green development and investments in the BRI*. Retrieved from <https://green-bri.org/kenyas-lamu-coal-fired-power-plant-lessons-learnt-for-green-development-and-investments-in-the-bri>

Warah, R. (2019, July 15). Saving Lamu: How a campaign for environmental justice was fought. *The Elephant*. Retrieved from <https://www.theelephant.info/op-eds/2019/07/15/saving-lamu-how-a-campaign-for-environmental-justice-was-fought/>

Western, D., Russell, S., & Cuthill, I. (2009). The Status of Protected Areas Compared to Non-Protected Areas of Kenya. *PLoS ONE*, 4(7). Retrieved from <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0006140&type=printable>

Africa Centre for Open Governance. (2011). *Kenya governance report 2011*. Retrieved from https://africog.org/wp-content/uploads/2012/11/Kenya-Goverance_Report_2011.pdf

Wood, J. (2018, December 5). *Kenya is aiming to be powered entirely by green energy by 2020*. Retrieved from <https://www.weforum.org/agenda/2018/12/kenya-wants-to-run-entirely-on-green-energy-by-2020/>



Philippines

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I.

INTRODUCTION

The narrative of sustainable consumption and production (SCP) in the Philippines presents a problematic disconnect between existing laws and claims of progress on the one hand, and ground realities on the other hand. While the government cites statistics to bolster its claims of economic and human development, these do not adequately reflect the lived contexts of grassroots communities and sectors in the country.

Philippine economic officials celebrate the government's 6.5%– 7% gross domestic product (GDP) growth rate (Laforga, 2019) and the steady decline of self-rated poverty rates. However, the quality of life of most Filipinos continues to decline and the obscene wealth gap between a minority elite and the poor and vulnerable majority only increasingly widens.

The population of the Philippines has reached more than 101 million in 2015 and is expected to reach 110 million by 2020. Nine out of 10 families still live far below the poverty threshold (IBON Foundation, 2018). According to National Economic Development Authority (NEDA) Secretary Ernesto Pernia, a family living on PhP 42,000 (USD 824) monthly wage is considered having a “decent income” and therefore lives above the poverty line (Ladrido, 2019). However, about 88 per cent of Filipino families have monthly incomes less than PhP 42,000 (IBON Foundation, 2018).

The Philippine Statistics Authority (PSA), on the other hand, pegs the poverty threshold at PhP 9,063.75 (USD 178.03) a month for a family of five, or PhP 60.43 (USD 1.19) per day per person. This is obscenely low and statistically erases families who could not afford to meet their basic needs. Recent inflation has already increased the family living wage needed for meeting basic needs to PhP 1,014 for a family of five and PhP 1,216 for a family of six in the National Capital Region (IBON Foundation, 2019a).

But the starkest evidence that economic growth has not benefited the majority of the population is the rising inequality and concentration of wealth in the hands of a few. The combined net worth of country's 20 richest people grew from PhP 766 billion in 2016 to PhP 3.6 trillion in 2019 (IBON Foundation, 2020).

The country's environmental performance contradicts existing legislation and regulations meant to conserve and protect natural resources. The Philippine government continues to promote foreign large-scale mining and coal-fired power plants despite commitments to reduce greenhouse gas emissions. The liberalized mining industry in the country and the lack of downstream industries in the

Philippines enable the plunder of the country’s mineral wealth. More than 90% of the country’s mineral production is exported for processing in other countries. Mining companies are also taxed at a very low rate of 2% (Oplas, 2018).

These illustrate the enormous gap between the amount of resources that is produced and supplied to Filipino families, and the ever-growing demand for resources this supply is meant to address. More importantly, these figures also demonstrate the worsening inequality in resource distribution which is one of the barriers towards achieving a more sustainable system of consumption and production in the country.

A. Overview of Philippine Laws and Policies on SCP

The Philippines is considered as one of the frontrunners for sustainable consumption and production (SCP) in the region in terms of providing a robust legal and policy framework for environmental protection and resource management. It has passed several pioneer legislations in Southeast Asia including the Clean Air Act of 1999, the Ecological Solid Waste Management Act of 2000, the Clean Water Act of 2004, the Biofuels Act of 2006, and the Renewable Energy Act of 2008.

In addition to these laws, various policies and bodies to address related issues have been created, such as the Laguna Lake Development Authority (LLDA) that dealt with the conservation and rehabilitation of Laguna de Bay, and the Climate Change Commission (CCC) to streamline inter-agency efforts as well as local government initiatives in combatting the impacts of climate change.

Table 2.1.

SELECTED LAWS RELATED TO SCP IN THE PHILIPPINES	
Designation of the Law	Purpose of the Law
Philippine Environmental Impact Statement System (PEIS) of 1978 (Presidential Decree 1586)	A Decree providing the legal and procedural framework for conducting Environmental Impact Assessments (EIA) for projects likely to have significant environmental impact. This has been updated by several Department of Environment and Natural Resources (DENR) administrative orders in the past.
Revised Forestry Code of 1977	An Act establishing a system for proper classification, management and utilization of public forest lands while also meeting demands of increasing population. The law also provides delimitation of lands for the purposes of proper management, utilization, protection, and rehabilitation.
Clean Air Act of 1999	An Act providing for a comprehensive air pollution control policy and a national programme to prevent, manage, control and reverse air pollution through both regulatory and market-based instruments.

Table 2.1. (continued)

Ecological Solid Waste Management Act of 2000	An Act setting up a national programme for managing the transfer, transport, processing and disposal of solid waste. It calls for a phasing out of open dump sites and converting them into sanitary landfills.
Clean Water Act of 2004	An Act providing for a comprehensive water quality management, with the aim of protecting the country's water bodies from pollution from land-based sources.
Biofuels Act of 2006	An Act establishing the framework for the promotion of the use of biofuels in road transport (biodiesel and gasoline blended with bioethanol).
Renewable Energy Act of 2008	An Act establishing the framework for the accelerated development of renewable energy resources.
Philippine Environmental Impact Statement System (PEIS) of 1978 (Presidential Decree 1586)	A Decree providing the legal and procedural framework for conducting Environmental Impact Assessments (EIA) for projects likely to have significant environmental impact. This has been updated by several Department of Environment and Natural Resources (DENR) administrative orders in the past.
Revised Forestry Code of 1977	An Act establishing a system for proper classification, management and utilization of public forest lands while also meeting demands of increasing population. The law also provides delimitation of lands for the purposes of proper management, utilization, protection, and rehabilitation.
Clean Air Act of 1999	An Act providing for a comprehensive air pollution control policy and a national programme to prevent, manage, control and reverse air pollution through both regulatory and market-based instruments.
Ecological Solid Waste Management Act of 2000	An Act setting up a national programme for managing the transfer, transport, processing and disposal of solid waste. It calls for a phasing out of open dump sites and converting them into sanitary landfills.
Clean Water Act of 2004	An Act providing for a comprehensive water quality management, with the aim of protecting the country's water bodies from pollution from land-based sources.
Biofuels Act of 2006	An Act establishing the framework for the promotion of the use of biofuels in road transport (biodiesel and gasoline blended with bioethanol).
Renewable Energy Act of 2008	An Act establishing the framework for the accelerated development of renewable energy resources.
Climate Change Act of 2009	An Act establishing the Climate Change Commission, tasked to coordinate, monitor and evaluate programs, and action plans on climate change.

Source: Source: Sta Romana, 2017 with updates from the Philippine Senate

The Philippines has no laws that specifically tackle SCP. However, as of this writing, the policy framework Philippine Action Plan for Sustainable Consumption and Production is in the final stages of development through a process led by NEDA. It is said to complement the Philippine Development Plan 2017-2022 and the 10-Year Framework of Programmes (10YFP).

The said policy framework is founded largely on the assumption that a large section of unsustainable patterns of consumption and production is practiced by consumers. The Philippines, as a developing economy, runs on a “sachet economy” characterized by the rapid consumption of consumer goods in small quantities. This drives corporations to produce low-value single-use plastic sachets that usually end up in landfills or are left scattered indiscriminately as litter in the streets or marine debris.

According to the waste audit report published by the Global Alliance for Incinerator Alternatives (GAIA) and the Mother Earth Foundation (MEF), the Philippines is the third largest source of plastic products found in the ocean. The audit results suggest that 75% of all collected residual waste which can neither be composted nor recycled come from Unilever, Procter & Gamble, Nestle, PT Mayora, Colgate-Palmolive, and Coca Cola. The same report concluded that 79% of branded plastic residual waste comes from food packaging, followed by household (12%) and personal care products (8%). In addition, the audit stated that the corporations responsible for the production of plastic residual waste earn a total of \$22 billion in profits while the cities surveyed spend a total of \$73 million in solid waste management efforts (GAIA, 2019).

Addressing the problem of the “sachet economy” and dealing with the amount of wastes it generates, therefore, require the holistic transformation of the Philippine economy that will allow most families to afford and practice sustainable lifestyles. This will involve changes on how and for what goods and commodities are produced to how they are distributed. However, the current emphasis of the government campaign on waste reduction remains limited to targeting consumer behavior, while largely ignoring its main drivers being wealth inequalities and market deregulation.

The implementation of SCP commitments remains problematic also because of red tape and bureaucratic bottlenecks. For instance, the monitoring and coordination of the country’s commitments to the Sustainable Development Goals (SDGs) is the responsibility of NEDA, while the main agency tasked to implement SCP targets is the Cabinet Cluster on Climate Change Adaptation, Mitigation, and Disaster Risk Reduction (CCAM-DRR). The Cabinet Cluster on CCAM-DRR is chaired by the Department of Environment and Natural Resources (DENR), and co-chaired by the Department of National Defense (DND).

Another point to consider is the gap caused by the devolution of enforcement powers on environmental laws from the DENR down to local government units (LGUs). This means that the top agency tasked to implement SCP commitments is devoid of power when it comes to the enforcement of the law – and that power is delegated to LGUs with the supervision of DENR. For example, local heads or

punong barangays are often tasked to enforce laws and regulations on solid waste management, pollution control, and environmental protection whereas municipal mayors are in charge of land, marine, forest, and other resources management within their municipalities (Lerma & Batan, 2015). As a result, multiple issues that have emerged, including political interference, widespread systemic corruption, lack of coordination, lack of logistical and financial resources, and lack of community support, have drastically hindered the enforcement of environmental laws and policies across the archipelago (Sta Romana, 2017).

While the Philippines is touted as a leader in forwarding good environmental laws and mainstreaming international commitments, including SCP, in national laws, ineffective implementation and the creation of policies and initiatives that are incoherent with environmental protection prevent the country from achieving sustainability. Foreign large-scale mining and coal-fired power plants are still promoted despite commitments to reduce greenhouse gas emissions; while the people protest their destructive social and environmental impacts.

Human rights in all relevant levels of policy making (from planning, implementation, and monitoring) are insufficiently articulated, if not missing. SCP is narrowly defined to “doable” projects that deliver recognizable results and quantifiable performance standards. This reductionist approach to SCP allows policymakers and the government to ignore SCP as a process that requires that alongside the transformation of consumption and production structures and patterns, human rights are also protected and progressively realized.

The omission of human rights in SCP is not only an unfortunate policy lapse; it has real deleterious impacts to peoples and the environment. While talking about building sustainable and green cities, the government allowed the displacement of indigenous peoples and the violation of their free, prior, and informed consent (FPIC). It does not help that the Philippine government has a less than satisfactory track record on protecting and promoting people’s rights. Thousands upon thousands have died in the bloody war on drugs as farmers are massacred in different parts of the country and dissenting voices are violently and viciously repressed.

Meanwhile, communities in the Philippines are pushing for sustainable consumption and production that not only meets their needs, but also upholds their rights. Examples are reducing the use of plastics as supported by environmental advocates and local governments; the promotion of solar and micro-hydro energy for communities without access to electricity; and the practice of agroecological farming to move away from synthetic chemical farming. Campaigns against destructive extractive industries have also gained traction because of the efforts of people’s organizations and environmental advocates.

People-led initiatives on SCP are almost always linked to the struggles for people’s rights. An example is the Lumad’s struggle for their ancestral lands against mining and oil palm industries promoted and facilitated by the government. Practicing agroecological and indigenous farming methods and reforesting their lands are integrated in the Lumad struggles against extractive industries encroaching on

their ancestral lands. The struggle for SCP by farmers is tied to their struggle for land rights. Some examples are land cultivation areas or *bungkalan* carried out by farmers in Central and Southern Luzon, Negros, Panay, and other regions in the Philippines.

Around 10,000 hectares of land are covered by these different land occupation initiatives since 2009. Owned by landlords and corporations, these lands which were once idle or used for monocrop plantations are being transformed by farmers to produce food through agroecological practices. Like the Lumad, farmers also face attacks from landlords and their private armies, and the government's armed forces and paramilitaries.

B. Significance of People-Powered SCP Practices

People-powered SCP practices are initiatives that demonstrate the potential of mainstreaming sustainable development principles and reveal what it means to live in a more sustainable system of consumption and production. The significance of looking at these practices, despite being isolated or small-scale most of the time, is that it provides a preview of how communities and society in general can benefit from a social order that is guided by the following key PP-SCP principles:

1. People's rights are protected and advanced in the whole production and consumption chain
2. Self-sufficiency from the community to the national level is promoted through people's sovereignty
3. Social innovations and community actions toward SCP are encouraged and supported
4. Accountability of corporations and governments is demanded and ensured

The case studies explored in this research are alternative, small-scale initiatives precisely because the current dominant neoliberal economic system necessitates the proliferation of an unsustainable consumption and production pattern that permeates across all levels of social life. Interestingly, these initiatives persist despite the repression of both state and corporate forces that seek to dominate the entire production and consumption chain. Key to understanding how these practices thrive in rather uncondusive conditions is putting people's rights at the front and center in the planning and implementation of PP-SCP initiatives.

Moreover, a deeper look into the case studies presented in this research helps identify the barriers to their scale up and diffusion, why state and corporate elements are consistently at odds with the objectives of these practices, and how these practices can further be supported and promoted by other development actors such as civil society and people's organizations.

To get an in-depth look at existing PP-SCP practices in the Philippines, the research team employed a descriptive research approach. A comparative case study design was also used involving the analysis of contrasting cases to understand similarities, differences, and patterns between the cases. This approach was also used to assess generalizations that extend across multiple cases or to examine how similar

phenomena or policies unfold in distinct locations and situations that are socially produced.

In this case, the comparative case study design was used to test the results of the visioning and mapping exercise on SCP, specifically looking at how the SCP policy framework of the Philippine government and its actions inimical to sustainable development principles are translated in mega-infrastructure projects. This is then juxtaposed to case studies concerning people-powered SCP practices that exist independent of government funding or support.

The study is primarily interested in investigating the dialectical relations between SCP practices and people's struggles: how the latter complements the former, and vice versa.

The selection of case study areas is guided by an information-oriented approach. The rationale behind this purposive choice is that a random sampling of cases without an informed choice will not be able to reveal critical information to address the research questions. Selecting 'key case studies' allows the research team to analyze the relations between SCP practices and the problem/s they seek to resolve, how a vibrant mass movement relates with the continuing existence of the SCP initiative, as well as the state's response to these people-powered sustainable practices.

Equally important is the identification of trends on how the Philippine government responds to questions probing on whether or not SCP practices are supported or rejected and on what basis. These questions are inextricably related and speak directly to the feasibility of diffusion for SCP practices in the Philippines.

Qualitative data was gathered through in-depth interviews and focus group discussions. Secondary research was also used to discuss the context and synthesize the results of the study.

In addition, a case study was also conducted on a massive development and land conversion project by the government touted as a "sustainable" and "green" city – the New Clark City (NCC) in Tarlac. This particular case study looks at perceived effects of the construction of the NCC on the lands of indigenous and farming communities who were forcibly displaced from their homes and deprived of the right to land and livelihood.

II.

BUNGKALAN: A STRUGGLE FOR RIGHTS AND SUSTAINABILITY

Bungkalan, is a Filipino term that literally translates to “land cultivation”. In the context of Filipino farmers’ struggle for genuine agrarian reform, the term has taken on a larger meaning and now refers to collective land occupation and cultivation by farmers typically in situations of agrarian disputes against landed elites. The practice of *bungkalan* as a form of assertion by farmers of their right to land and food was brought about by what farmers consider as the failure of the government’s land reform.

On June 10, 1988, the Republic Act No. 6657, also known as the Comprehensive Agrarian Reform Law of 1988, was enacted by the Congress. The law was said to be for the welfare of the landless farmers and farmworkers, to promote social justice and move the country towards sound rural development and industrialization. The Comprehensive Agrarian Reform Program (CARP) was initially a 10-year long program which aimed to distribute a total of 9.2 million hectares of land. By the year 1998, the program failed to distribute the target lands and was extended for another 10 years. It was then extended through the CARP Extension with Reforms (CARPER) in 2009 (Roa, 2014).

Land distribution was supposed to help the situation of landless farmers and farmworkers, but due to the failed implementation and the very long process of distribution by the Department of Agrarian Reform (DAR) farmers and farm workers continued to suffer from poverty and hunger. Current DAR secretary John R. Castricones mentioned that “over 600,000 hectares of land are still to be covered under the CARP” (Galang, 2019, para 3). In 2017, the DAR reported that 93% of the remaining balance for land distribution are private agricultural land holdings.

Other issues such as lack of adequate support for agriculture and farmers have forced farmers to sell their awarded lands. In order to update the government’s data on land ownership, former DAR Secretary Rafael Mariano proposed to conduct a comprehensive national survey of the agrarian reform beneficiaries (ARBs) to confirm if the ARBs are indeed still the owners of the land they were awarded (IBON Foundation, 2017b). However, this proposal did not succeed as Sec. Mariano’s appointment to DAR was rejected by the Commission of Appointments after lobbying from landlords and red-tagging from the state’s armed forces (Alvarez, 2017).

According to IBON Foundation, loopholes in the CARP, along with the National Tourism Act of 2009 and Special Economic Zones (SEZ) Act enabled landlords to avoid land reform and further expand their landholdings (IBON Foundation, 2017a). Landlords converted or sold their agricultural lands/*haciendas* to tourist destination and SEZ developers to prevent their land from being subjected to land distribution.

The failure of the government-initiated land reform to bring justice is fueling agrarian unrest in the Philippines. Farmers are forced to assert their rights and avoid starvation through *bungkalan*. Similar land occupation practices by peasants also exist in other countries such as Brazil and India, also in the context of the struggle for land rights. However, land occupation as a practice that contributes to sustainable consumption and production by farmers has not yet been explored. The following case studies of *bungkalan*, aim to look at this practice through the lens of people-powered sustainable consumption and production.

A. Land in the Time of Corporate Control: *Bungkalan* and the Struggle for Land Rights in Lupang Ramos

In the middle of a sprawling urban center in Dasmariñas City, Cavite lies a makeshift bamboo camp lined with streamers demanding the free distribution of disputed lands. It is in this spot, right beside the highway that the 372-hectare agricultural land known as Lupang Ramos can be found. In this highly unexpected area fraught with towering shopping malls and newly constructed exclusive subdivisions, more than 400 members of the Katipunan ng mga Lehitimong Magsasaka at Mamamayan sa Lupang Ramos (KASAMA-LR) struggle for ownership and right to land through *bungkalan*.

Background and history of Lupang Ramos

The history of Lupang Ramos dates back to the Spanish occupation of the Philippines when large swathes of land were distributed to Spanish friars, *conquistadores*, and local ruling elites under the *encomienda* system. These vast tracts of lands were consequently converted into *haciendas* that cultivated cash crops for export when the Spanish colonizers opened the Philippines to the Galleon Trade. Prior to World War II, the land was called Kamalingan – a nomenclature used by the thirty families of *kaingeros* who first lived in the area. When the United States occupied the Philippines and established yet another colonial regime, the name of the land became widely known as Lupang Kano – a term that literally translates to “land of the Americans.”

By the time of the Commonwealth Era (1935-1945), vast tracts of lands were declared for public use and therefore open for residents of Dasmariñas, Cavite. In the years that followed, farmers and locals living in Barangay Langkaan I and surrounding areas continuously cultivated the land. During the same period, proprietors applied for homestead to gain ownership of the land by reportedly forcing the *kaingero* families to sign blank documents to “get their consent.”

It was not until 1965 that the land came to be known as Lupang Ramos. The 372 hectares of farm land was named after Emerito Ramos, who took the estate by securing a title of the land to his own name. Ramos made use of the fact that the original dwellers of the land had no capacity to assert their rightful ownership. Ramos exploited their lack of education and forced them to move beside the river and work as agricultural workers instead for his newly titled estate. A certain Paciano Gonzales took over the administration of the land converting once resident-owners into measly paid agricultural workers. Gonzales ordered the farmers to plant rice, corn, and wheat while still collecting taxes from them.

In October 1972, the dictator and former President Ferdinand Marcos issued Presidential Decree No. 27 wherein farm lands were distributed to farmers with the exemption of *haciendas* that cultivated sugarcane. Given that the presidential decree only covered rice and corn fields, Ramos used this loophole to exempt Lupang Ramos from land reform coverage. Ramos converted the former rice and corn field into a sugarcane plantation. As sugarcane farm workers, they received daily wages which were paid out every weekend.

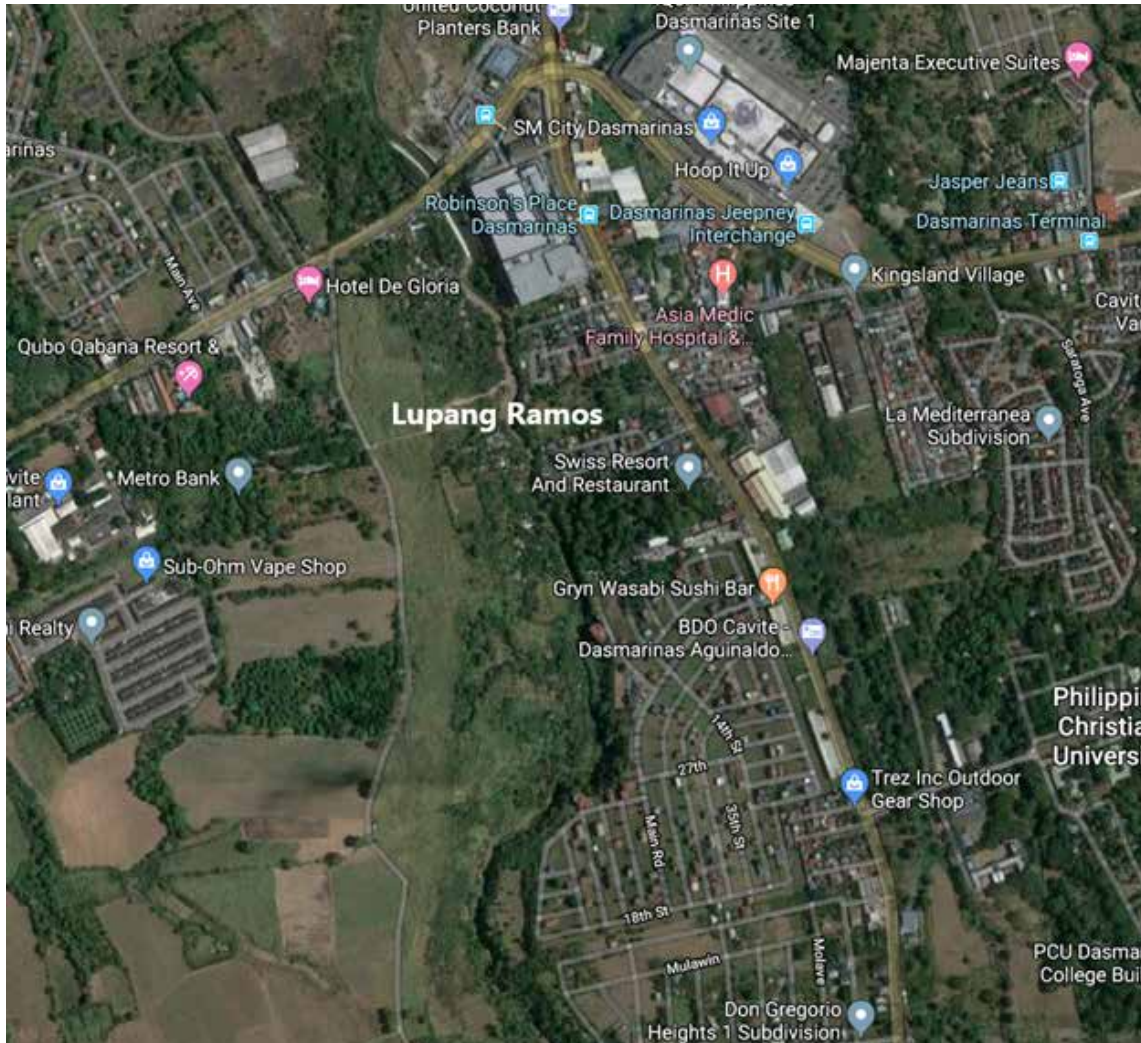
In 1988, a new agrarian reform law was passed, the Comprehensive Agrarian Reform Program (CARP) under then president Corazon Aquino. The law was meant to distribute lands to farmers – covering all public and private agricultural lands, including other lands of the public domain suitable for agriculture. Lupang Ramos was originally in the list of farmlands and *haciendas* to be distributed under CARP. However, a 2011 Supreme Court ruling decided that Lupang Ramos was exempted from the agrarian reform program (Cabico, 2018). Through the Ramos family’s real estate company – Emerito M. Ramos & Sons Property (EMRASON), measures were applied to displace farmers.

Figure 2.1. Entrance to Lupang Ramos along the Governor’s Drive in Dasmarinas, Cavite (Bautista, Doniña, Marantan, & Quinto, 2018)



The Department of Agrarian Reform (DAR) claims that during this period, three notices of acquisition were sent to EMRASON declaring Lupang Ramos as part of CARP’s land reform coverage. All of these notices from August 1990 to August 1991 were either ignored or contested by EMRASON. DAR released another resolution in 1993 stating that the 372-hectare farm land was covered by CARP. EMRASON filed a counter-appeal to the Office of the President which Malacañang rejected and instead affirmed DAR’s order to distribute the lands to the tillers. The case was brought by EMRASON to higher courts including the Court of Appeals and the Supreme Court. Unfortunately, the Supreme Court cancelled all three orders of acquisition and released an exemption order in favor of EMRASON.

Figure 2.2. Location of Lupang Ramos in between lands converted into malls and residential subdivisions (Google maps)



On August 7, 2009, the CARP law was amended under former President Benigno Aquino III allowing for the deadline for redistribution to be extended up to 2014. During this period, the Ramos' claim to land was further reinforced by a document purportedly released by the local government of Dasmariñas, Cavite declaring the 372-hectare land as residential and therefore, exempt from land distribution.

The farmers continued to file petitions and sought various dialogues with relevant government offices. The farmers managed to secure vital legal documents that supported their claim to the disputed land. Several years later, the farmers of Lupang Ramos continue their struggle in fighting for their right to land as they await the decision on their petition for the revocation of exemption order against EMRASON.

Conducting the *bungkalan*

Throughout the history of Lupang Ramos, there have been many attempts to occupy the land such as in the early 1990s when vast tracts of land were gradually concentrated into the hands of the Ramos family's real estate company EMRASON. Women were always in the forefront of the struggle for land. They would construct

human barricades to prevent police and agents from EMRASON from entering their *bungkalan* while the men continued work in the *bungkalan* area. The farmers were led by peasant woman Damasa “Ka Masang” Perez in resisting the bulldozers deployed by EMRASON to flatten their farm lots. Through Ka Masang’s leadership, they were able to cultivate portions of the disputed areas for a period of time

In 1997, EMRASON decided to build fences in the southwestern part of the land. The farmers responded by setting up camps to defend the land. With the aid of local police forces however, peasant camps were dismantled and leaders such as Ka Masang were physically assaulted which resulted into various injuries. Through brute force, the farmers and residents of Lupang Ramos were eventually displaced.

While the *bungkalan* committee continued its operations and morphed into a community organization, BUKLOD, the group soon became co-opted by EMRASON’s agents. This led to a number of the members breaking away from the old community organization and establishing KASAMA-LR. On September 26, 2017, a new *bungkalan* campaign was launched by the farmers of Lupang Ramos, this time under the leadership of KASAMA-LR.

This new *bungkalan* was done in a more systematic manner. It took into account the lessons of past efforts that have failed due to corruption and disunity. This time, the new *bungkalan* was envisioned to be led collectively by the community. Collective leadership is facilitated by democratic processes such as general assemblies that elected the organization’s leadership. Decisions were also done collectively through committees including a production committee that recommends crop outputs and collective farming targets. The new *bungkalan* began with 100 members which were mostly women. The women members of the community also stood as the negotiators of the *bungkalan* during times of confrontation against police forces and harassment.

The initial *bungkalan* campaign in 2017 resulted in 102 hectares of land successfully occupied by KASAMA-LR. Together, members of the KASAMA-LR cleared the idle lands of dense overgrowth and garbage dumps into productive farmlands. They also started to transform monocrop sugarcane fields into diversified farms.

However, 50 hectares of land were soon captured by rival organization BUKLOD whose leadership has been co-opted by EMRASON and state forces. This left 52 hectares of occupied lands under the control of KASAMA-LR.

Nonetheless, in order to quickly spread cultivation areas across the 52 hectares, the leadership agreed to distribute 1-2 hectares of land per member to cultivate. This was later on revised to 1-2 hectares per family to cultivate depending on their capacity to do farm work and land preparation.

Management of the bungkalan in Lupang Ramos

KASAMA-LR leads the operations of the *bungkalan*. The organization functions both as an association of farmers as well as a cooperative. It is composed of an Executive Committee led by a President, Vice President, Secretary General, Treasurer and

Auditor. The production committee is tasked to manage the production targets and output allocation of the *bungkalan*. The security committee on the other hand manages the schedule of guarding the protest camp as well as other known entrances to the *bungkalan* area.

Women have taken on prominent leadership roles in the organization. Ka Miriam currently sits as KASAMA-LR's secretary general while other women leaders are also involved in the production and security committees. According to one of the women focus group discussion participants, "*women almost always take on marshall duties because the men also have work outside [the bungkalan] to add to their livelihood.*" They are also the default negotiator's pool since women tend to have a better sense of diplomacy. According to Ka Miriam, they believe that violence will immediately ensue if the men will face the police and the agents from EMRASON.

The cultivation of the occupied lots was difficult at the beginning especially because the farmers did not have farm tools necessary to prepare the land. Another reason why other tracts of land were unsuccessfully claimed during the initial campaign was because they lacked the equipment required to convert the sugarcane fields into farm lands. To address this, they employed collective farming techniques commonly known as *bayanihan*¹ to distribute work load equitably across all members.

They successfully planted crops such as corn and cassava using the small farm tools they owned. The duties of men and women in the production team were largely the same. According to a female FGD participant, "*the responsibilities of women and men are almost the same.*"

They eventually secured aid from local non-government organizations (NGOs) such as the Antipolo Foundation that provided them carabaos to plow the land. In addition, they managed to solicit a small tractor from the Department of Agriculture and other farm inputs from the Department of Agrarian Reform during the time of former DAR Secretary Rafael "Ka Paeng" Mariano.

The current 52 hectares of land was divided into communal farming areas and individual parcels of land for each family who continue to be part of KASAMA-LR. The communal farm lots are maintained and prepared collectively. Members are routinely organized into production teams depending on the type of work to be done and the crops to be planted/harvested. The output of the communal farm lands is stored for collective consumption as well as to feed volunteers and visitors who extend their solidarity to the struggle of Lupang Ramos farmers. Excess produce from both communal and individual parcels are sold directly to nearby markets and communities. The profits are used as an extra source of income for the family or additional collective fund for the group.

The whole community thrives by collectively cultivating the land whether it is an individual parcel or part of the communal farm lots. According to one participant of the women's FGD, "*there are individual plots. Members will notify the group to schedule a bayanihan for these individual plots.*"

¹Bayanihan is a Filipino custom of collective work and cooperation by the community (bayan).

Agroecological farming

Farmers in Lupang Ramos are in the process of transitioning into agroecological farming. Farmers are gradually introducing organic compost and seeds to lands that were once used as monocrop sugarcane plantations and garbage dumps. They are diversifying farm output to support their daily food and economic needs. The Lupang Ramos' *bungkalan* area began the process of organic farming in 2017 when NGOs such as MASIPAG² and Antipolo Seminary Foundation began extending support to train farmers in organic agriculture. Since 2017, farmers have begun to plant cassava, corn, and small patches of organic brown and black rice.

Organic farming is considered by farmers of Lupang Ramos as one of the solutions to address hunger in the community whilst facing the lack of adequate farm tools and sufficient financial resources to purchase agricultural inputs. Through the help of NGOs, farmers in Lupang Ramos are able to cultivate organic rice, vegetables, corn, and other food crops for their own subsistence.

Among the main factors hindering the full transition to agroecological farming is the lack of a steady source of water. Land fertility is another factor since after decades of monocrop planting depleted soil nutrients. While they were able to secure a water pump, they are still in the process of raising funds to acquire pumps that can transport water from the nearby river into their farm lots.

To help them in this transition, KASAMA-LR partnered with NGOs such as MASIPAG, SIBAT³, UMA, KMP and Antipolo Seminary Foundation to provide agroecological training to farmers. The series of training and educational discussions held among groups of farmers have raised their capacity to autonomously manage and maintain their own organic farms.

Achievements of the *bungkalan* in Lupang Ramos

The farmers cite the continued existence of their *bungkalan* (italicize) despite facing many challenges as one of their greatest achievements. There is truth to their claim that their proximity to the city center makes their struggle relatively smooth compared to other *bungkalan* areas in the interiors of the countryside without immediate access to media and support from nearby communities. This has been proven several times when police forces' attempts to hamlet Lupang Ramos to prevent the entry of food and support from outside were thwarted through the help of nearby farming communities and establishments, student organizations, and other advocacy groups who campaigned both online and offline to expose what was happening inside the *bungkalan* area. For two straight years now, farmers continue to address emerging problems within the community while also facing external threats that aim to remove them from their protest camp.

² Magsasaka at Siyentipiko para sa Pag-unlad ng Agrikultura, a farmer-led network of people's organizations, NGOs and scientists working towards the sustainable use and management of biodiversity through farmers' control of genetic and biological resources, agricultural production and associated knowledge. See <http://masipag.org/about-masipag/>

³ Sibol ng Agham at Tekonolohiya (Wellspring of Science and Technology), is a non-governmental and non-profit organization engaged in the promotion and development of appropriate technology (AT) for village level sustainable development in the Philippines. See <http://sibat-inc.org/about-us/>

Advancement of people's rights

The farmers' rights to land, food, and housing are being secured by the *bungkalan* through the land distribution initiated by KASAMA-LR. The land distribution enabled the farmers to plant crops for subsistence, gain additional income from the excess produce, and build their own houses. Without the land distribution, families within the community would have starved from the lack of livelihood or source of food.

Through the *bungkalan* initiative, they were able to dismantle sugarcane plantations in the area along with the piece-rate system that was once used to compensate farm workers in the community. Other parts of the now occupied 52-hectare land were idle lands and garbage dumps before the *bungkalan* in 2017.

The farmers of Lupang Ramos realized throughout their long history of struggle the value of unity and collective work in laying the ground for greater victory. As Ka Miram puts it: *"In unity, there is nothing impossible for us. We were able to maintain our protest camp through collective struggle...and on the principle of fighting for our right to land. Land is life, so whatever happens, we have to strengthen our unity."*

As part of their collective duties, members were divided into committees dedicated to production, marshaling, security, negotiation, among others. It was only through the collective efforts of the farmers that they reaped the benefits of their land cultivation despite the continued threats and harassment from police forces, the city government, and land grabbers aiming to convert the land to subdivisions and malls

Figure 2.3. Women of Lupang Ramos lead collective cultivation (Amihan, 2018)



Interview results also revealed that the people's right to housing was also supported by the *bungkalan* initiative. It was collectively decided that families who wish to reside within the *bungkalan* area would be given a certain piece of land to live on while maintaining their individual farm lots as their main source of food and income. A land use plan was drafted by the leadership of KASAMA-LR wherein small lots were allocated to each family to construct their own houses. Currently, more than 20 families reside within the *bungkalan* area.

Promotion of self-sufficiency

The promotion of people's rights through the *bungkalan* has enabled farmers to become more self-sufficient in terms of being able to provide for food and sustenance to their families. Before, farm workers in Lupang Ramos suffered from measly wages and insufficient food due to the lack of decision-making power to decide on what to plant and how to use the land.

Ka Leo, a 48-year old member of the local peasant group KASAMA-LR and chairperson of the provincial organization Katipunan ng mga Magsasaka sa Cavite (KAMAGSASAKA-KA), remembers that his parents used to receive only PhP 2 per day in the 1970s (Macha, 2018). On top of that, the Ramos family collected taxes in the form of produce, depending on the size of the land that the farmers tilled.

The *bungkalan* enabled the members of KASAMA-LR to have the power to decide on how the land would be used. Food crops were planted for subsistence while excess produce was sold to nearby communities and to supporting organizations. Ka Miriam recalled, *"Back then, we used to buy vegetables. Now, instead of buying, we get vegetables from our harvests. Some members used to not have their own land for farming. Now, all members received a parcel of land."*

Organic farming boosted their food self-sufficiency. They produce their own organic fertilizers and continue to develop their knowledge and skills on organic agriculture, while also learning to manage and run the organization through collective leadership.

The housing lots were also of tremendous help in providing shelter for families involved in the *bungkalan*. A female FGD participant shared: *"before, we used to rent a house. My husband's wages were not enough. I farmed and earned money from selling [vegetables]. Now, we both earn incomes. We were able to build our own house. Our children will continue the struggle for the land where our house is built."*

Securing self-sufficiency for the members of KASAMA-LR involves raising their political awareness and improving their sense of unity and solidarity. Members conduct regular educational discussions and workshops tackling socio-political issues affecting their community, their country, and the world. They also promote the rights of farmers, collective leadership, and the value of land cultivation by hosting student integration programs, religious groups, and foreign delegates who wish to learn more about their struggle. Members and residents are also encouraged to join protest actions and demonstrations in support of campaigns of other marginalized sectors. The youth are in charge of cultural programs while

also exposed to actual production work since they are expected to take over the *bungkalan* in the future.

Participation in the organization's activities and processes has improved social cohesiveness. According to the FGD participants, peace within the community is maintained by the members since they agreed to ban gambling and excessive drinking in public, which was rampant before the *bungkalan* in 2017.

The women participate in political discussions. Participating in the organization provided a sense of improved self-worth and improved social relations. One of the women shared: *“Instead of being alone and working individually, here, you have comrades. We greet each other when we wake up and have coffee together. I learned a lot about how to relate with other people. I used to be shy around other people, especially when they are better educated than me. Now, my self-worth improved. We treat each other equally regardless of the level of education.”*

Support for community actions for sustainability

When asked about how they thought the *bungkalan* contributed to sustainable development, farmers argued that their continued cultivation of the land actually protects nearby communities from flooding. The farmers continue to fight for the land despite the attempts of land grabbers and the local government to convert it into real estate. According to Ka Miriam, *“Our request is to keep Lupang Ramos an agricultural land wherein we can help protect the environment through organic farming which helps enrich the land, as well as provide fresh foods and vegetables to the citizens of Dasmariñas as well as nearby towns in Metro Manila.”*

For the farmers who have tilled the land for generations, securing their right to own Lupang Ramos can help solve the issue of food insecurity in Dasmariñas as well as the whole of Cavite and nearby areas. According to the data of the Department of Tourism, Cavite has one of the highest population growth rates at 6.47%, and a population density of about 10.16 person per hectare. With the rapid industrialization and migration from Metro Manila, the population of Cavite is expected to increase even more in the next couple of years (Cavite Development Research Program, 2019).

The *bungkalan*, according to the farmers of Lupang Ramos, protects the lower areas of Dasmariñas and parts of the neighboring city, Imus, from flooding. Lupang Ramos is located at a high-lying area beside a major river system that travels along the cities of Dasmariñas and Imus. The agricultural land can help lessen the inflow of water in the river especially during the rainy season. For the farmers of Lupang Ramos, converting this agricultural land will surely increase the risk of flooding for the town of Dasmariñas.

According to Ka Miriam, *“Our continued farming here in Lupang Ramos has huge benefits for the environment. Dasmariñas is a low-lying area and this tract of land is one of the very few elevated lands in town. The LGU plans to convert this into a mixed-use zone including the establishment of a municipal hall, residential areas, and malls. If they do that, the entire town of Dasmariñas will become flooded.”*

“This land is located in the middle of a major river system. Once the LGU’s plans push through, there will be nothing to stop the river from flowing into Dasmariñas and Imus.”

Demanding accountability from government and corporations

Lupang Ramos is currently in a state of agrarian limbo as far as state policies and land reform programs are concerned. Emerito Ramos acquired Lupang Kano in 1965 and turned it into Lupang Ramos. Despite this fact, no single farmer in the area could recall a day when the Ramos Family spoke to them in person about the acquisition. But according to House Resolution 1370 from Congress, a certain Paciano Gonzales acted as middleman for the Ramos family, ordering residents to cultivate rice, corn and wheat. This arrangement stayed until 1972 when P.D. 27 was enacted stipulating rice and corn farm lots as subjects to land redistribution.

On July 9, 1972 just three months’ shy before the enactment of P.D. 27, the city of Dasmariñas, Cavite released its supposed Ordinance 29-A stating that Lupang Ramos was a residential subdivision called “Traveler’s Life Homes.” This led to Lupang Ramos’ exemption from land reform. The ownership of the land is also being contested by two corporations. The land was sold by the elder Ramos to ASB Realty and Luke C. Roxas (now the St. Francis Square Group of Companies), while his son, Emerito Jr., entered into a contract to sell the land to Ayala Land Corporation (Umali, 2019). According to the residents, both Ayala Land and Roxas have claims to portions of Lupang Ramos.

In 2011, the Supreme Court (SC) ordered with finality to exempt Lupang Ramos from distribution to farmers under CARP, citing Ordinance 29-A from the city government that effectively converted the land from agricultural to residential. A few months after the SC decision came out, KASAMA-LR with the help of lawyers from Sentro para sa Tunay na Repormang Agraryo (SENTRA), found out that Ordinance 29-A was enacted on a Sunday – which is highly irregular since the city council does not have office on weekends. Gradually, KASAMA-LR began to build a case with the aim of revising the Supreme Court’s decision. Despite successfully proving that no such land conversion transpired exempting Lupang Ramos from land distribution, the case remains pending in court and no state land reform program is in place to facilitate this process.

According to members of KASAMA-LR, they chose to occupy the land despite the case being still pending because of their immediate need to secure livelihoods amid the very long wait for the case to be resolved. The land occupation is their form of asserting their right to the land by “developing” it for sustainable agriculture, instead of letting corporate interests convert the land into exclusive subdivisions and malls, similar to what happened to nearby former agricultural lands.

Challenges faced by the *bungkalan* in Lupang Ramos

The farmers of Lupang Ramos, despite their proven resilience in the face of adversity, continue to experience tremendous internal and external challenges. These challenges are important to identify and to address in order to ensure the continued successes of the *bungkalan*.

Internal challenges

One of the organizational weaknesses faced by KASAMA-LR is the difficulty in consolidating its existing members. During the initial occupation in 2017, members reached more than 400 but this quickly dwindled as individuals began to give up the fight after harassment and intimidation tactics ensued. In addition to consolidation issues, members are also fraught with internal family quarrels that cut across political lines. These quarrels usually start with small things and eventually escalate into full-blown confrontations leading to the loss of membership.

These weaknesses resulted in the reduction of membership as well as the reduction of the amount of hectares that they had the ability to cultivate. One of the reasons why rival group BUKLOD was able to reclaim 50 hectares of land from KASAMA-LR was because of the lack of sufficient members to maintain and cultivate the farm lots.

KASAMA-LR leaders are also facing problems with membership expansion. They are now considering farmers from nearby barangays to occupy idle lands within Lupang Ramos as part of efforts to expand their membership. They are also active in organizing nearby communities based on the issues they are facing. Today, membership stands at more than 150, and is increasing on a steady pace as consolidation and expansion efforts start to take effect.

External challenges

KASAMA-LR continues to face harassment and intimidation. On June 4, 2018, around 11:00 in the evening, armed men fired seven gunshots at the farmers' protest camp. Prior to this incident, on June 2, at least 40 armed goons with bolos and batons assaulted KASAMA-LR members, injuring two farmers. The armed goons in both incidents were believed to be hired by local land agent Rudy Herrera in collaboration with Barangay Langkaan I councilor Nestor Pangilinan. Both incidents of assault have sowed fear among members of the community as well as youth supporters who were staying with them at that time.

The participatory network analysis (PNA) and focused group discussions revealed that major capitalist interests are at play. For instance, Ayala Land Inc., one of the biggest real estate companies in the Philippines, was identified by respondents as one of the major players eyeing real estate development in the area. The PNA results also showed that EMRASON struck a deal with the Ayalas in collaboration with the municipal government and police forces.

Lupang Ramos is one of the only few remaining agricultural lands in the originally agricultural town of Dasmariñas. EMRASON attempted to flatten vast tracts of land in Brgy. Langkaan I precisely for commercial use in agreement with the Ayalas. According to a former zoning officer of the Municipal Planning and Development Coordination (MPDC) of Dasmariñas, about 90 per cent of applications for land reclassification in Dasmariñas have been approved. This leaves Dasmariñas, an originally agricultural town, with only 30 per cent of its land classified as agricultural (Castaneda, 2008).

The family of the mayor of the local government of Dasmariñas also claims a 100-hectare land within Lupang Ramos stating that there was a municipal ordinance exempting the land from CARP as it was already reclassified as a subdivision since the 1970s. The farmers later on found out that the municipal ordinance released by the local government was non-existent as proven by a certificate issued by the local government itself. It was also revealed that EMRASON never filed an application for development in Brgy Langkaan I.

B. Negros: The Bitter Truth about the Country's Sugarlandia

Bungkalan is also being carried out in the sugarcane plantations of Negros Island. Negros is part of the Visayas group of islands in the Philippines. The island is known as the country's sugar capital. Negros accounts for more than 50% of the country's total sugarcane production and 48% of the total area harvested in 2017. Almost half (12) of the 27 operational mills in the country, which produced 63% of the Philippines total raw sugar in 2018, are found in Negros (Guzman, 2019).

Despite this, the life of most people on the island is not as sweet as the sugarcanes planted in most of its agricultural lands. Negrenses continue to experience poverty and hunger. According to the Philippines Statistics Agency, a quarter of Negros' population lives below the poverty line in 2018. *Haciendas* for sugarcane farming are owned by powerful and influential landed families such as Cojuangco, Roxas, Araneta, Ledesma, Benedicto, and Marañon. Some landlord families trace back their ownership of *haciendas* to the Spanish and American colonial periods. After declaring Martial Law in 1972, the then dictator President Ferdinand Marcos gained control over vast tracts of lands and gained monopoly over the country's sugar industry through his cronies Roberto Benedicto, Armando Gustilo, and Eduardo "Danding" Cojuangco (Lopez-Gonzaga & Pandam, 1994).

Sugarcane plantations largely contributed to the deforestation of Negros Island. When sugar prices boomed in the 1850s, colonial elites who controlled the country's export-based plantation agriculture began clearing forests in the Negros Island to give way to sugarcane plantations (Heany & Regalado, 1998). The regular burning of sugarcane fields before or after harvest also contributed to the land degradation and reduction of soil fertility, leading to the increased application of synthetic fertilizers and herbicides each growing season (REAP-Canada, n. d.).

Farm workers and seasonal migratory sugar workers called *sakadas* are employed during planting and harvest season. They suffer from unsafe working conditions as well as measly wages. In 1971, the National Federation of Sugar Workers (NFSW) was founded in Negros to help sugar and farm workers fight for their rights to decent wages, land, and food through various means. One of these was through launching the "farm lots program" which aimed to address the severe hunger experienced by farm workers during the *tiempo muerto* (dead season) months of June to September, the period between the planting and harvesting season of sugarcane. NFSW members conducted dialogues with *hacienda* owners to allot some idle lands for food production during the *tiempo muerto*. This practice became one of the foundations of the *bungkalan* in Negros. While negotiating for farm lots, the NFSW also had legal campaigns for the implementation of genuine land reform.

The NFSW identified the single-crop system existing in Negros and the failure of the land reform program as the reasons behind the poverty and hunger experienced by about 350,000 sugar workers and their families (Garcia, 2017). According to John Milton “Ka Butch” Lozande, Secretary General of NFSW, by 2009, NFSW declared the *bungkalan* as a regional campaign due to the failure of the Comprehensive Agrarian Reform Program (CARP) to implement genuine land reform.

Aside from the failure of the CARP to deliver genuine land reform, the necessity to conduct *bungkalan* was mainly brought by severe poverty and exploitation experienced by the farm workers. Ka Butch noted that “in 2009, the average income of farm workers is PhP 1000-1500 per 15 days. Some earn only PhP 700-800, even lower in the same period.”

Wage discrimination between men and women was also prevalent. In two *haciendas* in Murcia for example, women earn only half the rate received by men. Women are forced to do work such as washing clothes and household help to augment their family’s income.

The wages received by the farm workers (around USD 0.93 to USD 2 per day at 1 USD = 50 PhP) are way below the Philippines’ food threshold of PhP 7,337 and the poverty threshold of PhP 10,481 per month⁴. The farm workers also suffer from various unfair labor practices and inhuman working conditions. Toilets and clinics for workers are generally absent (Salamat, 2016). Most plantations apply the piece-rate labor arrangement wherein groups of laborers work for a specific time and output, for a contracted price which is then divided amongst themselves (Ombion, 2006). The resulting amount is usually lower than the minimum wage. They do not enjoy benefits and protection provided by the country’s labor laws. Because of poverty, child labor in the sugarcane plantations is not uncommon.

Conducting the *bungkalan*

By 2012, the Kilusang Magbubukid ng Pilipinas (KMP Peasant Movement of the Philippines) and the Unyon ng mga Manggagawa sa Agrikultura (UMA Federation of Agricultural Workers), with which NFSW is affiliated with, declared a national campaign for their members to conduct *bungkalan* in their respective provinces.

The *bungkalan* is done in a systematic manner. Ka Butch identifies the requirements that must be met in order for the *bungkalan* to be successfully conducted:

- Majority of the farm workers in a *hacienda* should be members of NFSW affiliated organizations or unions and they should be working in that particular *hacienda*. This is to ensure the continuity of farming the occupied lands, as well as to avoid accusations of “land grabbing” against farm workers who do not

⁴ According to the Philippine Statistical Authority “food threshold is the minimum income required to meet the basic food needs, satisfying the nutritional requirements set by the Food and Nutrition Research Institute (FNRI) to ensure that one remains economically and socially productive. On the other hand, poverty threshold is the minimum income required to meet the basic food and non-food needs such as clothing, fuel, light and water, housing, rental of occupied dwelling units, transportation and communication, health and education expenses, non-durable furnishing, household operations and personal care and effects (Bersales, 2019).

actually work in that particular *hacienda*.

- There should already be an existing petition for land reform coverage filed under CARP at the DAR by the farm workers.
- Test the extent of the landlord's despotism. Some landlords are willing to go through sincere negotiations with the farm workers. Negotiations with the landlords should be held with a view of reaching the best settlement for both sides. This is in order to secure the maximum gains for the farm workers in terms of lands that can be tilled and other benefits, and prevent the landlords from immediately responding with violence which they can justify as a form of self-defense.

Only if these requirements are met does NFSW and its members decide to conduct *bungkalan* in a particular area. The idle lands targeted for *bungkalan* are occupied by the chapter of farm workers in a particular *hacienda*. Compared to the farm lots program wherein the land has to be 'returned' to the landlords after the *tiempo muerto*, under the *bungkalan*, occupied lands will not revert back to the landlords when the planting season comes.

Management of the bungkalan in Negros

The NFSW chapter in the *hacienda* where land occupation was done creates a cooperative or an association to manage the operations of the *bungkalan*. The cooperative/association has an Executive Committee composed of the Chairperson, Vice Chairperson, Secretary, Treasurer, and Auditor. The finance committee is in charge of managing the finances of the chapter, raising resources, recording the members' work-points for participating in the production activities, and calculating the equivalent share of the members in the post-harvest income based on those work-points. In, Magtuod, a more advanced and older *bungkalan* area, committees on mobilization and health have been formed. Some also have separate defense committees to protect the *bungkalan* areas from attacks by government, paramilitary forces, and goons hired by despotic landlords.

Women take on leadership roles in the cooperatives. In *bungkalan* areas in Murcia for example, some cooperatives have more women than men in their leadership structures. Negotiation panels with the landlords also have women in them since they tend to have good sense of diplomacy.

Bungkalan areas which started with only small farm tools still found ways to make do with what they had to convert the sugarcane fields into farmlands. In *Hacienda Sofia* for example, the farmers did not have adequate farm tools when they started the *bungkalan* in 2009. They employed *bayanihan* to prepare the lands and plant crops, using whatever small farm tools that they had, and their own feet to "plow" the land in the absence of tractors and farm animals (Tariman-Acosta, 2017). After four years of hard work, the farmers in *Hacienda Sofia* were able to purchase farm machines such as tractors, a thresher, a sheller, and equipment for irrigation.

Similar to Lupang Ramos, land under *bungkalan* is divided into communal farming areas and individual/family plots. The distribution of communal and individual plots varies in each cooperative. The collective strength of the cooperative is usually

an indicator of the size of communal farms. Cooperatives which are organizationally stronger can have as much as 100% of the *bungkalan* area under communal farming, while those with weaker organizations can have as low as 10% of the *bungkalan* area under communal farming.

In the communal *bungkalan* land, farming is done collectively. Cooperative members are organized under production teams based on the type of work to be done and/or crops to be planted. The work-point system is applied. After the harvest, members are given their equivalent share of income based on the time they spent working in the communal land. In some *bungkalan* areas, the daily wage system is also implemented alongside the work-point system.

Bayanihan is still employed by the members in helping each other farm the individual/family plots. NFSW chapter members collectively schedule the *bayanihan* for the plots.

Figure 2.4. Collective planting of food crops in Murcia (NFSW in Tariman-Acosta, 2017)



Agroecological farming

Bungkalan areas in Negros also practice agroecological farming. The farm workers are striving to transform the lands that were formerly used for monocrop sugar planting, into more diversified farms that support their daily food and other economic needs. Some non-government organizations helped families in *bungkalan* areas to acquire seeds and livestock such as pigs, carabaos, and goats. Vegetables, corn, rice, and other food crops are planted. Agroecological agriculture is one of the solutions of the farmers to address hunger and poverty while faced with problems such as lack of adequate farm tools and enough financial means for purchasing agricultural inputs.

The process of transformation starts with allotting specific areas for diversified food crops while still maintaining areas for sugarcane production in order to meet the immediate economic needs of the members, as well as to build the financial means to expand the areas for food production. Other factors such as availability of a steady source of water, as well as land fertility which is severely damaged by decades of monocrop agriculture, also affect the transition process. The target was for every 10 hectares of *bungkalan*, 5 hectares are for sugarcane, 3 hectares would be for rice and 2 hectares would be for vegetables. But this was still subject to the location and type of land, and if whether there is irrigation or a source of water or not.

Knowledge and confidence on agroecological farming is another factor that affects the transition since most of the farmers are used to sugarcane planting as the only means of livelihood. To help them, NFSW partnered with NGOs such as MASIPAG (Magsasaka at Siyentipiko para sa Pag-unlad ng Agrikultura, Farmer and Scientists for the Development of Agriculture) to provide farmers with training on organic agriculture. It also encouraged and taught farmers organic farming aiming to destroy the monopoly of multinational agrochemical corporations promoting synthetic pesticides, fertilizers, and other farm inputs.

Achievements of the *Bungkalan* in Negros

When the *bungkalan* started in 2009, around 500 hectares were targeted for collective farming. Currently, around 4,000 hectares of land are under *bungkalan* since the declaration of the regional campaign by NFSW.

Advancement of people's rights and demands for government accountability

As mentioned earlier, the government's CARP failed to address the landlessness in Negros. Even after the extension of the program when it expired in 2014, Negros has one of the largest backlogs of land redistribution. Around 125,000 hectares of land have yet to be distributed (Lischin, 2019). This injustice continues to cement inequality, poverty, and hunger in Negros, which in turn fuel agrarian unrest.

Through the *bungkalan*, farm workers asserted their right to land, decent wages, and better working conditions. The inhuman working conditions in the plantations were abolished in the *bungkalan*. The piece-rate system was dismantled and replaced with the work-point system which compensated the farm workers for their actual contribution to the agricultural production. In applying the work-points system, the elderly are given a choice if they still want to continue working, but are assigned lighter jobs in the collective farm. The *bungkalan* also abolished gender discrimination in giving work-points. Men and women received the same amount of work-points according to the actual work they contributed.

While they have pending petitions for land reform coverage, they do not wait for these to get awarded before tilling idle lands because of the very slow bureaucratic process. The petition for land reform coverage in *Hacienda Sofia* was filed way back in 1995. The Certificate of Land Ownership Awarded (CLOA) was granted only in 2012.

Conducting the *bungkalan* does not only address the poverty and hunger experienced by the farm workers. According to Ka Butch, they also use the *bungkalan* as “a pressure tactic on the government, particularly the Department of Agriculture, to fast track the process of land reform applications in the various haciendas in Negros.” Their act of tilling the land strengthens their position as claimants. NFSW believes that the granting of the CLOA in *Hacienda Sofia* for example is a result of the farm workers’ campaigns for genuine land reform and the result of their persistent *bungkalan*.

Promotion of self-sufficiency

The communal farms and individual plots of the *bungkalan* improved the economic means and food self-sufficiency of the farmers’ families. Aside from the work-points system, the wage system wherein there are daily wages for the types of work done (lifting, land preparation, weeding, etc.) is applied in some areas. Farmers in *Hacienda Sofia* were able to set the wage to PhP 255 for eight hours of work in a day, which is comparable to the region’s legal minimum daily wage of PhP 256. 50. Farmers also receive additional income through yearly dividends. In 2015, the 160 members of the cooperative in *Hacienda Sofia* received PhP 8,000 from the earnings of the collective sugarcane farm (Tariman-Acosta, 2017).

In Tuboso, Negros Occidental, one example of a successful *bungkalan* was in Magtuod. Under this community, they occupied 78 hectares of land. They started small, and as they gained their strength they occupied the remaining patches of land. While conducting *bungkalan* they continued to pressure DAR to act on the land distribution. They practiced collective farming and developed their farm equipment. They now have two big and one small tractors, and a truck. They have different incentives and benefits for the members of their community. Aside from the required benefits of farmworkers as stated in the labor code they receive compensation based on one’s work contribution, work-points, and a separate retirement benefit. They also have allowances for the medical consultation of their members, child birth, etc. They have midwives assisting in nearby communities and they also create their own herbal medicine.

Figure 2.5. Farmers practice intercropping in one of the *bungkalan* areas in Negros (People’s Alternative Media Network, 2016)



According to Ka Butch, “the midwives used to go to nearby haciendas too to assist women. However, pending a permit from the government for providing this service, this practice has been stopped. Now, women from nearby haciendas who need assistance in childbirth have to go to Hacienda Sofia to seek midwives.”

Support for community actions for sustainability

The *bungkalan* has raised awareness on the plight of farm workers in Negros, the impacts of landlessness, as well as on what collective action by farmers can achieve.

The core support for conducting the *bungkalan* comes from the farm workers themselves. Once the NFSW decides that its chapter in a particular *hacienda* can conduct the *bungkalan*, members from other *haciendas* extend their help in the form of lending equipment, farm animals, and participation in the land preparation to the chapters starting their own *bungkalan*.

The *bungkalan* in Negros also received support from non-government organizations in the form of various agricultural inputs, tools, and trainings. Aside from SIBAT and MASIPAG, other NGOs that directly supported the *bungkalan* in Negros are Center for People’s Resources and Services, Farmers Development Center, and Community Empowerment Resource Network Inc.⁵

In some areas, local government officials have also extended material and financial support to the *bungkalan*, but this tended to depend on the perceived organizational strength of the existing cooperative in the *bungkalan* area.

Challenges faced by the *bungkalan* in Negros

The *bungkalan* in Negros faces several internal and external challenges that limit its current operations, and may impact its future.

Internal challenges

Weaknesses in the organizational management are some of the biggest challenges faced by the cooperatives of the *bungkalan*. Due to the lack of knowledge and experience of farm workers in managing a cooperative, there are cooperatives whose committees do not function properly. Problems occur when there is no accurate record-keeping of work-points, income from the collective farm, support given to the organization, and other financial aspects. Members lose trust in the organization when the organization’s officials fail to practice effective and transparent leadership.

These weaknesses have resulted in the slow expansion of the land for collective farming. In some cases, the cooperative members chose individual plots over collective farming due to weaknesses in leadership and low financial capacity of the cooperative to support collective farming. This resulted in the shrinking of the original size of the occupied land as well as the land allotted for communal farming since the majority of the members, who now practice individual farming, chose to lease out their plots to other landlords because they lacked the means to farm it. Thus, lands returned under the control of the landlord.

⁵ This is not a complete list of NGOs that extended support to the *Bungkalan* in Negros.

There are areas wherein cooperatives are still not able to expand the size of the land devoted to food production using agroecological methods due to the lack of knowledge on how to do this.

NFSW is helping the cooperatives address these challenges by partnering with NGOs for training on leadership, financial management, book keeping, and organic agriculture.

External challenges

Farmers struggling for their right to land have faced all forms of repression from landlords and the government, which have often put their lives in peril. According to Ka Butch, “*Killings of peasants, peasant leaders in Negros have been happening since the 1980s*”. Most of the killings were rooted in the agrarian struggle of the farmers. In 1985, 20 farmers in Escalante, Negros Occidental who were protesting against the Marcos dictatorship were massacred by the government’s paramilitary forces (Bantayog ng mga Bayani, 2015). Under the current Duterte presidency, around 200 farmers all over the country have been killed. Fifty of them were from Negros.

External challenges also come in the form of detrimental government policies on agriculture and opposition from landlords with the support of officials from the local and national government.

Agricultural liberalization policies implemented by the Philippines left the sugar industry unprotected from periodic crises and competition abroad, causing thousands of sugar workers to lose their livelihoods. The government’s land reform program has failed to address the landlessness in Negros. Moreover, due to the lack of government support to small farmers and to agriculture in general, land distribution are often forced to lease out their lands or sell them back to landlords. It is uncertain how much of the land distributed through CARP is still farmed by the beneficiaries.

Opposition from landlords comes in the form of criminal charges (illegal/forcible entry, moral damages, grave coercion, and usurpation of rights in property), red tagging, harassment, and violence. Landlords often hire goons to disrupt the *bungkalan* by ransacking their supplies, and destroying their crops and houses by setting fire to them or through bulldozers. Hired goons also attempt to stop the *bungkalan* by patrolling the area while carrying guns, conducting house-to-house visits to threaten the farmworkers, and pointing and firing guns at them. In some *bungkalan* areas, landlords spread news that they hire killers and are willing to pay bounty for each cooperative member or official killed.

On November 22, 2018, President Duterte signed the Memorandum Order No. 32 which ordered the Department of National Defense and the Department of the Interior and Local Government to coordinate the immediate deployment of additional forces of the AFP (Armed Forces of the Philippines) and PNP (Philippine National Police) to suppress lawless violence and acts of terror in Negros Oriental, Negros Occidental, Samar, and Bicol. MO 32 justified increased military troops deployment, surveillance of progressive groups and their leaders, arrests,

and killings under the pretext of fighting criminality. These actions targeted the organizations and leaders of the *bungkalan*.

On October 31, 2019, local authorities arrested 62 persons in Bacolod during raids on the offices of Bayan Muna, Gabriela, Kilusang Mayo Uno, and NFSW. Among those arrested were Ka Butch and his colleague in NFSW, Danny Tabura. Explosives, firearms, and other weapons were allegedly found by the authorities in the said offices during the raid. The organizations involved denied the accusations and claimed that the alleged evidence were planted by the authorities during the raid. At present 31 were already released from detention while the remaining others were charged with illegal possession of firearms and explosives (Espina, 2019)

These external challenges pose massive threats not only to the continuity/sustainability of the *bungkalan* in Negros, but also to the lives of the leaders and members of the *bungkalan*.

C. Recommendations from the Communities

The launching of the national campaign on *bungkalan* in 2012 provided an impetus for farmer members of KMP and UMA to pursue land occupation in their respective areas. For farmers in Lupang Ramos and Negros, this heralded a new period of resistance against landlords and the mounting pressure of corporate interests to convert Lupang Ramos into a prime real estate area for the consumption of the rich few.

Despite its rising prevalence in recent years, the practice of *bungkalan* as a legitimate form of political and economic assertion is seldom heard in the mainstream in the media. The continuing struggle of the farmers of Lupang Ramos in defending their *bungkalan* shows the decades-long agrarian struggle faced by the Filipino farmers.

For the farmers of Negros and Lupang Ramos, one way to promote their struggle is to highlight the issue that Filipinos should benefit from their lands and natural resources, not foreign corporations and local ruling families. The farmers also argue that the Philippines should veer away from an export-oriented and import-dependent economy. What is needed, according to them, is a government that has genuine political will to serve the people.

The farmers assert that the government should repeal its anti-people policies including the Rice Liberalization Law that is harming small-scale food producers and the agricultural industry as a whole through the influx of cheap imported agricultural produce. The farmers also lament massive land-use conversion programs that have decimated thousands of hectares of fertile agricultural lands for the purpose of constructing residential areas exclusive to the rich. Instead, the government should prioritize policies on genuine agrarian reform and the continued development of the Philippine rice industry.

According to the farmers of Lupang Ramos and Ka Butch of NFSW, the only pathway to a sustainable system of consumption and production that is free from corporate interests lies in genuine agrarian reform; in the unconditional and free distribution of land to the farmers. One of the proposed laws that they support is the Genuine Agrarian Reform Bill.

III.

IN THE NAME OF *BALITOK*: THE CASE OF ITOGON'S INDIGENOUS POCKET MINERS

The indigenous pocket miners of Itogon, Benguet have long practiced their ritually-sanctioned custom of small-scale mining. Since the discovery of gold or *balitok* abundant throughout their ancestral lands, gold mining has become the largest source of livelihood for indigenous communities in the area. However, the encroachment of foreign and local mining concessionaires through the years has threatened their way of living and denuded their once pristine upland forests. The indigenous peoples of Itogon have realized that the only way to protect their ancestral domain and claim their rights is through the collective struggle to defend their land.

This case study probes into the customary practices of the indigenous Igorots in Itogon for small-scale mineral production which has been crippled by the current profit-oriented mining. The study attempts to extract policy recommendations from the participants of the research particularly on addressing the widespread land dispossession of the indigenous peoples of Itogon. Lastly, the study will look into the possibility of revitalizing a traditional practice of mining that is both an equitable and sustainable form of production.

A. History of Itogon's Indigenous Pocket Miners

Itogon is located in the southern part of the province of Benguet where the Ibaloy ethnolinguistic group has lived since before the Spanish colonization. There is also a sizeable number of Kankana-eyes, another ethnolinguistic group in the area. Though permanent settlements did not start before the early 19th century, oral traditions recorded by historians "inform us that at earlier times, most of the Igorot of Benguet were highly mobile" (Gimenez, 1996).

The Ibaloy people were originally hunters, gatherers, and swidden farmers until they found *balitok* (indigenous term for "gold") that started their mining and cattle exploits. For centuries, they mined gold and bartered it in the lowlands for cattle for their rituals. On the side, they cleared patches of land to plant root crops and bananas. They dug mine tunnels as far as their pine torches and oxygen can reach. They burrowed as much as their bare hands and crude tools can afford. When there was good production, they paid respect to the God of gold by butchering cattle and sharing it with the community. When the gold ore vein disappeared, they butchered the cattle to appease the God of gold for whatever wrongdoing they did.

Then, they discovered wet rice cultivation which they found more productive than mining and cattle raising. It was during their shift of economic means that mine prospectors succeeded in their entry to Itogon. It started as early as 1902 when

the Insular government declared mineral lands as state-owned but allowed foreign American mineral concessions. American mining exploits introduced means to faster mineral production with advanced equipment and chemicals. Concessions were later monopolized by Benguet Corporation.

It was beyond the imagination of the Igorots of Itogon, who lived by their customary practices, that the mineral exploitation of big corporations will cause the denudation of their forests, the loss of water for their irrigation, and their eventual loss of access to their territory. As a result, the Ibaloy and Kankana-ey descendants living today have become illegal settlers in their own ancestral land.

The blame game

In 2018, the wrath of typhoon Ompong (Mangkhut) buried nearly a hundred people in the mining town of Itogon. A month after the disaster, the Department of Environment and Natural Resources (DENR) launched a crackdown against small-scale mining (SSM) activities and closed more than 500 *adits* or underground mine entrances (Alimondo, 2019). The crackdown has stolen the means of survival of thousands of small-scale miners and their families who are still trying to recover from the disaster (Alimondo, 2018).

Meanwhile, Benguet Corporation and Philex Mining Corporation, continued to operate and openly supported the crackdown on SSM or what they considered as “illegal mining activities.”

The environmental devastation triggered by the typhoon was exacerbated by soil erosion caused by constant mining activities. The impacts of the disaster were conveniently blamed on small-scale miners. On the other hand, corporations that acquired larger mining concessions and operated for more than a century were suddenly mum on the issue claiming that their operations were both legal and responsible. This claim was belied by the fact that the destructive mining practices of Benguet Corporation have flattened entire mountains in Ucab, Itogon. Philex Mining Corporation was sued several years ago for a massive tailing leakage and was pointed as the cause of soil subsidence leading to poor accretion and therefore higher risks of flooding and landslides.

Who owns balitok?

There is an age-old belief in Itogon that *balitok* or gold is a spirit. Himmiwat (2016) mentions that *balitok* is also a reference to the God of gold. They believe that if you do not know how to share the gold produce that you enjoy, the *balitok* will get mad and will make the gold ore vein disappear. Miners are careful with extracting gold. They observe numerous customs and ritual beliefs so as not to displease the *balitok*. One of these beliefs is the compulsory sharing of gold especially with the women, elderly, children, sickly, and those who are not capable of working in the mine tunnels.

Gimenez (1996) explained that mine owners in the olden days used their gold to purchase necessities and a few luxuries. Most of their gold yields, however, were

traded for cattle which were a staple at the time. Mine owners accumulated wealth through barter trade and became *baknang* (rich). The *abiteg* (relatively poor) were gold panners, herdsmen of the *baknang* who also, over time, accumulated wealth from their share of the *baknang*'s cattle and from their individual mining exploits.

When both the *baknang* and the *abiteg* relied on *usok* (mine tunnel), the Ibalays were still semi-sedentary. When the *balitok* did not show himself in the form of gold outcrops (or at least in their belief), they transferred to another area and opened another *usok*.

Figure 2.6. Itogon map (JASIILL, 2019)



B. Conduct of Traditional Mining Practices in Itogon

Himmiwat (2016) classifies the mining practices of small-scale miners in Itogon according to the following:

- *Panag-usok* or mine tunneling is digging relatively small tunnels compared to the tunnels of big mining companies. The tunnels are straight, horizontal or vertical depending on the situation of the mine site. They dig as far as the oxygen can reach. If miners have improvised ventilation and air blowers at hand, they can dig deeper as the equipment would allow.
- *Pannaki-usal* is a form of mining for women and children. The *usal* or muck dumped from the mine tunnels are given to women and children to process

again by what they call *kamsil*. *Kamsil* is the process of separating the soil from the rock or gold ore which they can grind again. Preferably, the muck should come from high grade mine tunnels.

- *Pannakilinang* is almost the same process with *pannaki-usal* but the participants come in groups. A group of women and children get the mine tailings from the *usok*. This group should however be present in the process of mining but not necessary participate in the actual mining. They can help by cooking food for the miners and other tasks. In return, the miners will give them even the high-grade *linang* or tailings. The group of women or children will then divide equally what they have yielded from processing the tailings.
- *Sineng* is a process of mining during the rainy season. After heavy rains, women and children will go to the river to collect the rocks of ore that have been washed down from the eroded slopes or thrown from the mine tunnels.

There are also mining activities in the river called *labon* and *sayo*. These processes are done in the river near the high-grade area. They use metal pans with cloths attached to them to trap the gold dust.

Communities in Itogon are also known for practicing *babad* or leaching which according to the miners is a more efficient way to acquire higher yields.

Even in the absence of written government policies, the community practiced resource conservation by banning small-scale mining activities in critical areas like the watershed, forests, and sacred sites. These community practices were institutionalized by peoples' organizations and even the barangay local government units.

Resource-sharing and conservation as a means of sustainability

In the abovementioned practices, resource sharing and resource conservation are observed. This can be rooted in their age-old belief that *usok* or mines are supposed to be shared and that no one owns the *nava* (gold ore). According to Gimenez (1996), the indigenous peoples of Itogon share the *usok* through *saga-ok*. This is a practice of “allowing others – usually old folk who no longer possess the strength required for opening mines or for mining itself – to mine one’s tunnels or to collect mine ores there” (Gimenez, 1996).

The concept of resource-sharing has always been the norm for many generations of mining families in Itogon. Aside from *pannakilinang*, *pannaki-usal* and other forms of SSM, the people of Itogon practice *balato*: a tradition where those who have gained greater incomes or yields share gifts or host feasts for the community. On the other hand, the women of Ucab practice *jo-wens*, which is quite similar to *pannakilinang*. A group of women and children joins the miners in their activities. Some of them help with the work inside the tunnel while others help in cooking food, fetching water, and preparing the other needs of the miners. When the gold ore is found, the said group receives a share from the *linang* or the tailings which can be reprocessed. If the miners are luckier and are generous, they give the group a share from the gold ore itself. *Jo-wens* came from the English word “joins” or coming together.

One of the key informants interviewed mentioned that *linang* is generously shared among the community. An elderly woman can ask for *linang* even without participating in the *jo-wens*. The miners believe that if they disagree with the request of an elderly woman, the *balitok* will be displeased and will disappear. In this sense, resource sharing becomes a primary concern especially for the elderly, women, and children – a fascinating characteristic of ritually sanctioned SSM practice in Itogon.

They also observe rituals related to mining like *dangtey/pakde* and *ngilin*. *Dangtey* or *pakde* is a ritual to appease the unseen spirit guarding the mountain. It is done to ask for more production of gold, to guide the miners, and prevent accidents in the mine tunnels. *Ngilin* on the other hand is the observance of “community mourning or celebrations” (Himmiwat, 2016). After mourning or celebrations, the miners are not allowed to eat beef, dog meat, and other putrid smelling food before entering a tunnel. They believe that the spirits detest the said smell. They give two or more days for the fish-like smell to dissipate before resuming mining activities.

According to Molintas (2004), it is central to the beliefs of the indigenous peoples of Itogon that “no one owns the land except the gods and spirits. Those who work the land are its mere stewards.”

Shift to wet rice production

According to Gimenez (1996), the permanent settlement of the Ibaloyos started in the middle of the 19th century when they adopted the wet rice cultivation which later became their main economic pursuit. In the latter half of the 19th century, gold surplus accumulated in Antamok because of an apparent shortage of demand from the Baguio market. When they could not sell their gold, they could not eat. It was further mentioned that Acupan’s gold reserve was diminishing (at least those that can be tapped by their indigenous mining technology). The desire to look for a more reliable source of living was paramount in the villages of Antamok and Acupan.

Cattle raising was also not deemed a desirable source of subsistence because ritually sanctioned beliefs decree that a cattle owner’s children cannot inherit domesticated animals. During that time, an individual is allowed to accumulate cattle and pigs, but when the owner dies, all of these are butchered to be used as provision by the dead to the next life.

When Pacalso, who originated from Buguias went to Itogon and introduced wet rice cultivation, both the *baknang* and *abiteg* Ibaloyos shifted towards rice as an alternative source of livelihood. They then started channeling their revenues from gold production to building *payeow* or rice paddies and began building their own irrigation systems.

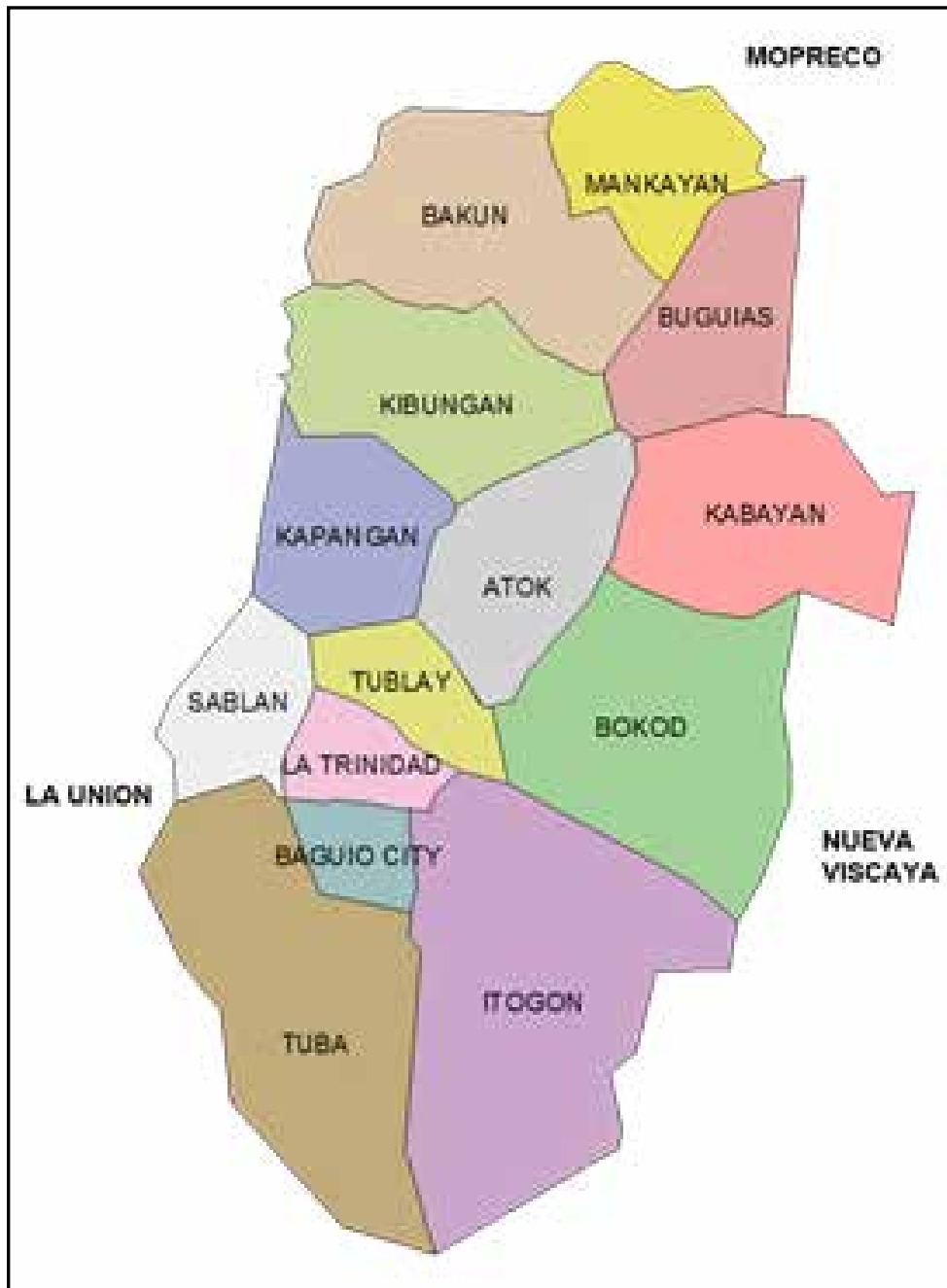
Land dispossession

Land dispossession started in 1902 when foreign investors began registering mining claims in Antamok. The mining claims later on extended towards parts of Loacan, Tuding, and Ucab and to other parts of Itogon. In 1903, they organized the

Benguet Consolidated Mining Company (BCMC), started their mine development, and constructed their own cyanidation mill.

Several other mining companies followed suit and started mining concessions in the area. Strong typhoons however damaged major facilities and paralyzed mining operations for several years. The BCMC, however, did not stop its search for new lands to mine gold. It staked its claims in other mine sites in Itogon before the World War I. World War II damaged many mining facilities and forced the closure of some companies. It was this time that BCMC acquired the claims of the companies that gradually pulled out from Itogon. Not long after that, BCMC was able to monopolize gold production until 1956 when its major competitor started operating gold and copper mines in the adjacent municipality of Tuba.

Figure 2.7. Benguet map (Wikipedia, 2019)



The rapid increase in mining operations in the area caused an influx of migrants from other places relocating to Itogon in search for livelihood. Most of them were Kankana-eyes from Mankayan. Some of the owners of estancias gave permission to Kankana-eyes to settle there. Kankana-eyes were also allowed to do placer and lode mining following the principle of *saga-ok* within the estancias of the Ibalays. Ibalays gave them permission primarily because of the belief that nobody owns the gold and therefore should be shared with anyone even outside of their tribe or community. It was also this custom that allowed American gold prospectors to operate and encroach on their ancestral domain.

As the mining operations of Americans widened in scale and size, the Ibalays realized how these were threatening their estancias, rice fields, and water sources for irrigation. To protect their rights, some Ibalays who had cash immediately filed for tax declarations and claimed water rights. However, they continued to allow the Americans to mine even beneath their estancias and rice fields. The Ibalays forged several agreements with the companies that essentially recognized the mining corporations' rights to mine the subsurface of the soil. Little did the Ibalays know that the massive mining activities of BCMC in the subsurface would damage the ground water paths and even the water tables that were once their abundant sources of water for irrigation. The exploitation of the local resources and of the indigenous peoples' hospitality by foreign corporations led to the drying up of the rice fields (Gimenez, 1996).

Quoting a reflection by an elderly cited by Gimenez (1996), "The *adahay* (people) of the old did not know enough. They allowed the *kumpanya* (company) to mine underneath the mountain, not knowing they were giving away the whole mountain," (p. 89).

Their rice paddies eventually dried up and the spaces for raising cattle became constricted. As a result, many of the Ibalays went to work for the mining companies. Others transformed their rice paddies into vegetable gardens. During the post-war years, Kankana-eyes and Ibalays learned enough from working in the mining companies. They then set up private mines and fabricated small-scale ball mills. The money they gained from private mining, employment, and vegetable farming helped them to pay their taxes to maintain their hold over their properties.

Since rice cultivation was no longer feasible because of the destruction of the natural water aquifers, pocket mining proliferated to augment their meager income from diminished swidden farms. Since BCMC held patented mineral claims, it repeatedly invoked its legal right to evict and prohibit pocket mining activities. The actions of the corporation however were not enough to restrain Ibalays and Kankana-eyes from their SSM activities. They upheld that gold should not be owned by some foreign corporation alone. "Repeatedly failing to evict them, the large companies instead had the pocket miners promise that they would limit the depth of their excavations to 200 feet from the land surface" (Jimenez, 2018).

As several generations passed, the descendants of the estancia owners experienced more difficulty paying their taxes. Most of them were forced to sell their estancias to as cheap as PhP54 per hectare. Through the decades before the 1980s, the Ibalays

and Kankana-eyes of Itogon struggled to keep their control over the remaining mining areas, estancias, and swidden farm areas until the mining landscape in the area drastically changed in 1981.

One of the key informants narrated that after more than 70 years of underground mining, BCMC, which revised its name into Benguet Corporation Inc. (BCI), ventured on an experimental open-pit mining in 1981 and has proven that it was more profitable. In 1983, the company launched its massive open-pit mining projects such as the East Keystone and West Keystone open-pit mining project in Ucab; the 440-vein open-pit mining project in Loakan and Antamok; the Bulk mining in Gumatdang; the Super Tuding open-pit mining project in four areas in Tuding; and the Project XYZ in Virac and Ampuca. These projects commenced in 1987.

C. Achievements of Itogon's Indigenous Pocket Miners

The rapid spike in open-pit mining operations in Itogon pushed the communities to launch a province-wide defense of their lands after realizing that the open-pit mining had affected their residential lots, denuded their forests, constricted their swidden farming practice, and destroyed their private mining tunnels.

Advancement of people's rights

Spontaneous community barricades were conducted from 1987 to 1989 to defend lands from aggressive mining operations. The municipal-wide alliance *Timpuyog* was created to coordinate and consolidate the protests. The leaders however sold out in 1990 at a time when the communities were in the brink of winning their campaign. This derailed the mass struggle but did not extinguish the desire of the resisting communities who were determined to defend their livelihoods.

In the same year, after tedious consolidation activities in all affected barangays of Itogon, the new community leaders created the Itogon Inter-Barangay Alliance (IIB-A). It was important, our informant emphasized, that communities were united in the objectives of the alliance and why they had to set it up. It was launched with a unity pact among elders and community leaders united in the goal of stopping the open-pit mining operations of BCI. The unity pact even included ostracizing community members and leaders who would sell out to the company.

IIB-A led protests, dialogues, delegations, and all activities related to the struggle against open-pit mining in Itogon. The barricades were nonstop for several months until the 1990 earthquake when they had to halt to focus on the rehabilitation of communities and families. After three months, the barricades resumed until in 1995 when, finally, BCI halted its open-pit mining operations.

Promotion of self-sufficiency through the revitalization of gamal/camal

Gamal or *camal*, according to the women of Itogon, is an age-old self-help mechanism of the indigenous peoples of Benguet. It is used in the everyday life of a community with the objective of speeding up agricultural work, the construction

of houses, or rescue and rehabilitation efforts; to be in solidarity with mourning families; and to celebrate with the community by helping in the chores or by simply being there to provide moral support.

The almost a decade-long Itogon wide-barricade was sustained through *gamal/camal*. Every group had roles to play. For example, women provided food and other resources to the barricade. The youth and the elderly were responsible for taking care of the children. The elders and leaders coordinated their activities. Solidarity from the outside outpoured. Non-government organizations, churches and religious organizations, personalities, and neighboring municipalities helped in the form of material and moral aid.

Our key informant explained that *gamal/camal* was important in sustaining the struggle for almost a decade. This custom compelled everybody in the community to respond to the call to defend the community at all costs. Those who did not heed the call were ostracized based on customary laws. Anyone who contravened the common goal of the community could be declared as *persona-non-grata*, or worse, cursed until they die.

The informants also recalled the times when the protests became intense. Fabricated charges were filed against community leaders to intimidate and harass them. Meanwhile, military and police forces were deployed to quell the growing resistance. Despite these hardships, the brave leaders and community members of Itogon did not waiver. Whenever their leaders were arrested, all the people in the barricade, except the children, would voluntarily submit themselves to authorities until the police had no choice but to free them due to the lack of resources to feed everyone in the detention centers.

When the key leaders were eventually detained, the community did not stop the barricade. In the spirit of *gamal*, those who still had cash to spare contributed to the bail money while others actively campaigned and solicited from groups outside the community until the leaders were freed after several months of incarceration.

Support for community actions for sustainability

In the course of the struggle, several organizations were formed to gather people and effectively face challenges. Women, youth, and cultural organizations were formed. Anti-Open Pit Mining Kids was a cultural group that mounted theatrical and musical productions that depicted the struggle of the community to defend their lands. These cultural productions helped gain wider solidarity from other groups and further strengthened the people's resolve to fight back.

Demanding accountability from government and corporations

Largely due to the strong and persistent resistance of IIB-A, the local government unit of Itogon during that time, passed a resolution supporting the peoples' call to stop open-pit mining activities. The provincial government was also forced to support the resolution after widespread pressure from the barricading towns. The leadership of the elders maintained unity at the municipal level and made

it possible for the barricade to last until 1995 when Benguet Corporation finally recalled its open-pit mines except in Loakan which was only stopped in 1997.

The corporation, however, did not relinquish its mineral claim or stop its operations. However, The Philippine Congress passed the Mining Act of 1995 which allowed big mining concessionaires to acquire license to operate mines all over the country. The same law also allowed foreign corporations to own 100% of mining operations, including timber rights, water rights and easement rights for up to a maximum 16,200 hectares (for corporations) for a period of 50 years. As a means to subvert the municipal ban against BCI's open-pit mining activities, the company contracted out its mine tunnels to several contractors. The Ibalays and Kankana-eyes of Itogon resumed their private mining but they did not really win their rightful resource rights over the previous estancias, rice paddies, swidden farms, and mine tunnels of their ancestors that Benguet Corporation acquired through mineral claims. They remain squatters in their own land.

D. Challenges faced by Itogon's Indigenous Communities

Internal challenges

During the anti-open-pit mining barricade in Itogon, the communities and IIB-A fought to keep the community cohesion as BCI launched several tactics to break their unity. When BCI offered educational scholarships, livelihood programs, and intensified its "social responsibility projects", conflict arose among community members and even among family members. Those who were lured to BCI's offers tried to convince their families to stop the barricade and demand financial assistance from BCI instead. Because the barricade lasted for almost a decade, some community members lost hope and convinced others to stop joining the barricade and focus on their economic activities instead. A few families defied the unity pact and sold their land to BCI, and sparked quarrels among community members.

IIB-A leaders had to regularly sit down with every barangay to remind the communities of the objectives of the peoples' barricade and showed the community the gains that they achieved. Cultural work also helped in uplifting and consolidating the community's spirit. Through songs, dances, theatrical productions, the Anti-Open-Pit Mining (AOPM) kids reminded the people that it was only in unity that the people of Itogon could win the fight against BCI.

One of the songs was recorded by former AOPM kids entitled, "*Napateg a Kinabaknang*" (Invaluable resources). The song narrates the experience and lessons of the anti-open-pit mining struggle in Itogon. AOPM kids repeatedly performed this song when community cohesion was weakening due to the tactics of BCI. One verse of the song goes,

*"Bumangon kakabsat, agmaymaysa tayo
Tapno ilaban ta'y ti kalintegang tayo
Denggen yo ti asog dagiti tattao
No agruing tayo, agtinnulong tayo"
(Arise my friends and unite)*

*Let us fight for our rights
Let us heed the call of the people
When we are aware of our rights, we can help each other).*

External challenges

The Regalian Doctrine was used by the colonizers to seize all lands and subjugate their colonies. This was superimposed in all nations colonized by Spain like the Philippines. According to Monlitas (2004), the Regalian Doctrine is a form of “legal fiction,” referring to the rights of the King of Spain over all lands of public domain once it conquered the Philippines. The American colonizers used the doctrine in its favor to centralize and eventually monopolize the natural resources in the country.

This doctrine became the legal bedrock of all laws depriving indigenous peoples of their ancestral land rights. It is doctrine is enshrined in the Philippine Constitution particularly under national patrimony and economy. It states that natural resources including minerals, water, petroleum, and others are owned by the state. The exploration, exploitation, and development of these resources shall be under the full control of the state. This doctrine dispossessed the indigenous peoples of their right to control the utilization of their ancestral lands including mineral resources. In the case of the Ibalays of Itogon, they became mere surface owners of the lands where their ancestors had been mining for generations. Since 1903, access to their own ancestral territories began to constrict. Today, Gimenez (1996) states that, “... it is these Ibalays’ descendants who have been striving to get their claims to land resource rights accommodated by the mining companies and the State” (p. 127).

In 1909, the Doctrine of Native Title arose as a result of the United States Supreme Court decision in favor of Mateo Cariño of Baguio who sued the Insular government for appropriating his land as a military base. The US Supreme Court decision stated that the land was not a public domain prior to the Spanish conquest. Thus, it should not be covered by the Regalian Doctrine. The Native Title Doctrine became the legal basis for the recognition of indigenous peoples’ rights to their ancestral land across the globe.

Even with the Native Title Doctrine that indigenous peoples may invoke to reclaim rights over their ancestral land, the Philippine Constitution denies that right with its provision that all lands of public domain belong to the State. The Constitution might have recognized the rights of indigenous peoples but with a caveat “in the framework of national unity and development.” The Mining Acts of 1905 to 1995 allowed corporations not only access but also ownership over mineral lands which are mostly found in indigenous territories.

The Indigenous Peoples Rights Act (IPRA) enacted in 1997 was also founded on the Native Title Doctrine. It is said to be a legal landmark for indigenous peoples. A key informant mentioned however that this is a law that was originally meant to cure generations of social injustice against indigenous peoples. But like many other Philippine laws, the IPRA law was gradually used against indigenous peoples to deny their right to reclaim their ancestral land from big mining companies. Even after the enactment of IPRA, this legal remedy was not useful for the Ibalays

in reclaiming their resource rights over Itogon. The mineral claims of BCI were patented which, as explained by a key informant, means that the corporation has perpetual legal rights to the resources. These claims were further strengthened through several Mining Acts enacted from 1905 to 1995.

Since the Spanish colonial period, the Western laws of land access and ownership had been imposed on the Philippines including on ancestral territories of indigenous peoples, effectively disregarding customary laws, such as those of the Ibaloy of Itogon. Even with the curative laws and declarations like the IPRA and the United Nations Declaration on Indigenous Peoples (UNDRIP), the indigenous peoples were and have always been the ones adjusting to restrictions and repressive policies imposed on them by the national government.

After the anti-open-pit mining struggle, the Ibaloy and Kankana-ey of Itogon did not stop defending what was left with their lands. Several other planned projects proposed by the BCI were strongly opposed by affected communities. The BCI however did not stop its eviction campaigns, especially against pocket miners whom they accuse of trespassing BCI property. The pocket miners were unperturbed, they resumed their mining activities to be able to live. After all, it was their only source of livelihood left after rice paddies dried up due to the absence of abundant water sources. Again, BCI failed to drive them away despite these harsh circumstances.

One of the informants said that seven barangays of Itogon are covered by mineral patents of BCI but the people including his community in Ucab refuse to give in to the pressure and intimidation tactics of BCI. The mere fact, he said, that they are still there occupying the claims of BCI is proof of their strong resolve to fight for their rights.

In 2011, BCI contracted mine tunnels within one of its mineral claims in Itogon. The contracting company owned by a certain Peralejo went to the area with the intent to exploit mineral resources but both Ibaloy and Kankana-ey barricaded for several months until the company was forced to postpone operations. The descendants of the Ibaloy and Kankana-ey, worked together with the migrants to confront threats to their livelihood.

Minahang Bayan (community mining) was allowed by the government only after imposing too much requirements and restrictions that simple pocket miners could not afford to comply with. This also further constricted the areas where they could mine.

E. Policy Recommendations

Quoting Molintas (2004), "...for many indigenous peoples the State's development policies have not worked in their favor. In the first place, these laws have always been biased against indigenous concepts of ownership. Perhaps, taking a step backward, to look once again at these state-sponsored laws, to be able to discern what to reform in these legal texts, is but proper. The indigenous peoples have done more than enough to adjust or even to work within these laws. Now it is time

to attempt another approach – to reform the legal texts to meet the needs of the indigenous peoples” (p. 299).

Taking off from that recommendation, there is a need to change the framework of Philippine laws. A major step would be the total abrogation of the Regalian Doctrine, to redefine land access and ownership based on the principle of equitable sharing, regard for the future generations, and stewardship. These principles have been practiced by the Ibaloyos in their centuries-long mining exploits prior to the Spanish conquest of the Philippines. The Ibaloyos practiced the principle of equitable sharing of resources when they allowed Kankana-eyos to conduct placer mining, lode mining, and swidden farming within their estancias. The same principle is also evident when the Ibaloyos permitted Kelly (the pioneer of BCMC) to mine the subsurface of their lands.

With regard to laws on exploration, exploitation, and development of natural resources, the Philippine Mining Act of 1995 should be scrapped since it is founded on the same Regalian Doctrine that served as an instrument for corporations to take over indigenous ancestral lands. The informants mentioned that the current mining act has sold the country’s natural resources to the global market with endless demands. It has caused the fast depletion of minerals and destruction of the environment to achieve greater production.

The Peoples’ Mining Bill is a proposed mining law authored by Bayan Muna Party-list at the Philippine House of Representatives. The Peoples’ Mining Bill is important because it incorporates indigenous peoples’ perspectives on natural resource use, management, and protection. The proposal also seeks to undo the liberalization of the mining industry by upholding the country’s mineral resources as national patrimony and as irreplaceable and non-renewable wealth. Furthermore, it gives the State the primary responsibility over the industry’s management, conservation, utilization, and development and considers mining a shared responsibility among national and local governments, corporations, and communities (Sec. 7).

The proposed mining law provides that mineral resources will not be extracted for the benefit of the global market, but will be geared for the benefit of the domestic economy. Extraction will be based on the domestic needs which will help preserve some resources to be bequeathed to the next generations. It also respects the rights of indigenous peoples to self-determination.

For the Ibaloyos, *balitok* was never meant to be kept only among them but shared equitably. More than a century of experience however taught the Ibaloyos that *balitok* is a limited resource that could be abused by greedy mining corporations. The Peoples’ Mining Bill will then help in the wise utilization of this mineral. Complemented with the development and use of appropriate technology, it will also help give life to traditional mining activities that are less harmful to the environment. This kind of resource sharing will, according to the key informants, give life to community cooperation like *gamal*. As the Ibaloyos so believe, *Balitok* will be pleased.

IV.

DEMOLISHING THE LUMAD DREAM: THE CASE OF LUMAD BAKWIT SCHOOLS

Lumad is a collective term for non-Christianized and non-Moro indigenous peoples of Mindanao, Southern Philippines. It consists of 13 ethnolinguistic groups all of which are among the poorest minority groups in the country with little access to social services such as health care and education. Through their own determination and with the help of local non-government organizations (NGOs) such as the Rural Missionaries of the Philippines (RMP), they were able to setup their own schools with a curriculum based on their distinct indigenous knowledge systems and customary laws.

In recent years however, these indigenous schools have become targets of the State's armed forces and paramilitary groups, violating their rights in the process and threatening their very existence. The administrators were accused of 'radicalizing' the students and the schools were red-tagged by the armed forces as the training grounds of the Communist Party of the Philippines (CPP) armed wing the New Peoples Army (NPA). These accusations were followed by continuous threats, harassments, and extra-judicial killings of students, community members, teachers and school administrators.

As a result, thousands of Lumad were forced to evacuate their ancestral lands to seek refuge in urban centres away from military forces demolishing their communities and killing their students and teachers. Today, the Lumad persist in pursuing their right to education through the establishment of *bakwit* (local term for internal refugees) schools.

A. Lumad Struggle for the Right to Education and Self-Determination

"*I want to go home in Pantaron,*" Bai Bibyaon Ligkayan Bigkay uttered when she was asked of her hopes for the near future. Bai Bibyaon is a Manobo leader and warrior from Talaingod, Davao del Norte in Southern Philippines. She and students of Salugpongan Schools are housed at the Commission on Human Rights (CHR) in Quezon City for the time being. She cannot count the number of times they had been transferred from one sanctuary to the next, from Davao to Metro Manila. She and her people in Talaingod had been in Manila for several years now due to the persistent threats on their lives back in their homeland – the Pantaron Range.

At the CHR building, the indigenous Lumad youths persist to continue their education through the *bakwit* school system. Back in Talaingod, their schools were forcibly closed by paramilitary forces combined with state agencies such as the Department of Education (Dep-Ed) which issued a memorandum declaring the closure of 55 indigenous schools. Seeing the children's persistence in their education despite their status as internal refugees gives Bai Bibyaon hope that their

homeland in Pantaron Range can still be defended from multinational corporations. Her people had been denied of education for so long and for several times, they were fooled by corporations seeking to plunder the natural resources of Pantaron Range due to what she called, their “ignorance”. Education she added is a powerful tool to defend and nurture the Lumad birthright over Pantaron Range.

Bai Bibyaon’s yearning for home, the teachers from Save Our Schools Network said, is natural for her age. Their lifestyle back in their homeland is much different from what they are experiencing in sanctuaries. However, they cannot risk her security because paramilitary groups already swarmed Talaingod. In fact, Datu Kaylo, a fellow Manobo leader, was shot dead on April 7, 2019 when he went back to Talaingod. He was killed in the midst of Martial rule in Mindanao and intensified military operations.

Like Bai Bibyaon, Datu Kaylo has been a staunch defender of the Manobo people, including their children’s right to education. Alongside other Manobo leaders, they worked hard to set-up the Salugpongan Ta ‘Tanu Igkanogon Community Learning Center Inc. (STTICLCI) that through the years put up schools in Manobo villages. He stood tall during the several attempts of the Armed Forces of the Philippines (AFP) and paramilitary groups to close their schools.

In 2015, he said, “We have been waiting all our lives for the government to build schools in our communities, but now that we are able to build schools with our own perseverance, why do they want to close them?” (in Saligumba, 2015).

Recently, Dep-Ed has already closed 55 Salugpongan schools and other Lumad schools, depriving thousands of Lumad children of their right to education. Euphemia Cullamat, a Lumad representative for Bayan Muna Party-list said that the forcible closure of Lumad schools is not only an attack against education; it is also a means to stifle the Lumad’s actual existence.

The looming plunder of the Pantaron range

Prior to colonial rule, the Lumad creatively and successfully defended their territories from invaders. One of the most prominent of the Lumad groups is the Manobo who have become known for their fierce warrior chieftains who defended their lands with spears, bows, and arrows. They reside in Talaingod, otherwise known as the Pantaron Range in Southern Mindanao. The Pantaron Range was once called by the Spanish chroniclers as Cordillera de Mindanao and is home to 1.8 million hectares of pristine forestlands supplying major river systems in Mindanao (Saludez, 2019).

Whenever asked about the importance of the Pantaron Range, Bai Bibyaon would always answer “it is our source of life”, referring to the mountain range’s abundant plant and wildlife that allow them to hunt for food and plant corn, root crops, and cassava. Pantaron is also their source of medicinal plants and serves as burial grounds of their ancestors.

The Lumad lifestyle can be characterized as one that is synchronized with nature. They produce and consume only for their subsistence and preserve most of their

resources for the next generations. Because of their unrelenting defense of their ancestral lands, the Pantaron Range is one of the few remaining intact rainforests in the Philippines.

In the 1980s, a logging company, Alcantara and Sons (AlSons), forced their entry into the Pantaron mountains. AlSons was able to secure an Integrated Forest Management Agreement (IFMA) from the Department of Environment and Natural Resources (DENR) which gave them legal footing to operate in the area. Bai Bibyaon recalled that several tribal leaders were fooled by AlSons primarily because of their lack of education. They were lured into selling their lands in exchange for a few cans of sardines and a handful of tobacco. The Manobo tribe however, did not sit idly by. They protested and lobbied the company when they began to notice that their waters tasted differently and that their children were getting sick. But when AlSons turned a deaf ear on them, Bai Bibyaon along with other women warriors declared a *pangayaw* (tribal war) against the company and demanded their immediate pull out from the Pantaron Range.

Being a woman leader, Bai Bibyaon had to learn the skills necessary for warfare. Along with other women warriors, they wielded their bows and arrows and fought against the state armed forces and paramilitary groups serving as security guards for the company. Their bravery and perseverance forced AlSons to officially cease operations in Talaingod.

However, other corporations continued to show their interest over the resources of Pantaron Range. Congresswoman Euphemia Cullamat, in a Congressional speech in 2019, said that 15 coal mining and oil palm companies have mapped out the 200,000 hectares of the Manobo territory in Andap Valley in Surigao Del Sur.

Setting up of schools

They learned their lesson that education is crucial in the continued defense of Pantaron. Despite the government's denial of the Lumad children's right to education, they persevered linking up with the civil society including religious organizations to build their own school that properly addressed their needs and respected their indigenous culture.

Since the initial makeshift schools were first established in the early 2000s, several institutions, civil society actors and the Church began helping to establish more schools across Mindanao that specifically catered to the needs of Lumad students. These schools have increasingly become targets of government persecution, harassments and killings through the years.

Salugpongan

The Rural Missionaries of the Philippines (RMP), a faith-based NGO responded to their plight. In 2003, volunteers of RMP started an informal education program which included literacy and numeracy education among parents and the elderly. Several years later, parents requested for a formal school so that their children are able to study. They started setting-up a community school in Dulyan in Davao del

Norte and named it as Salugpongan Ta ‘Tanu Igkanogon Community Learning Center Inc. (STTICLCI) which means “unity in defense of ancestral land”. In 2007, Salugpongan was accredited by the Dep-Ed as a school providing primary education.

Through the years, communities were able to replicate the school in Dulyan until Salugpongan schools reached a total of 54 establishments spread across Davao Oriental, Davao del Sur, Davao City, and Compostela Valley. The schools provided pre-school to Senior High School education and were allowed to teach their own curriculum that was developed with the help of civil society organizations.

Since they began establishing their own schools, the Lumad were regularly attacked by the AFP and paramilitary groups in the form of illegal military encampments, threats, and extra-judicial killings. *Bakwit* (forced evacuation) has become a regular phenomenon for the students and the whole community to save their lives from militarization.

Figure 2.8. Lumad built vegetable gardens inside their evacuation center in Tandag City (Solidagro, 2016)



Bai Bibyaon mentioned in one of the interviews that *bakwit* has become a necessity for them as they feared that the aerial bombings and killings would continue if they did not leave. Staying in Pantaron suddenly had a different meaning. Before, staying there meant they could live in their ancestral lands undisturbed by government forces. But now, staying in Pantaron means they could be butchered at any time as what happened on September 1, 2015 in Lianga when two (2) community leaders and a school administrator of the Alternative Learning Center for Agriculture and Development (ALCADEV) were brutally murdered by the AFP.

On July 2019, Dep-Ed released a memorandum ordering the closure of 54 Salugpongan schools as per the recommendation of National Security Adviser (NSA) Germogenes Esperon. According to Dep-Ed, Esperon claims that these

schools were propagating communist ideology and were advocating against the government. On October 7, 2019, Dep-Ed Region II issued a final resolution closing 54 schools citing non-compliance to Dep-Ed's requirements and standardized curriculum.

MISFI Academy

Mindanao Interfaith Services Foundation Inc. (MISFI) is another Lumad school that was built with the help of the Church through a non-government organization called Mindanao Interfaith People's Conference (MIPC). MIPC's program was focused on socio-economic projects that include the provision of rice mills, land mowers, and other farming equipment. As the program progressed, it became clear to the MIPC staff that almost all members of the communities that they were working with did not know how to read and/or write. To address this problem in the context of efficiently delivering their services, MIPC began a literacy and numeracy program for parents. Several years later, the parents requested MIPC to set-up a formal school so their children could also learn how to read and write. The first school established proved to be successful and the number of establishments increased. By 2018, MISFI had established a total of 32 campuses across Mindanao, eight (8) of which were opened in 2017. It catered to more than 1,500 learners from pre-school to Grade 10. They also employed 97 educators and school administrators.

On October 23, 2015, more than 100 people, led by the local Barangay Chairman, destroyed the fence and forcibly entered the premises of a MISFI campus in Barangay White Culaman, Kitaotao, Bukidnon. They brought crowbars, bolo knives, and bows and arrows to demolish the building. Military personnel in civilian clothes were reportedly sighted with the group.

Dep-Ed ordered the closure of 14 out of 32 MISFI campuses because of alleged failure to comply with Dep-Ed's standards, coupled with accusations of promoting communist ideology which is inimical to government interests.

In the focus group discussion with volunteer teachers of Salugpongan and MISFI, they narrated that they have diligently complied with requirements set by Dep-Ed. In fact, the Salugpongan schools are among the earliest institutions that submitted requirements to renew their Permit to Operate (PTO).

Harassment by state forces was compounded with requests by Dep-Ed for documents not included in the initial checklist. The volunteer teachers nonetheless complied only to be "pushed around" by Dep-Ed offices who seemingly had no plan to renew their PTO.

The teachers argued that they only teach their students the importance of protecting and conserving the environment including defending it from destruction. According to the respondents, this is interpreted by the State as anti-government propaganda, even red-tagging teachers as communist guerillas in disguise. Several volunteer teachers have already been jailed due to trumped-up charges.

B. Achievements of Lumad Schools and the NSMO Curriculum

Advancement of people's rights

The birth of Lumad schools in Mindanao prompted the development of a curriculum guided by the core values of nationalism, scientific inquiry, and mass-oriented approach to education. As a result, the Nationalist, Scientific, Mass-Oriented (NSMO) curriculum for Lumad students was born. As explained by the volunteer teachers, the school provides education in three main thrusts:

1. To provide free education for all whether or not they are Lumad.
2. To hone students in using their knowledge and skills for the improvement and well-being of their communities and their country instead of becoming dispensable work force for export.
3. To anchor their pedagogy on concrete analysis based on concrete conditions across all subject areas.

These thrusts are critical in the drafting of their daily lessons. All lessons should be scientific, meaning they should not be based on hearsay, unwarranted beliefs, and ideals. All lessons should also be based on concrete conditions including examples of daily objects they see from their everyday life such as in agriculture or other aspects of their physical environment. Lastly, all lessons must adhere to the principle of honing students to dedicate their skills for the betterment of their community and country.

Through the implementation of the NSMO curriculum, Lumad communities have begun to reclaim their right to education. For generations, they have been deprived of this basic right by the State. Through the help of the religions organizations and NGOs, the Lumad schools that have been established since 2003 have allowed children, the elderly, and community leaders to learn how to read and to write, to do basic math, and improve their farming practices.

Their economic rights are also addressed through self-sustaining vegetable gardens primarily used as a source of food supply for boarding Lumad school programs. Improved knowledge on agriculture has also allowed them to cultivate more plant varieties than ever before providing more income for the communities.

Promotion of self-sufficiency through NSMO curriculum

They further explained that the NSMO curriculum is based largely on agriculture. All other subject areas are interlinked with agricultural practices designed precisely because the livelihood of their community and the country in general remains agriculture-based.

For example, teaching Mathematics requires teachers to train students in addition, multiplication, subtraction, and division through agricultural examples. They would allow for instance students to compute how many plots can a one-hectare land accommodate, or how many seeds can an 8' x 10' plot accommodate? These questions allow students to understand abstract concepts based on a comprehensive understanding of their concrete conditions and their physical environment.

In Science, they also learn the components of a fertile soil. They teach the children what causes nutrient depletion in soils which causes plants to become stunted or wilted. The chemical components of the needed nutrients are discussed alongside teaching them how to use organic fertilizer to keep the soil rich and allow it to regain its nutrients.

From primary to secondary school, the children tend a vegetable garden. They start their day early and together with the teachers, they apply all the knowledge they have learned in tending to vegetable plots and root crops that serve as their sustainable source of food within the campus dormitories. During harvest time, the vegetables are used as additional food supply for the boarding school to lessen total school expenses and allow for a more sustainable pattern of consumption and production in the school place.

According to teachers, the Manobos did not know how to plant vegetables prior to the establishment of Lumad schools. Their traditional agricultural practices were too backward, they said. The only crop they knew how to cultivate was corn because it was their staple supply of food. They planted upland rice and cassava but not as often and as widespread as corn. They did not plant vegetables since they relied largely on foraging the riverbanks and forestlands. Before they learned vegetable gardening, they consumed more fish and meat of the wild animals they hunted.

Figure 2.9. ALCADEV students learn sustainable agriculture (ALCADEV, 2019)



With the growing knowledge of agriculture imparted on the children, they have become increasingly able to plant and cultivate more plant varieties and vegetables. Before the crackdown on Lumad schools, they cultivated a wide variety of plants available for their consumption, and sometimes more than enough for their own subsistence. Cassava became their cash crop once they were knowledgeable enough to cultivate it and increase output.

The teachers add that the Manobo's attitude toward farming has improved greatly since the establishment of Lumad schools like Salugpongan and MISFI. Prior to

these schools, they were easily discouraged when their seedlings stunted, wilted, or did not grow as expected. The teachers observed improvement on how students appreciate farming and their environment in general owing to their enhanced desire to cultivate idle lands and defend their ancestral domain.

Support for community actions for sustainability

Since the establishment of Lumad schools, moral and material support have poured from different parts of the country as well as from abroad. For instance, the establishment of the Salugpongan International – a group dedicated to gathering solidarity and support from overseas individuals and organizations – has greatly helped in sustaining the operations of *bakwit* schools and even the establishment of new school buildings in the past.

The Save Our Schools Network also plays a vital role in maintaining ties with various schools, universities, civil society, and religious groups who have supported and still continue to support the Lumad schools and their right to education. Various charity organizations have provided aid in the form of school materials for students and teachers.

Other institutions such as the University of the Philippines – Diliman together with its students and community have become instrumental in providing spaces for the *bakwit* schools to continue its operations. A portion of the university premises were provided for their use in solidarity programs, places to construct their makeshift houses, as well as to hold classes. Currently, the CHR hosts the Lumad evacuees providing them ample space in the Commission’s open grounds for their use.

Figure 2.10. Lumad students continue their studies in *bakwit* schools with volunteer teachers (Narod Eco, 2019)



Demanding accountability from government and corporations

The teachers admit that the curriculum they are teaching is vastly different from that prescribed by the Dep-Ed. They explain that this particular curriculum had to be developed because of the colonial, commercialized, and for labor export orientation of the current educational system. The NSMO curriculum on the other hand encourages students to give back to their community and country whatever knowledge they have gained. Local indigenous histories are retold to students including the bravery of the Lumad in evading efforts to colonize and plunder their lands. In essence, the teachers argue that their NSMO curriculum speaks to the Lumad dream of building a community founded on a pool of educated leaders and students who can defend their land, lives, and way of living from those who seek to plunder its resources and displace them.

In a privilege speech of Lumad Congresswoman Euphemia Cullamat, she states that “[b]ecause of these schools, our children are being educated in ways that are respectful of our traditions, culture and our need to improve our lives, especially through agriculture so that we may prosper while we protect our ancestral domains for future generations” (“1st Manobo in Congress vows to defend Lumad schools...”, 2019, para. 17).

C. Possibility of Diffusing the NSMO Curriculum

According to the teachers, the Lumad’s NSMO curriculum can be modified according to the needs of a particular community. In fact, in the Visayas Island, some communities are already beginning to adopt their own NSMO curriculum inspired by the achievements of the Lumad schools.

But the teachers are aware that diffusing the curriculum in the country is a long and winding process. Their experiences of threats, harassment, intimidation, and killings prove that the current government does not have the interest to allow this practice to prosper. The emergence of alternative knowledge systems that interrogate the dominant way of thinking is considered by the state as a formidable threat that can potentially challenge its hegemony.

D. Challenges Faced by the Lumad

The struggle of Lumad communities for their right to education and right to self-determination persists despite both internal and external challenges described in the following sections.

External challenges

Since the emergence of Lumad schools, numerous forms of attacks have been documented including illegal encampment and occupation of schools by the military, burning of facilities, threats against children, teachers and community leaders, and killings. These incidents have increased since the imposition of Martial Law in Mindanao and are among the biggest challenges that prevent them from operating their schools in the Pantaron Range.

Nevertheless, the students, teachers, and the communities are learning to weather these attacks. During forced evacuation, they persist by establishing makeshift classes in sanctuaries or evacuation centers through the *bakwit* school system. Militarized communities would often join Lumad schools in neighbouring villages whenever their school is under attack, occupied or forcibly closed by the AFP and paramilitary forces. They have devised systems to adapt in these most difficult situations.

The declaration of Martial Law in Mindanao and the implementation of the Whole-of-Nation-Approach led to the closure of almost all Lumad schools in Mindanao. The unabated spate of extra-judicial killings of Lumad leaders and farmers has sowed fear in communities, preventing them from asserting their rights. All government agencies, even those that supported them in the past, are now working together to demolish Lumad schools along with the Lumad's dreams for a bright and sustainable future.

The recent closure order issued by Dep-Ed has alienated the indigenous Lumad rather than fostered their inclusion in government welfare programs. For the longest time, the Lumad were the poorest minority groups in the country and have been denied of their basic right to education and their inalienable right to self-determination.

According to Dep-Ed, the closure was meant to allow the government to establish formal schools in these communities to cater to students affected by intense military operations in recent years. However, there have been no reports of Dep-Ed teachers deployed or school buildings constructed as of this writing. Lumad students who chose to stay in their communities are left with no option but to stop their schooling.

Internal challenges

Another challenge that they are facing today is the emergence of so-called “tribal dealers”, referring to community leaders who have become co-opted by state forces to spread lies and propaganda against the legitimacy of Lumad schools. They spread misinformation around communities, in the whole country, and even abroad to malign and discredit Lumad schools.

Some of the “tribal dealers” identified by the respondents serve as Indigenous Peoples Mandatory Representatives (IPMRs) who are working with the National Commission on Indigenous Peoples (NCIP). According to Lumad leaders who were interviewed, these co-opted “tribal dealers” do not represent the voices of the marginalized Lumad. Within their communities, the people know that these supposed leaders openly welcome corporations applying for mining and plantation expansion concessions in the Pantaron Range.

In addition, these paid leaders have also been used by military forces for intelligence gathering as a means to suppress community organizing and dissent.

E. Conclusion

The *bakwit* school system is a form of assertion devised by Lumad school students,

community members and teachers in an effort to continue their schooling despite forcible closures and forced evacuations. From Davao City to Metro Manila, the schooling of Lumad children continues in the form of makeshift classes. Schools, religious organizations, and other institutions are working together to make this happen and to improve class conditions. They make their facilities available for free, deploy volunteer teachers, while some individuals and groups help by donating food and school materials. These efforts are pooled and coordinated by the Save Our Schools network – an alliance of indigenous peoples groups, children’s rights advocates, and religious and academic organizations.

Despite the resilience of Lumad students in continuing their schooling in the face of state persecution and harassment, the *bakwit* school system is still not the same as having peaceful classes in their ancestral lands. One of the respondents narrated that water supply has always been a scarce resource in their sanctuaries in Manila. This has triggered homesickness among students seeking to return to their homes where the water supply was virtually unlimited. Students wish to return to swim and play in the river once again or to climb trees and forage edible wild fruits in the afternoons. They miss joining their parents go on hunting. Most especially, they long to tend their gardens once abundant with vegetables and crops that can sustain them for free. In *bakwit* schools, agricultural practice was rather limited, if not impossible. There was little to no soil to begin with and the water supply is privatized.

According to volunteer teachers, the children understand why they cannot return yet to their villages, knowing how both military and paramilitary groups continue to occupy their communities. News reached them that some of the companies applying for mining in Pantaron have now become visible in the area and are poised to begin their operations soon. For the respondents, it was clear that the motive behind the closure of their schools and the militarization of their communities was to pave the way for corporations to once again operate in Pantaron.

At the core of the NSMO curriculum implemented in the Lumad schools is a preview of a more sustainable production and consumption system realized through the defense of people’s rights, particularly the right to education and self determination. The *bakwit* school system in turn acts as a vehicle through which the NSMO curriculum can be continued by imparting knowledge to Lumad youths in promoting and defending their rights, building their capacity for self-sufficiency, and equipping them with the necessary skills to defend their ancestral lands and maintain their way of living.

F. Policy Recommendations

Based on interviews and focus group discussions, the policy recommendations can be summarized as follows:

- 1. Uphold a nationalist, scientific, mass-oriented education.** This call is based on the NSMO curriculum developed and implemented by Lumad schools that encourage students to promote and defend their rights in the face of state harassment and persecution. They also view the NSMO curriculum as an

alternative to the current commercialized and neoliberal educational system in the country.

2. **Repeal Dep-Ed memo on the closure of Lumad schools.** The Dep-Ed is used by the government as part of its Whole-of-Nation-Approach by ordering the forcible closure of more than 55 Lumad schools. The respondents argue that the memorandum order should be repealed and the Lumad schools should instead be supported.
3. **Junk the Mining Act of 1995.** Similar to the situation of other indigenous peoples in the country, big mining companies serve as one of the biggest challenges threatening their ancestral lands. The Mining Act of 1995 has only proven to serve the interests of mining corporations at the expense of indigenous peoples' rights.
4. **Reform the National Commission on Indigenous Peoples (NCIP).** The primary government agency responsible for indigenous peoples' affairs is the NCIP but previous efforts to lobby the NCIP with regards to IP rights being violated by state forces have proven futile. Furthermore, the NCIP is also used by the government to repress indigenous peoples' dissent.
5. **Pull out military troops from schools and communities.** Another factor pointed out by respondents is the continued military operations in their schools and communities. According to respondents, the goal of state armed forces is to suppress their efforts to defend their lands and allow the entry of big mining corporations. Also, despite the lifting of Martial Law in Mindanao, military personnel continue to occupy communities and harass known leaders.

Community leaders including Bai Bibyaon along with the Lumad students vow to persist in their struggle until the time comes when they are able to return to Pantaron Range, their homeland. They encourage communities across the country – indigenous or not – to replicate the NSMO curriculum and help them popularize and mainstream this alternative learning system. Community leaders and teachers likewise believe that the widespread use of the NSMO curriculum may someday save Lumad schools from the unrelenting attacks from the State and corporations.

V.

ASSESSING THE POTENTIAL FOR DIFFUSION OF PP-SCP PRACTICES

One of the key questions this research seeks to answer is the viability of diffusing community-led PP-SCP practices. This inquiry is based largely on present conditions wherein PP-SCP practices identified and studied are isolated and small-scale and therefore, warrants the question on how these practices can be mainstreamed. To assess this, researchers employed a Participatory Network Analysis (PNA) to reveal both internal and external challenges as well as barriers to its diffusion. Key to understanding these results is the context from which PP-SCP practices arise from: What social issue/s these practices are seeking to address? What present conditions are preventing them from becoming mainstream practices? The PNA results also revealed interesting trends that speak directly to the potential diffusion of these PP-SCP practices.

A summary of PNA results on the issue of barriers to diffusion is presented in Table 2.2. Results indicate that the most common barriers to diffusion include local government units by way of issuing city or municipal regulations that prevent the growth of PP-SCP practices, or harm in one way or another, the lives and livelihoods of the communities. Interview results also indicate that local government units are subsumed by corporate interests as in the case of Lupang Ramos where EMRASON and Ayala Land Corporation cooperated with the local government to produce a memorandum that exempted the area from land distribution.

The national government is also identified as a barrier to diffusion by way of imposing repressive legislations that prevent PP-SCP practices from flourishing while allowing the unbridled entry of big mining and logging corporations. This is evidenced by the case of Mindanao wherein the declaration of Martial Law allowed the deployment of more troops in the area to protect corporate interests. The same is true for the enactment of the Mining Act of 1995 which decreed the prohibition of small-scale mining in Itogon while allowing the entry of big mining concessionaries led by Benguet Corp.Inc. (BCI).

Various line agencies of the government are also identified as barriers in what has been called a “Whole-of-Nation-Approach” in line with the Executive Order 360 signed by President Duterte in December 2018 which effectively dissolved the peace negotiations with the National Democratic Front of the Philippines (NDFP). Results of the PNA show that the DepEd released a memorandum order based on intelligence served by the country’s National Security Adviser. The said memorandum closed down 55 Lumad schools despite diligent compliance with all DepEd requirements. The National Commission on Indigenous Peoples (NCIP) is also identified as a barrier to diffusion as shown in the case of Mindanao wherein the NCIP endorsed co-opted indigenous leaders promoting corporate interests.

On the other hand, Lupang Ramos farmers lamented the continued threat of the National Grid Corporation of the Philippines (NGCP) to establish power lines that would cut across several hectares of farm lands in Dasmariñas, Cavite. Local barangay officials in Lupang Ramos have also been identified as co-opted by corporate actors and act according to their interests.

State actors identified also included military and police forces both of which have been used by local and national governments for threat, harassment, and intimidation tactics in an attempt to displace farmers and indigenous peoples from their lands. The implementation of Executive Order 70 allowed new battalions of the country’s armed forces to establish detachments in Negros, threatening farmers to leave their land cultivation areas.

Table 2.2.

Summary of PNA results - barriers			
Case Study	Area	Barriers Identified	
		State Actors	Corporate Actors
1	Lupang Ramos, Dasmariñas Cavite	City Government of Dasmariñas (Memorandum 29-A), Regional Police Safety Battalion, National Government (Rice Liberalization Law, CARP, CARPER, P.D. 27), National Grid Corporation of the Philippines, Barangay Officials, City Agriculture Office	Ayala Land Corporation, EMRASON, Co-opted community leaders (BUKLOD) + armed goons, Luke Roxas, Sayuno/ Barzaga Clan,
2	Negros <i>Bungkalán</i> Areas, Negros	City Government, Armed Forces of the Philippines, National Government (E.O. 70)	Landlords
3	Itogon, Benguet	Municipal Government of Benguet, National Government (Mining Act of 1995, IPRA Law), National Commission on Indigenous Peoples	Benguet Corporation Inc. (BCI) + Small dummy mining concessionaires
4	Mindanao	National Government (Martial Law Declaration, Mining Act of 1995, IPRA Law), Department of Education, Department of Environment & Natural Resources, Department of Social Welfare and Development, National Commission on Indigenous Peoples, Armed Forces of the Philippines, Paramilitary Groups – Alamara	Alcantara & Sons Mining Corporation, Co-opted Tribal Leaders, Foreign Mining Companies & Multi-National Corporations

In terms of support, Table 2.3 shows that internal leadership structures coupled with community members as some of the most reliable sources of support. Case in point are the indigenous communities affected by big mining operations in Itogon who rely on their indigenous *camal/gamal* that essentially encourage the whole community to take part in defending their right to land. The same is true for Negros and Lupang Ramos farmers whose main source of support comes from community leaders and members. Lumad warrior chieftains like Bai Bigkay Bibyaon are crucial in defending the Pantaron Range from logging concessionaire Alcantara & Sons as they fight corporate paramilitary goons with spears, bows, and arrows. These examples also reinforce previous findings on the successes of PP-SCP initiatives particularly in raising their capacity for self-sufficiency.

Table 2.3.

Summary of PNA results – support			
Case Study	Area	Support Identified	
		State Actors	Corporate Actors
1	Lupang Ramos, Dasmariñas Cavite	Anakbayan-LR (local youth group), KASAMA-LR members and leaders, KAMAGSASAKA-KA (provincial farmers group), KASAMA-TK	NGOs (Antipolo Seminary Foundation, SIBAT, MASIPAG), University of the Philippines Los Banos Students, Cavite State University Students, NCCP, SENTRA, GANTALA Press, PCPMC, Union Theological Seminary, NNARA-Youth, Department of Agriculture, KASAMBAYANAN,
2	Negros <i>Bungkalán</i> Areas, Negros	NFSW chapters, NFSW leadership	NGOs (SIBAT, MASIPAG, KMP)
3	Itogon, Benguet	Tribal Leaders, Women, Elderly, Children	Itogon Inter-Barangay Alliance (IIB-A)
4	Mindanao	Parent-Teacher-Community Association (PTCA), MISFI, STTILC, Volunteer teachers, Students, Community Leaders	NGOs (Rural Missionaries of the Philippines), Support Groups, University of the Philippines Diliman, IP rights advocates, Church

Nonetheless, external support systems are still vital in the context of continuing attacks against PP-SCP practices. Some of the most cited supporters include NGOs who have provided varying degrees of valuable aid such as in the case of Lumad schools in Mindanao wherein the Rural Missionaries of the Philippines' (RMP) role was instrumental in constructing indigenous schools. NGOs were also pivotal in

building the capacity of community organizations to manage and maintain their farms through organic agriculture. These NGOs such as MASIPAG and SIBAT provided technical trainings on agroecology and provided initial agricultural input to help farmers transition from monocrop farming to organic agricultural practices.

PP-SCP initiatives such as those in Mindanao and Lupang Ramos have developed integration programs that encouraged greater support from outside their local community organizations. An example is the continuing student and advocates' integration program of Lupang Ramos that have successfully facilitated the integration of students from the University of the Philippines – Los Banos campus as well as students from nearby Cavite State University – Dasmariñas Campus. Foreign delegates have also become regular members of integration and fact-finding missions in Mindanao. Lumad integration programs have also led to numerous students-turned-school-administrators and volunteer teachers in indigenous schools. Advocacy groups such as NNARA-Youth also provided material support in the form of construction materials to improve the makeshift protest camp in Lupang Ramos.

Church institutions and religious groups are also vital in continuing the support needed to sustain the needs of PP-SCP initiatives as with the case of Lupang Ramos wherein the Union Theological Seminary (UTS) regularly conducts its outreach missions and weekly church services in the area.

Meanwhile, for the interviewees from Itogon, the Itogon Inter-Barangay Alliance (IIB-A) functions not just as an organization that consolidates indigenous communities. It also functions as a conduit for channeling support from individuals and groups outside their communities.

The results of the PNA coupled with insights from interviews and FGDs point out an alarming trend – that state and corporate interests are consistently at odds with the objectives of PP-SCP practices on the ground. For instance, it is in the interest of BCI, a mining corporation in Benguet, to monopolize access to mineral-rich lands. This is a direct violation of the indigenous peoples' right to ancestral domain and self-determination. The same is true for real estate giant Ayala Land Corporation whose interests include converting agricultural lands into prime residential lots thereby displacing farmers in the process. To achieve these corporate objectives, corporate actors collude with state forces to forcibly displace farmers and indigenous peoples from disputed areas. They also resort to co-opting leaders and community organizations as with the case of BUKLOD in Lupang Ramos and so-called Lumad “tribal dealers” in Mindanao.

Another interesting trend that the PNA revealed is that the services and resources provided by external supporters such as NGOs are precisely the same services that are expected from the government. The organic cultivation of land is key to achieving food security and sovereignty, but the government, instead of providing such support, even attempts to cut the entry of food and resources to the *bunghalan* area in Lupang Ramos. Alternatively, NGOs provide the needed training and equipment in order for farmers to effectively learn and practice agroecology. The construction of Lumad schools in Mindanao is a social service that should have been

provided by the government in the first place. But resources used to construct these structures were raised solely by RMP. Instead of supporting these donor-funded initiatives however, the State even ordered the closure of these Lumad schools.

These trends indicate that the possibility of diffusing the PP-SCP practices described in this report is an enormous challenge given the current neoliberal framework espoused by the State. This same framework necessitates a profit-driven governance that promotes corporate interests while repressing people's rights. The cases of PP-SCP practices in this report demonstrate the aggressive character of both corporate and state actors in pushing against any effort to develop PP-SCP initiatives. This is evidenced by the wide array of repressive legislation, the use of government institutions, and the use of the State's armed forces to counter the continued existence of PP-SCP practices. In this context, these PP-SCP practices exist in a fragile ecosystem wherein internal and external support systems are the only resources keeping it alive.

To this end, the State's aggression extends to supporters of PP-SCP practices. Early in 2019, the RMP which is known to be one of the main supporters of Lumad schools in Mindanao, was red-tagged by the Philippine government claiming that RMP is a 'communist front' and therefore a legitimate target for killings and harassment. Other NGOs and advocacy groups who have expressed support to these sustainable practices have also been subjected to red-tagging, harassment, and intimidation. These attacks against supporters intensified with the creation of the National Task Force to End Local Communist Armed Conflict (NTF) under Executive Order No. 70.

The support provided by both internal and external sources is unmistakably valuable as it sustains the continued operations of PP-SCP initiatives. However, the barriers identified are, by and large, systematic in nature. Government forces from local barangay officials, city governments, line agencies, commissions, to state armed forces are all used in a "whole-of-nation" effort to suppress the proliferation of these community-led sustainable practices. Without drastic changes in the current system to stop the encroachment of corporate interests in public governance, PP-SCP initiatives like these will remain sidelined and threatened to extinction.

VI.

EXCLUSIVE SUSTAINABILITY? NEW CLARK CITY: DISPLACING THE POOR, SUSTAINING THE RICH

Inhabiting the hilly countryside of Central Luzon, Philippines are the indigenous Aetas who have lived in their ancestral lands long before colonial rule. They depend on these lands for survival. Their grasslands rich in indigenous flora are a source for medicinal herbs. Mountain ridges full of towering trees provide them with timber wood for shelter. Their forested hills home to wild boars, civets, and deer fill their bellies with abundance. The rivers flow with fish, shrimp, and the occasional freshwater crab all of which are available for their consumption. For the Aetas of Central Luzon, the once pristine and sacred landscapes they call home are rapidly disappearing along with their identity, way of life, and even their very existence.

At the forefront of these rapid changes threatening indigenous and farming communities is the construction of the 9,450-hectare New Clark City (NCC) envisioned to be a grand showcase of “sustainable” and “environmentally friendly” urban living. The NCC is initiated by the Bases Conversion and Development Authority (BCDA) and masterminded by the Asian Development Bank (ADB) along with other government actors such as the Japan Overseas Infrastructure and Investment Corporation (JOIN) and Singapore’s Surbana Jurong among others. This so-called “sustainable city” is set to displace farmers and Aeta communities in the towns of Capas and Bamban, Tarlac as well as parts of Mabalacat, Pampanga (IBON International, 2019).

A. New Clark City: An Overview

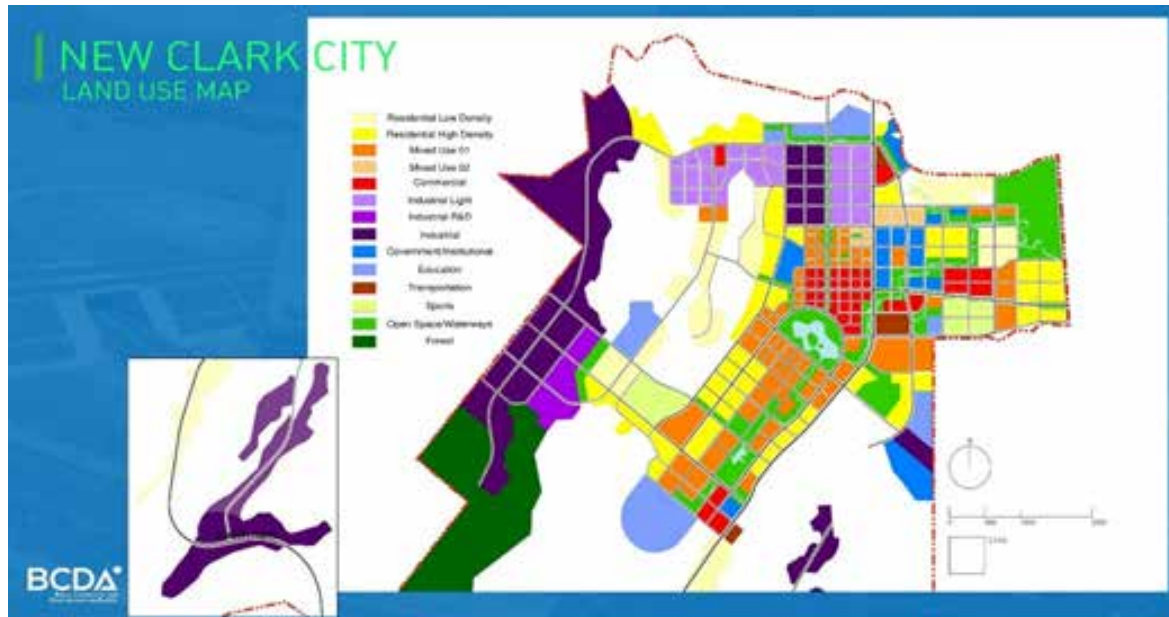
The New Clark City is envisioned to be a mixed urban use mega-city showcasing the heights of modern and sustainable living. According to the New Clark City’s master development plan, the core infrastructure will be laid out within the 9,450-hectare land. The NCC is located within the 35,000-hectare free port zone a vast majority of which is already reserved for future constructions.

The BCDA is planning to construct a 450-hectare luxury mountain resort complete with a full-sized golf course that is expected to increase tourism in the area while generating income for the local government. The area covered by the NCC is equivalent to more than half the size of Metro Manila, demonstrating the colossal scale of the project. It is expected to cost PhP 200 billion and will be developed within a 50-year period by means of public-private partnership schemes (BCDA, 2018).

The land use plan of the NCC is divided into institutional/government, residential, commercial, and industrial zones aligned with its vision as a mixed-use urban city. In the words of BCDA President and Chief Executive Officer Arnel Casanova himself, the NCC is a “modern, environmentally sustainable, socially inclusive,

economically competitive, culturally relevant and technologically integrated” project that is set to attract billions’ worth of foreign direct investments. Latest estimates conclude that the New Clark City, upon full construction, is expected to provide approximately PhP 1.57 trillion per year to the national economy and generate 925,000 jobs in the area (Orejas, 2014).

Figure 2.11. New Clark City land use map (BCDA, 2018)



Casanova expects that the project will stimulate regional economic growth and spur technological innovations that will supposedly fix the problems of unsustainable urbanization based on dirty technologies. The creation of the NCC is expected to address problems of overpopulation and urban congestion in Metro Manila. According to NEDA, the project is essentially an attempt to create a “new Metro Manila” without the problems associated to urban blight such as heavy traffic, pollution and overcrowding populations (Orejas, 2014).

The NCC is being marketed to investors as a pioneer in the use of green technologies through the adaptation of a Green Building System (Garcia, 2014a). All of the residential, commercial and industrial buildings are expected to comply with green building standards. The NCC website indicates that the entire city will be powered by renewable energy sources such as through hydro-electric dams and solar panels. Furthermore, BCDA promises to build NCC as the first “disaster-resilient” city in the Philippines through the implementation of disaster-mitigation technologies that should address the natural hazards in the country (Garcia, 2014a).

The location of the NCC in Capas, Tarlac is clear of fault lines and therefore poses lesser risk of destruction from earthquakes. The area is also situated in highly elevated lands estimated at minimum elevation of 177ft above sea level which dramatically reduces the risk of flooding. The NCC is also conveniently nestled in between two mountain ranges – the Sierra Madre mountain to the east and the Zambales mountain range to the west – which allows natural protection from typhoons. While the area is located near an active volcano – Mount Pinatubo which

last erupted in 1991 resulting in massive damages due to widespread ash fall – volcanologists state that the next big eruption is not expected for another hundred years. Despite these preexisting features of the natural landscape that reduces its risk to exposure, the NCC is still not free from the risk of typhoons, damages caused by earthquakes, and other forms of natural disasters (BCDA, 2018).

B. An Onerous Deal

The financing of the NCC will be a blend of Official Development Assistance (ODA), government money, and private investments (“ADB cites New Clark City as a model PPP”, 2019).

Chinese grant worth USD 30 million will fund the construction of the NCC High Performance Gymnasium and Sports Museum, while bilateral and multilateral loans from ADB, Japan, and China will finance the transportation infrastructure projects related to the NCC such as the Malolos-Clark Railway and the Subic-Clark Railway (NEDA, 2018).

For the private sector component, the ADB’s Office of the Public-Private Partnership provides technical assistance to structure commercially viable PPPs (Inquirer, 2019). It has already helped BCDA with PPPs for the procurement of facilities for water, waste water, and power distribution, and is now working on one for information and communications technology. The ADB hails the NCC as a “model PPP”.

However, the NCC is far from the model development project that the government and the ADB intend to project as it has been tainted with corruption issues and deals disadvantageous to Filipino taxpayers.

The BCDA and its Malaysian joint venture partner MTD Capital Berhad developed the NCC Sports Hub for the 30th South East Asian Games. However, issues of corruption haunt the “joint venture”, which many contest as, in reality, a “build-operate-and-transfer” (BOT) project (Buan & Rivas, 2019).

As per the government’s corporate counsels, a “joint venture means both parties will mutually contribute, while build and transfer entails a private firm to construct the facility first, and the government will repay the cost and own the facility later.”

According to the joint venture agreement, MTD Capital Berhad would shoulder the entire construction of the project for PhP 8.51 billion which the BCDA would have to repay in installments in five years. By the end of the last installment, BCDA would have paid MTD Capital Berhad a total of PhP 11.1 billion. Aside from earning PhP 2.5 billion, even after full payment, MTD Capital Berhad also gets to earn 50% of the income of the sports facilities for 25 years, which could be extended for another 25 years.

The former Office of the Government Corporate Counsels Rudol Jurado who conducted a review of the joint venture contract and current BCDA Director Aristotle Batuhan both agreed that a BOT scheme had been embedded in the joint venture (Inquirer, 2019). As per Philippine laws, a BOT project must undergo a public

bidding. Such was not the case with the NCC Sports Hub which was an unsolicited proposal that underwent the Swiss Challenge where MTD Capital Berhad won.

The agreement also stipulated that BCDA was obligated to assist MTD Capital Berhad in securing a loan to finance the project. According to BCDA, the Development Bank of the Philippines (DBP) agreed to loan PhP 9.5 billion to the joint venture, which meant that the Malaysian firm was able to finance the sports facilities using Philippine money.

C. Deception and Forced Displacement

Indigenous Aeta communities have considered these areas as their ancestral domain for generations. Their right to land was first threatened when US armed forces forcibly took the lands from Aetas and local farmers in 1947 to construct a military air base that later came to be known as the Clark Air Base. The construction of a foreign military base in the area was legitimized under the 1947 Mutual Defense Treaty – an agreement signed by the United States and the Philippines, which essentially gave the US permission to construct military bases and facilities that were governed independent of Philippine laws and jurisdiction. Through the MDT, 23 military bases were constructed all over the country located in strategic locations and covering an area of over 200,000 hectares (Bulatlat, 2018).

US military presence in the Philippines was challenged and eventually scrapped when the Visiting Forces Agreement was repealed in 1991. As a result, more than 200,000 hectares of once US-military-owned lands were transferred to the Philippine government. In 1992 however, the Bases and Conversion Development Act of 1992 was signed. It decreed these lands as part of the Armed Forces of the Philippines' military reservation areas and were therefore exempted from land distribution. Through the BCDA, these lands were gradually transformed into real estate prime lots with the aim of generating financial revenues for the government. Since then, the BCDA has facilitated private ownership of the lands and attracted hundreds of foreign direct investments in the name of “development” (Yee, 2015).

The NCC project is part of the BCDA's properties that are increasingly being sold to foreign corporations and investors. But contrary to claims of the BCDA that the NCC will be constructed on “idle” lands, hundreds of Aeta and farming families still reside in the area and have developed various agricultural systems to cultivate the land for generations (Yee, 2015).

Prior to the construction for Phase 1 of the NCC, local leader, Aeta, and farmer Tatay Rene first heard of the NCC in 2013 and immediately sought the help of another leader, and now Capas town Mayor Reynaldo Catacutan to organize thousands of affected farmers. The local peasant groups under Alyansang Magsasaka ng Capas (Peasant Alliance of Capas) organized by the two all rejoiced when Catacutan ran for mayor and won in the 2016 elections. Catacutan also served as Capas Mayor for three terms from 2001-2010.

However, things turned sour when Catacutan, once a trusted ally, suddenly changed tune and became supportive of the NCC even to the point of using scare tactics

to harass farmers who continued to defend their right to land, according to Tatay Rene. To Tatay Rene's recollection, the NCC project proceeded with construction without consulting the local communities affected including the seven barangays of Aranguren, Lawy, Sta Lucia, Patling, Bueno, Sta Juliana, and Maruglu.

The demolitions began in 2015 as backhoes and bulldozers gradually crept into the site and decimated farm lots one by one, just a few days before harvest time. The farmers, organized under the AMC and the Kilusang Nagtatanggol sa Kalikasan (Movement for the Defense of Mother Earth) quickly held meetings and consultations to discuss how they should respond to the ongoing destruction of their livelihoods. The farmers agreed that the only way to defend their lands was to assert their rights and to assert it collectively.

Financial assistance packages amounting to PhP 300,000 per hectare (or PhP 30.00/sq.m.) were promised by the government to project-affected communities. The BCDA also claims that it provided relocation sites within NCC for residents whose residential structures were affected (BCDA, 2019). But according to residents, only 27 households were provided with on-site relocation out of the 22,000 estimated families that would be affected by the project. The respondents also argued that the relocation sites were temporary and would be forfeited after a period of three to five years.

According to one of the residents, "The question shouldn't be 'who owns this land?,' because obviously the answer is the 'Philippine government' – and we would lose that fight. Instead, the question must be: Who took care of and developed these lands for many years? It is us. We should be the ones living here." (in Sapalo, 2019, para. 8).

Some households in the area are scared of registering their outright resistance to the project, but many still fear of possible displacement as the project continues in development. Residents also see the continued development of the NCC as a major threat to their livelihood. For instance, residents of Barangay Aranguren, as well as indigenous Aetas in surrounding neighborhoods, still look to farming as their primary source of livelihood. "*It is not true that the lands here are idle, as the developers claim. We have been planting rice and other vegetables here for as long as I can remember,*" said Nanay Lorna, a 55-year old leader of a family of farmers in Barangay Aranguren.

In 2017, to construct the National Government Administrative Center, the NCC contractors proceeded to the building of Phase 1A covering areas along Aranguren. This led to the first batch of farmers convinced by the government and private investors to sell their land titles. Nanay Lorna is one of the few farmers who declined the payout, insisting her family's claims to their land including a land title awarded to her grandfather by the Americans back in the 1940s.

Others like Tito Capitulo were offered PhP 300,000 for compensation of both crop and land value. Capitulo is also a member of the Aeta Hungey tribe and heads one of the 12 households that used to live along Phase 1A of the NCC. For years, he lived on the land passed on to him by his parents, and used the crops to sustain his

family. But in 2016, he was told that he needed to relocate immediately in exchange for PhP 270,000 – the estimated value of his land which would be converted into an 18-hole golf course according to BCDA developers.

On December 2, 2019, Casmira Maniego, chairperson of the Asosasyon ng Katutubong Mahawang (Association of the Indigenous Mahawang) received a notice from the BCDA stating that they had only seven (7) days to vacate their community in Barangay Aranguren, Capas, Tarlac. The letter states that the area is needed for the construction of an access road from the NCC straight to the Clark International Airport. According to Maniego, this newest attempt to evict them will affect 500 families and uproot them from their ancestral domain and only source of livelihood (La Vina & Reyes, 2019).

D. Increased Military Presence

The Armed Forces of the Philippines has a huge interest in the commercial development of these contested reservation areas. Under the BCDA law, the AFP is entitled to a portion of the revenue generated from the sales, lease and or joint venture developments of the land assets. According to the BCDA, a total of PhP 65.348 billion has been generated from the commercial development of these military reservations. The AFP has received PhP 27.6 billion or 42.2 per cent of the total revenue, channeled towards the AFP modernization program and other military-related expenses (BCDA, 2017).

The military control of the area has also intensified repression and intimidation of residents with the aim of quelling resistance against the NCC. Uniformed military personnel as well as American troops have been visiting the area as part of joint military training exercises. These military personnel brandish their high-powered firearms in front of residents, creating an atmosphere of fear and intimidation. Individuals who speak out against the NCC are marked as subversives by the military rendering them as targets for physical harassments, intimidation and even killings.

Figure 2.12. Military forces plant trees to mark 100 days before the opening of the 30th SEA games (Municipality of Capas, Tarlac, 2019)



E. Environmental Destruction

Since the beginning of the NCC Phase 1 construction in 2013, the landscape of the area has changed dramatically because of intensive excavations that have slashed entire mountains and deforested large swathes of mountains to pave way for connecting highways to nearby provinces. One such example is Mount Susong Dalaga which is an elevated mountainous land feature that has since then been subject to massive excavations as shown in Figure 2.13.

In addition to the rapid destruction of mountain ranges that further increases the Aeta's susceptibility to flooding, one of the major river systems has been rerouted to give way to the construction of connecting highways.

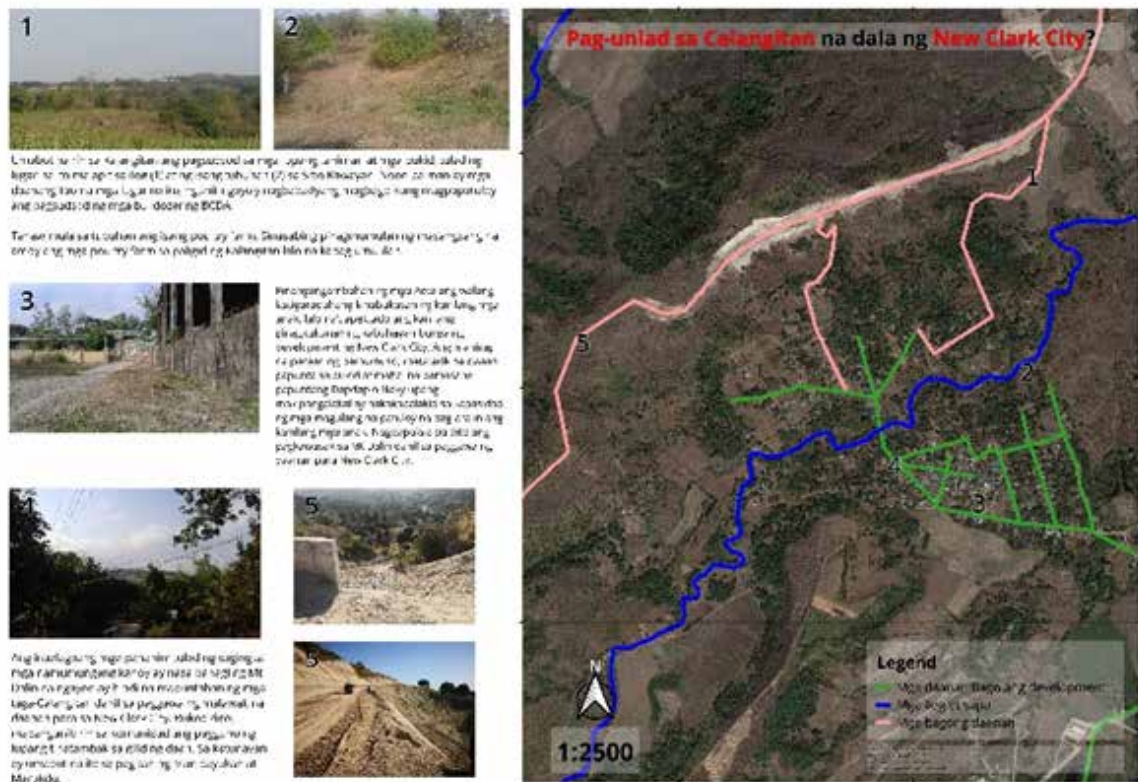
The rerouting of river systems or hydrological alterations have detrimental effects on the environment. According to Postel (1998), "Large dams and river diversions have proven to be primary destroyers of aquatic habitat, contributing substantially to the destruction of fisheries, the extinction of species, and the overall loss of the ecosystem services on which the human economy depends" (p. 636). The impacts of water body alterations may be unnoticeable at first, but studies have pointed out that they accumulate over time and contribute to major impacts on biodiversity, loss of habitat and deterioration of river ecosystems in general (Rosenberg et al., 2000).

Figure 2.13. Photo comparison of Mount Susong Dalaga from the beginning of NCC construction in 2013 to July 2019 (KAMANDAG, 2019)



In addition, a counter-mapping study conducted by a team of geographers and anthropologists from University of the Philippines-Diliman tracked the expanse of construction work in New Clark City and revealed how it has affected the environment and nearby communities. The study showed how the construction of new roads particularly in Mt. Dalin caused entire communities, such as those from Sitio Calangitan, to lose access to their banana plantations and fruit-bearing trees. Ongoing road constructions in the area have virtually barred residents from the mountain, leaving hundreds of hectares of cultivated land inaccessible to farmers (Sapalo et al., 2019).

Figure 2.14. Counter-mapping results of New Clark City development (Sapalo et al., 2019)



F. Cultural Identity Threatened

The cultural identity of Aeta communities is also threatened as BCDA developers continue to bribe the Aeta families. According to one of the organizers campaigning in the area, before the entry of the NCC, Aeta communities hardly knew of the concept of scarcity. For them, there was no need for money because they could get everything they needed from the rich resources offered by their generous ancestral domain. Their grasslands rich in indigenous flora are a source for medicinal herbs which they use to treat common illnesses. Mountain ridges full of towering trees provide them with timber wood for shelter, hunting devices and animal domestication tools. Their forested hills home to wild boars, civets, and deer fill their bellies with abundance. The rivers flow with fish, shrimp, and the occasional freshwater crab all of which are available for their consumption.

With the introduction of restrictive laws that prohibited them to continue practicing their agricultural system of *kaingin* (swidden farming), they were forced to look

for other sources of food. A number of Aetas have enlisted to work as construction workers in exchange for the minimum wage on the ongoing construction in the area. BCDA developers together with the local government are using this to get good press stating that the NCC provides jobs for indigenous Aetas. But in reality, the introduction of the wage system and the concept of resource scarcity to the Aeta community is gradually destroying their communal way of living.

The Aetas thrived through hunting and harvesting of subsistence food crops produced through *kaingin*. Whatever is collected by individuals engaged in farming and hunting is then shared to the whole community or tribe for collective consumption. But this system of production and consumption observed among indigenous communities is slowly changing with the advent of paid labor through cheap jobs that are offered to indigenous families displaced by the NCC.

As a result, the once tight social fabric bound together by a collective system of consumption and production is now slowly changing into a more individualistic lifestyle that is bound to be unsustainable in the long term. Once the constructions in the NCC are finished, job opportunities would also disappear leaving them landless and jobless at the same time.

G. People's Resistance

Despite impending threats posed by military personnel, the people and communities affected by the New Clark City have not backed down from these threats. Instead, they have strengthened their resolve in campaigning for a more just outcome.

In September 2014, during the commemoration of Martial Law, 200 members of the Aeta Tribal Association marched to protest and condemn the ongoing displacement and violation of their indigenous rights. In November of that same year, the Kilusang Magbubukid ng Pilipinas, Alyansa ng mga Magbubukid sa Gitnang Luzon (AMGL), and the Asian Peasant Coalition led an international fact-finding mission to support and bring international attention to the plight of the affected communities.

In 2015, farmers barricaded Aranguren village in Capas to prevent the entry of heavy equipment that were increasingly being deployed to begin demolitions and construction of the New Clark City (Orejas, 2015).

'Guerilla Farming' as political assertion for the right to land

In addition to protest actions and rallies periodically conducted by farmers and indigenous associations in Tarlac, affected communities also engage in other forms of political assertion. One example is a method of farming that aims to defend their lands by replanting *palay* in areas already destroyed by bulldozers. These farm lots are ordered destroyed by the BCDA management in order to more efficiently evict farmers who continue to occupy the land.

In an ingenious attempt to overcome BCDA's continued attempts to destroy their harvest and evict them from their lands, farmers used broadcast seeding as a

method to quickly plant and grow new *palay* saplings. Broadcast seeding is typically used to cover large swathes of land. It is a simpler, faster, and easier method compared to traditional row seeding techniques.

However, it requires 10 to 20 per cent more seeds. Seeds sown through this method are also unevenly spaced which results in overcrowding most of the time. With the indiscriminate scattering of seeds, this method is also unable to plant seeds in the correct depth which can result in the non-germination of the seeds and their inability to break soil surface and sprout. Incorrect spacing and depth also leads to lack of access to sunlight that can stunt the growth of *palay*.

Similar to the concept of ‘guerilla gardening’ or the unauthorized cultivation of plants in neglected public spaces, the guerilla farming tactics employed by farmers affected by the NCC is also a form of protest not to reclaim land, but to defend it. Their technique allows them to continue tilling the land by asserting ownership over the *palay* saplings that continue to grow in the grazed farm lots. In addition, the farmers of Barangay Aranguren are also using a similar tactic as guerilla gardeners who use seed bombs to covertly plant seeds. These seed bombs are packed with compost, clay and seeds to ensure that they grow even in hard-to-reach areas (UK Telegraph, 2008).

Despite these disadvantages, the farmers chose broadcast seeding to quickly replenish their *palay* saplings destroyed by heavy equipment mowing their farm lots every night. They would wait until the bulldozers have gone off after a day’s work of destroying a specific farm lot. Once the bulldozer moves to another area, the farmers arrive to scatter *palay* seeds manually over large parcels of land that were already destroyed by the bulldozer.

Figure 2.15. Photo of crops destroyed by BCDA-sanctioned bulldozers (Sapalo, 2019)



“We planned this type of planting strategy. We held meetings and identified tasks how we can help each other,” adds Tatay Rene as he recalls how other farmers have lost more than half of their supposed earnings from *palay* harvest because of the grazing attempts conducted by BCDA’s goons.

“What we do to prevent them from evicting us is we go to parcels of land that were already mowed by the bulldozer. And once the bulldozer’s gone, we go in at night to scatter *palay* seeds again,” recalls Tatay Rene in one of his interviews with the researchers.

In many ways, this strategy adopted by the farmers of Capas is a form of political assertion by way of resisting government attempts to evict them from their lands. By re-planting again and again through a quick seed broadcasting method in areas that have already been bulldozed, heavy equipment operators are left with no choice but to leave the farmers alone only to report that none of the farmers left the premises despite repeated attempts to destroy their harvest.

‘Kaingin’: The ritually-sanctioned and indigenous practice of swidden farming

The portrayal of *kaingin* as an illegitimate and environmentally destructive form of agriculture has been a long-standing narrative perpetuated by the State and mainstream media. While classifying small-scale *kaingin* as unproductive and unsustainable, these same government agencies often turn a blind eye to the widespread plunder of forests by industrial logging and mining corporations (Dressler et al., 2015). *Kaingin* is often described as an aimless destruction and wastage of natural resources, but unknown to many, this indigenous practice is a ritually-sanctioned act for the Aetas.

Kaingin is a traditional practice of indigenous peoples in the Philippines which involves the intermittent clearing of small forest patches mainly for subsistence food production. This period of upland swidden farming is followed by longer periods of fallow in which deforested patches are allowed time for re-growth and to restore the land’s productivity. According to Dressler et al., “*kaingin* can yield complex assemblages of forest and other vegetation in unique mosaics comprised of open canopy tree associations to mature closed-canopy forest systems best understood at the landscape scale. As a complex system of agriculture and forestry, integrating production from cultivated fields and diverse secondary forests, *kaingin* farming may yield a wide range of ecosystem services and resources integral to livelihoods and forest environments...” (p. 31).

Until now, the Aetas of Tarlac continue to practice *kaingin* by clearing small patches of forest for the production of subsistence food crops such as *palay*, corn, cassava, sweet potatoes, and other root crops. After harvest, they leave the land for long periods of time in order to allow the forest patch to regrow and restore productivity. More importantly, the Aetas of Tarlac only cut foreign or invasive species of trees such as *Gmelina arborea* or more commonly known as paper trees. Native trees are left untouched as prescribed by their rituals.

The widespread growth of paper trees is a product of the government’s National Greening Program (NGP) that commissions mostly indigenous peoples to plant

certain varieties of timber including G'melina, Mahogany, Mangium and Falcata. G'melina is a fast-growing and invasive tree species introduced to the Philippines in the 1960s by the Food and Agriculture Organization (FAO) for reforestation, but mainly as a means to provide a steady supply of timber for construction (FAO, 1981).

G'melina is a timber wood that promises a quick return of investment due to its rapid growth rate. Its wood is also suitable for high-quality timber used largely for light construction, veneers, musical instruments, matches, and plywood (Dvorak, 2004).

As an invasive tree species, it also out-competes many local trees for space and sunlight. It also produces large quantities of fruit that are often dispersed by birds and bats spreading seedlings in wild habitats, replacing native trees in the process (IUCN, 2013). G'melina trees also contain high acidity levels that erode land productivity and compete with surrounding plants for nutrition. One of the reasons why the Aetas prefer to cut G'melina is due to the fact that their root crops are unable to grow in forest patches with an abundance of the tree species.

By continuing the ritually-sanctioned practice of swidden farming, indigenous Aetas in Tarlac are resisting government policies that unilaterally prohibit them from cutting down trees. But the Aetas are not just doing this for their own consumption and survival; it is also part of their cultural identity which has defined them and their forefathers for generations. Moreover, these indigenous rituals are founded on the core principle of ecological balance with the objective of consuming only what is necessary for the community's continued survival and not for profit or personal gain.

The unfortunate reality in the Philippines is that the government remains blind to the plight of landless farmers and indigenous peoples. When asked about the plans of the BCDA regarding the indigenous peoples to be displaced, BCDA denies knowledge of indigenous peoples living in the area. The BCDA further states that "for more than 20 years, no development has happened in that area. It is time for all of us to unite to bring inclusive development to Tarlac and the entire region," (Orejas, 2014, para. 9). The statement clearly demonstrates the government's neglect of indigenous and farming communities in the name of profit.

These communities have taken the lead in the struggle against aggressive and destructive development projects that will render thousands of families dispossessed of their lands and livelihoods as well as their cultural identities. The continuing resistance of local communities affected by NCC is filled with the resolve to resist these profit-driven development projects guised under the blanket concept of sustainability and green technology. Likewise, organizations of landless and small farmers have not buckled down from the pressure of state and business groups, explicitly demanding their right to land ownership.

In fact, indigenous Aeta associations and their supporters staged protest actions against BCDA and the organizers of the 30th SEA Games which has facilitated the expansion project that will displace hundreds more of Aeta families from their

homelands (Macaraeg, 2019). According to Edwin Danan, a 75-year old Aeta resident who is bound to lose his home and farm lots due to the NCC expansion projects, *“if they proceed to take away our land, we are sure we will be gone too. Take away a fish from a spring and surely, it will die. The same goes for us”* (Macaraeg, 2019, para. 15-16).

H. Policy Recommendations

For much of their lives, indigenous Aetas of Central Luzon have been sidelined and their rights have been repeatedly violated. When asked what change they sought from the government, the indigenous Aetas from Sapang Kawayan wished only to remain in their lands and continue with their way of life. Quoting from one of the respondents, *“We only wish to remain on our lands. This is where our ancestors have lived for generations and this is where we want our children and their children to grow and live.”*

The BCDA insists that the disputed lands are owned by the government by virtue of legislation which effectively counters the claim and lived history of the Aetas. The BCDA also asserts that the Aetas do not possess a Certificate of Ancestral Domain Title (CADT) which is their only remedy to legally claim the land. This is despite the fact that the Aetas have applied for CADT and have followed up their application the most recent of which was in 2014. Their application has been repeatedly denied (La Vina & Reyes, 2019).

One of the main pieces of legislation that is threatening their continued stay in their ancestral land is the Indigenous Peoples Rights Act of 1997 or IPRA law. The IPRA law of 1997 mandates the State to recognize and promote the rights of indigenous peoples including measures to protect their rights to ancestral domain. The IPRA law, despite supposedly recognizing and promoting the rights of indigenous peoples in the country, has been used to prevent indigenous peoples from securing CADT. Securing their own CADT would effectively exempt their lands from development or land conversion interests from both private and state parties (Endriga, 2014).

The CADT is issued by the National Commission on Indigenous Peoples (NCIP) which has a long record of siding with big business interests. By denying the Aetas of Tarlac their application for CADT, the BCDA is able to make the claim that no indigenous peoples will be displaced by the NCC. Without a CADT, the Aetas lack the legal claim over their ancestral land despite having lived in the area for hundreds of years (Endriga, 2014).

For years, the IPRA law has failed to fulfill its mandate of protecting indigenous peoples' right to ancestral domain. It has been described as a “tool to deceive and appease the indigenous people's struggles for land and self-determination.” The NCIP on the other hand has also been criticized for harboring fake tribal leaders that favor mining corporations at the expense of indigenous rights. These fake leaders are then used to provide fake free, prior and informed consent (FPIC) to allow businesses to push through with their projects despite massive displacements and the absence of any lawful consultation. As such, indigenous rights group have long been campaigning and lobbying for the scrapping of the IPRA law and the recognition of the indigenous peoples' right to ancestral domain and self-determination (Salamat, 2011).

The Revised Guidelines on the Exercise of Free and Prior Informed Consent (FPIC) found in NCIP's Administrative Order No. 3(s. 2012) obliges the State to secure FPIC from the communities affected by proposed programs and projects before any construction is allowed to commence. No such undertaking took place. Section 19(b) of the said AO further states that FPIC is applicable in situations where indigenous peoples may be displaced and/or relocated due to proposed projects (La Vina & Reyes, 2019).

There are also existing restrictive laws against swidden farming that blatantly put the blame of deforestation on indigenous peoples despite the fact that the State continues to facilitate big mining and logging concessions. In the same fashion, government agencies continue to label indigenous farmers as backward, primitive and unproductive citizens who waste valuable forest resources through their continued "illegal" practice of *kaingin*. In fact, government agencies have repeatedly launched anti-*kaingin* campaigns which were subsequently used to justify the resettlement of entire indigenous communities only to convert their lands into prime development sites for business interests.

The restrictions on these indigenous upland agricultural practices deprive the indigenous Aeta communities of access to carbohydrates from their usual diet of rice, cassava, and sweet potatoes. As a result, indigenous peoples are forced to look for alternative sources, increasing the pressure for them to harvest commercially valuable forest resources such as rattan, almaciga, and honey which they trade for money to purchase staple food such as rice. The same situation can be observed in Palawan where the pressure to harvest high-value forest produce has resulted in the depletion of non-timber vegetation and faster rates of deforestation (ICCA Consortium, 2015).

According to experts, Philippine laws should refrain from stigmatizing *kaingin* and the indigenous peoples who continue to practice this type of agricultural system. Rather than enforcing technical solutions that reinforce legal persecution, indigenous communities should be consulted and alternative strategies should be developed in close coordination with affected sectors. Lastly, laws and policy regulations imposed by the government should take into account the context and cultural value of these practices (ICCA Consortium, 2015).

VII.

SYNTHESIS AND CONCLUSION

A. The Issue of Land Ownership

It is important to understand that people-powered SCP practices are borne out of the need to resolve a specific social issue that affects an entire community or society in general. The case studies described in this research point to several issues including poverty, lack of livelihood, lack of access to education, access to resources, or even outright displacement. These issues are also influenced by external factors and development players that either hinder or support PP-SCP practices on the ground.

More importantly, all of the PP-SCP case studies discussed in the report share a cross-cutting concern: the issue of land ownership. The underlying factor that is present in all case studies is the issue of land ownership and the absence of a genuine agrarian reform program. The *bungkalan* areas both in Lupang Ramos and Negros are borne out of the need to acquire land for farmers to till. The indigenous peoples of Itogon and the Lumad of Mindanao are struggling to defend their ancestral lands against the encroachment of big logging and mining corporations. Even the case study of Aetas and farmers in Tarlac show a stark example of how corporations and state forces are displacing entire communities through massive land conversions and property development.

The PP-SCP initiatives analyzed in this report demonstrate the integral value of land ownership in addressing the most basic human needs. External threats and push factors may differ in varying cases, but the common thread that ties all is the assertion of their right to land. For the Aetas of Tarlac, the Igorots of Itogon and the Lumad of Mindanao, land is not just a means for subsistence. For them, sustainable living means inhabiting their ancestral land to which their cultural identities are inextricably tied. For the farmers of Lupang Ramos in Cavite and Negros, no single type of a sustainable consumption and production system can thrive without land redistribution.

B. Corporate Capture

Meanwhile, big corporations that aim to convert agricultural lands into prime residential lots or big mining firms that seek to displace small-scale indigenous miners from their only source of livelihood play a huge role in hindering the continued development of PP-SCP practices on the ground.

The results of the Participatory Network Analysis (PNA) and Focus Group Discussions (FGDs) attest to these findings. The State's role is to facilitate corporate capture by way of crafting and implementing laws and regulations to the benefit

of big corporations. An example of this is the memorandum issued by the city government of Dasmarinas City in Cavite converting the 372-hectare Lupang Ramos from agricultural to residential which was subsequently used to justify exemption from land distribution. Another example is how small-scale miners in Itogon are prohibited from their indigenous and small-scale mining practices in order for big mining firms to dominate the large swathes of mineral-rich land for mining purposes.

The land disputes in all of the case studies are caused by big corporations seeking to maximize profit by converting lands to residential lots, mining sites or a grandiose mega-city meant to become an alternative to Metro Manila. The results of the study show the alarming threat corporations pose against communities engaged in PP-SCP practices and the lengths they go to in order to sustain a rather insatiable corporate greed. For example, disputed lands in Negros and Cavite have been repeatedly exempted from various land reform programs of previous administrations because of the loopholes in these bogus land reform laws. Corporate entities and landlords continue to harass farmers by using scare tactics meant to intimidate, harass, and even killing known leaders. Other examples demonstrate subtler but equally disturbing ways corporations violate people's rights by circumventing laws. Such was the case in Itogon where BCI evaded the ban imposed by the municipal government on its mining operations by contracting third party providers.

C. State-Sponsored Violence and Militarization

In various case studies discussed, it is apparent that state armed forces are also co-opted by corporate interests to repress all forms of people's resistance. According to human rights group KARAPATAN Alliance, there have been a total of 266 reported cases of EJKs among activists and members of people's organizations since the current administration came to power, from July 2016 to June 2019. This tally does not include 404 cases of frustrated EJKs, 10 cases of enforced disappearances, 134 cases of torture, and 1,850 cases of illegal arrest among others. These figures point to a terrifying landscape of impunity under the current regime as hundreds of activists including farmers and indigenous peoples are killed without accountability (Karapatan, 2019).

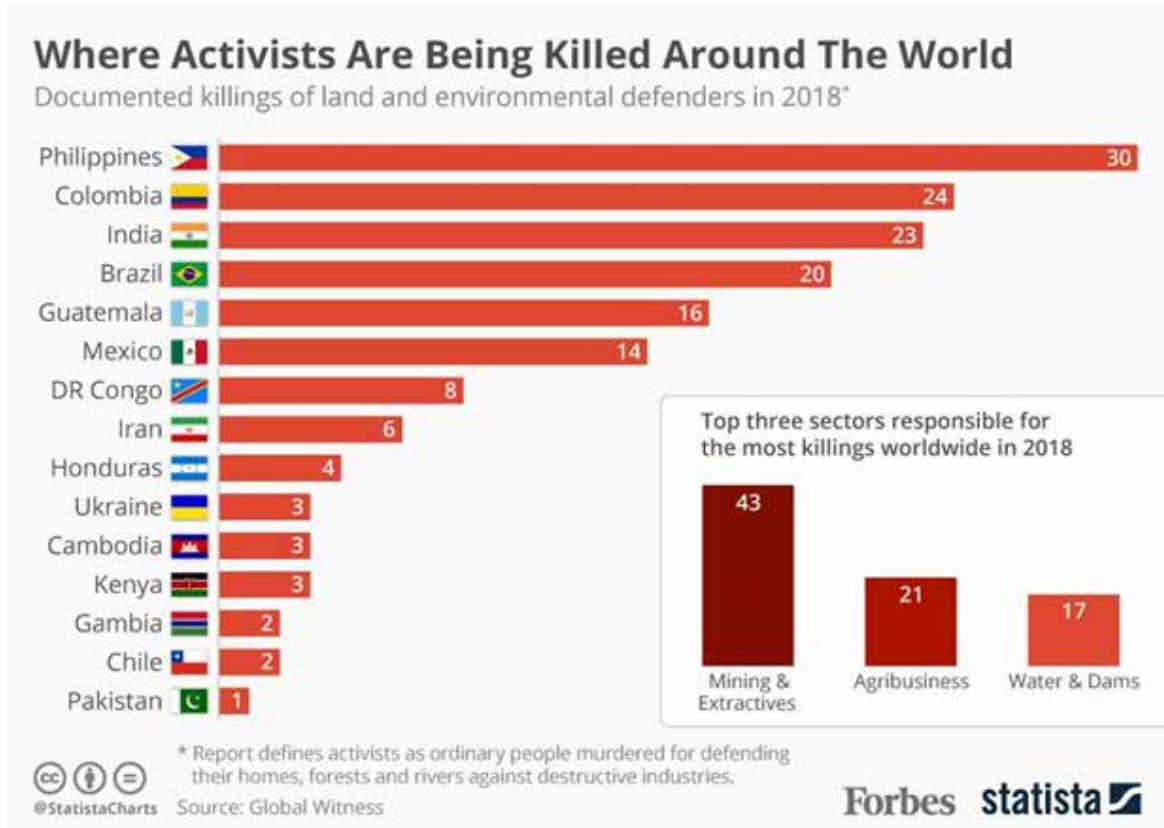
The results of the case studies echo KARAPATAN's findings. Resistance from people's organizations defending and asserting their rights, in varying degrees, were met with armed with violence by the State.

The centrality of land struggles is also reflected in the intensity and scale of attacks against land rights defenders in the country. According to Pesticide Action Network – Asia Pacific (PAN-AP) in their land rights report, the Philippines is the deadliest country for farmers, farm workers, indigenous peoples and land rights activists. PAN-AP monitored a total of 50 activists killed in the Philippines, comprising at least half of the 108 total victims throughout 84 cases documented from the period of January to November 2019 across 14 countries (PAN-AP, 2019).

The degree of violence can also be correlated to existing conditions and policies that embolden state armed forces to wield excessive force against legitimate forms

of protests, community barricades, and *bungkalan* areas. For instance, killings in Mindanao rapidly increased after the implementation of an island-wide Martial Law in July 2017 which gave police and military personnel the blanket authority to use violence against anyone they considered “enemies of the state.”

Figure 2.16. Number of land rights and environmental defenders killed in 2018



According to Kalikasan People’s Network for the Environment, Mindanao is the deadliest place for environmental defenders citing at least 112 defenders killed in the period 2001 to 2018. Out of the 112 cases of EJKs, at least 28 were killed since President Duterte declared Martial Law in 2017 (Karapatan, 2019). A report released by NGO Global Witness also found that the Philippines had the highest activist/land defender death toll of any country in 2018 with 30 killings documented in just a year (Global Witness, 2019).

This same phenomenon can be observed in areas outside Mindanao despite the absence of Martial Law. The enactment of Memorandum Order 32 from the Office of the President which placed Negros, Samar, and Leyte under a state of national emergency, also paved the way for an increase in the deployment of military troops there. The heightened state of security under de facto Martial Law has aggravated the already serious threats faced by people’s organizations and progressive groups in the region. According to Karapatan (2019), “the present situation in Negros is very alarming. The AFP and PNP have practically made Negros the killing fields of peasants and the government is surreptitiously using court processes by securing search warrants and warrants of arrests to legitimize these violations. Mass arrests and mass killings have been particularly notable in this region, and no one has been made accountable for the incidents in Sagay last November 2018, the killings in Guihulngan in December 2018, and the mass murder of 14 farmers in Negros Oriental in March 2019” (para. 9).

Figure 2.17. Killings in Negros Island



D. Conclusion: People's Resistance

The systemic barriers discussed above prevent the mainstreaming of PP-SCP practices on a wider scale and account for the subjugation of government priorities under corporate control. As a result, corporate-driven approaches directly opposed to the advancement of people's rights continue to dominate development policy-making, while people-powered initiatives based on the principles of sustainability and equity are undermined and suppressed.

Nonetheless, repression breeds resistance. This is true across all case studies included in this report where the continuing practice of PP-SCP is a form of resistance in itself. Constricting spaces for democratic action are also met with bigger protests led by people's organizations defending their basic rights and civil liberties.

For example, the *bungkalan* areas in Cavite and Negros are in of themselves, forms of political assertion to reclaim land rights against landed elites who forcibly took their lands. The same is true for the Igorots of Itogon whose community barricades successfully defended their ancestral lands from the aggressive encroachment of big mining corporations. Lumad children continue to hold *bakwit* classes in response to the forcible closure of their schools and militarization of their communities. The practice of agroecological farming, while still in the process of transition, is a move away from dependence on agro-chemical TNCs. The farmers of Tarlac engage in 'guerilla farming' to keep *palay* (rice) saplings growing in their farm lots despite

efforts of private contractors to evict them. The indigenous Aetas in Tarlac continue the practice despite the nationwide ban against swidden farming.

The achievements of these PCP-SCP initiatives despite the enormous stumbling blocks they face demonstrate important lessons for all development actors and stakeholders:

- 1. Advancement of people's rights .** One of the basic features of PP-SCP practices on the ground was their strong emphasis on the protection and promotion of people's rights. Across all case study areas, economic, civil, political and cultural rights were integrated in the campaign to defend land rights. For instance, *bungkalan* movements in Cavite and in Negros sought to address basic economic rights to till the land, whereas their ongoing campaign against landlords together with their assertion of the right to assembly and association were important aspects of political and civil liberties. The defense of land rights in the case of the Igorots of Itogon, the Aetas of Tarlac and the Lumad of Mindanao were all tied to their cultural right to maintain their identities and cultural heritage both of which were inseparable from the assertion of land rights. While these rights have individual character, they are fought for collectively for the common good of the community.
- 2. Demanding government accountability.** Integral to the campaign of defending land rights were efforts to exact accountability from the government. All of the campaigns launched by communities engaged in the PP-SCP practices were tied to calls that urge government officials to heed their demands. Case in point were the efforts of Lupang Ramos farmers together with advocacy lawyer's group SENTRA to demand an explanation from the municipal government on the irregularities of the memorandum order used to justify exemption of the land from agrarian reform. As a result, the government was forced to issue a statement denying the existence of such memorandum.
- 3. Promotion of self-sufficiency.** First and foremost, the PP-SCP practices studied in this report sought to resolve basic human necessities, namely the right to till the land and harvest resources for the community's subsistence. Again, the defense of land rights could not be decoupled from the defense of other rights. In this context, the self-sufficiency of PP-SCP communities could not be addressed without asserting their rights to land and livelihood. Their means of economic subsistence was still tied to land, and these PP-SCP practices devised ingenious methods to achieve self-sufficiency. For instance, Lupang Ramos farmers, aside from being allotted individual parcels of land also engaged in maintaining a 'common farm area' the products of which would be equally distributed to members of the organization post-harvest. The Negros case study also demonstrated the value of work-points and wage system wherein daily wages were determined by the community collectively depending on the types of work done. For example, farmers in Hacienda Sofia received PhP 255 for eight hours of work per day which was comparable to the region's legally-mandated minimum wage of PhP 256.50. In addition to the minimum wage, farmers also received additional income from the cooperative's yearly dividends.
- 4. Support for Community Actions for Sustainability .** Since the PP-SCP

practices selected in this research were sidelined and under attack by corporate and state forces, a key aspect to their survival was support. Internal support systems such as those in Lupang Ramos, Negros, and Itogon entailed collecting varying means of support (financial, material, moral) from community members themselves. For example, the Ibaloyos of Itogon were mandated by their ritual beliefs to engage collectively in community issues and provide all possible help to the cause. All sectors of society including women, the elderly and children had a role to play in this context. They also extended help to migrant Kankana-ey's who relocated to Itogon to seek alternative means of livelihood. These communities also received aid from external supporters including NGOs, churches, religious organizations, the academe, youth groups, and nearby communities.

The prevailing narrative of sustainable consumption and production in the Philippines is markedly based on a neoliberal economic model that is currently under crisis and is being challenged in many places around the world. People's continued resistance and assertion of their rights through the practice of PP-SCP initiatives further highlights a system in crisis. The reason why people choose alternative systems of SCP is precisely because market-based solutions have failed them before and are bound to fail them again.

E. Policy Recommendations

Despite the Philippine government's reputation as one of the leaders of progressive legislation in terms of SCP-related themes such as environmental policies governing forest and aquatic resources, as well as solid waste management, the problems when the situation of the poorest Filipinos mostly farmers, fisherfolk and indigenous peoples are not taken into account.

For example, existing laws on forest management are explicitly against the practice of *kaingin* (swidden farming) which is part of indigenous agroforestry knowledge systems in the Philippines. Presidential Decree 705 or the Forestry Reform Code of the Philippines defines *kaingin* as a "portion of forest land which is subjected to shifting and/or permanent slash-and-burn cultivation." However, this does not take into consideration *kaingin's* value in the life and cultural identity of indigenous peoples. A closer look at the *kaingin* practices of Aetas in Tarlac reveals that their practice is not destructive at all. In fact, after harvesting a cleared forest patch, Aetas will cease to cultivate the area for prolonged periods of time (typically from 1-3 years). Aetas only cut invasive species of trees such as the paper tree because they harm native tree species and the Aeta's crops. Fallows or undisturbed patches of forestland are also strategically placed in surrounding areas of a cleared *kaingin* area precisely to reduce the risk of soil erosion.

Another example is the total ban on pocket miners from creating mine tunnels also known as *usok*. This restrictive policy was implemented despite the fact that big mining concessions were allowed entry to the area. As a result, indigenous peoples were left without a considerable source of livelihood and subsistence.

These examples of restrictive regulations imposed by the state demonstrate

the urgent need to change the framework of Philippine laws. Laws to promote conservation and sustainability need to put the promotion and protection of peoples' rights at their core. The outright prohibition of small-scale food producers from engaging in their only means of livelihood in the name of environmental protection, for instance, ignores that these same small-scale producers are living under conditions of extreme poverty. Sustainability must be able to strike a balance between conserving resources for the benefit of future generations and ensuring the developmental needs and human rights of all.

On the other hand, these same laws are implemented in favor of big corporations by allowing them to monopolize resources, most especially land, in order to maximize profit. In the process, resource depletion is largely caused by extractive and destructive approaches by corporations in the extraction of raw materials.

All of the case studies show how corporate interests operate in varying degrees by taking advantage of loopholes in state laws and local legislation. A sustainable system of production and consumption therefore cannot exist in the context of both existing laws as well as the framework from which these laws were crafted and are being implemented.

As such, policy recommendations arising from the community of practice are as follows:

- 1. Legislate the People's Mining Bill; scrap the Mining Act of 1995 .** After more than two decades since its implementation, the Mining Act of 1995 has only facilitated foreign and local mining corporations' encroachment on mineral-rich lands, including territories of indigenous peoples. The same law allows the foreign mining corporations to acquire 100% foreign control over land which is against the 1987 Constitution. As an alternative, people's organizations are pushing for the passage of the People's Mining Bill which enshrines the state's obligation to regulate mining operations in the country while allowing for small-scale, responsible, and sustainable mining practices often done by indigenous peoples in the Cordilleras and other areas of the country.
- 2. Implement genuine agrarian reform.** Numerous land reform programs have been implemented in the Philippines in the past from P.D. 27 to CARP and its extension program, but none of these programs have genuinely addressed the unconditional distribution of land to farmers. In fact, these laws have been instrumental for landed elites to re-concentrate or maintain land ownership despite mandatory inclusion in the land reform list. An alternative bill is being pushed in the Congress for genuine agrarian reform to benefit Filipino farmers who have been deprived of justice for generations.
- 3. Scrap IPRA Law of 1997; respect the indigenous peoples right to self-determination .** The IPRA Law of 1997 and the Mining Act of 1995 are exploited by corporations to legally acquire land claims in areas that are part of indigenous ancestral domains. To further corporate interests, exemptions to private and state ownership of indigenous lands can only be acquired through the release of CADT which is seldomly awarded by the NCIP to indigenous communities
- 4. Junk EO 70, M.O. 32; no to de facto Martial Law.** Succeeding executive orders

and memorandums have been used by the administration in its goal to impose a nationwide Martial Law: from EO 70 which formalized the whole-of-nation approach to “attaining inclusive peace” and is currently being used as license to crackdown on dissent, to M.O. 32 which provided the military limitless powers in a bid to prevent “lawless violence” in Negros, Samar, and Bicol.

5. **Lift Martial Law in Mindanao** . The Martial Law in Mindanao has been used as an excuse to continue and even increase the killings in the region. Imposed supposedly for the government to crack down on the ISIS-backed Maute Group, Martial Law in the region has never been lifted since then. Instead, it is now being used as an instrument to further repress the administration’s critics, people’s organizations, and communities of indigenous peoples.

VIII.

REFERENCES

1st Manobo in congress vows to defend Lumad schools, national minorities' rights over ancestral lands. (2019, December 7). *Kodao Productions*. Retrieved from <https://kodao.org/tagi/indigenous-peoples/>

ADB cites New Clark City as a model PPP.(2019, December 26). *Inquirer.net*. Retrieved from <https://business.inquirer.net/286142/adb-cites-new-clark-city-as-a-model-ppp>

Alimondo, L. (2019, September 12). Itogon remembers 'Ompong'. *Sunstar Baguio*. Retrieved from <https://www.sunstar.com.ph/article/1822930>

Aparece, J. (2019, October 10). Dep-Ed: Close IP schools teach communist ideology. *Daily Tribune*. Retrieved from <https://tribune.net.ph/index.php/2019/10/10/depd-closed-ip-schools-teach-communist-ideology/>

Bantayog ng mga Bayani. (2015, October 12). *Escalante massacre*. Retrieved from <http://www.bantayog.org/escalante-massacre/>

Bases Conversion and Development Authority [BCDA]. (2019, July 11). *New Clark City promotes inclusive development*. Retrieved from <https://bcda.gov.ph/new-clark-city-promotes-inclusive-development>

Batas Natin. (n.d.). *The Concept of Jure Regalia – Regalian Doctrine*. Retrieved from <https://batasnatin.com/law-library/civil-law/land-titles-and-deeds/1350-t>

Bautista, J. B., Doniña, B. J., Marantan, P., & Quinto, J. (2018, May 30). The farmers' struggle. *Heraldo Filipino*. Retrieved from <http://heraldofilipino.com/the-farmers-struggle/>

BCDA. (2017). *Investments and projects*. Retrieved from http://www.bcda.gov.ph/investments_and_projects

BCDA. (2018). *Major projects, programs, and activities*. Retrieved from <https://bcda.gov.ph/sites/default/files/2018%20Major%20Projects%2C%20Programs%20and%20Activities.pdf>

Buan, L. & Rivas, R. (2019, November 22). Even with BCDA repayment, New Clark Sports hub still a joint venture – OGCC. *Rappler*. Retrieved from <https://www.rappler.com/newsbreak/in-depth/245511-bcda-mtd-capital-berhad-sea-games-deal>

Cabico, G. K. (2018, June 5). Armed men allegedly fire at farmers in disputed Cavite land. *PhilStar*. Retrieved from <https://www.philstar.com/nation/2018/06/05/1821822/armed-men-allegedly-fire-farmers-disputed-cavite-land>.

Castaneda, D. (2008, April 14). LGUs' power to reclassify land helps landowners evade CARP. *ABS-CBN*. Retrieved from <https://news.abs-cbn.com/special-report/04/14/08/lgus-power-reclassify-land-helps-landowners-evade-carp>.

Cavite Development Research Program. (2019, October 7). *Agriculture, land use and environmental impacts*. Retrieved from <https://www.dlsud.edu.ph/research/agriculture.htm>.

Comprehensive Agrarian Reform Law. R.A. 6657, 1988 Enacted Philippine Congress. (1988)

Dressler, W., Montefrio, M., Guieb, E., McDermott, M., Pulhin, J., Smith, W., Webb, S., Wilson, D., & Clendenning, J. (2015, May 2). Stop prejudice against indigenous peoples' 'kainin.' *Philippine Daily Inquirer*. Retrieved from <https://opinion.inquirer.net/84582/stop-prejudice-against-indigenous-peoples-kaingin>

Dvorak, W.S. (2004). World view of Gmelina arborea: opportunities and challenges. *New Forests*, 28, 111-126. doi: 10.1023/B:NEFO.0000040940.32574.22

Endriga, D. M. (2014, September 24). Indigenous peoples Oppose 'Clark Green City.' *Manila Today*. Retrieved from <http://www.manilatoday.net/indigenous-peoples-oppose-clark-green-city/>

Espina, M. P. (2019, November 8). Fact-finding team finds irregularities in Negros mass arrests. *Rappler*. Retrieved from <https://www.rappler.com/nation/244433-fact-finding-team-finds-irregularities-in-negros-mass-arrests>.

Food and Agriculture Organization. (1981). Tropical resources assessment project: Latin America, Africa, and Tropical Asia – UN 32/6. 1301-78-04. Technical Reports no. 1/3. Rome, Italy: FAO.

Garcia, K. (2014a, July 15). Is Clark Green City the future of 'Smart Cities' in PH? *Rappler*. Retrieved from <http://www.rappler.com/brandrap/stories/63302-is-clark-green-city-future-ph>

Garcia, K. (2014b, October 15). Infographic: First look at Clark's 'Smart Green City.' *Rappler*. Retrieved from <http://www.rappler.com/brandrap/stories/71955-infographic-clark-green-city>

Garcia, M. L. (2017, October 8). Negros sugar workers speak out. *Manila Bulletin*. Retrieved from <https://news.mb.com.ph/2017/10/08/negros-sugar-workers-speak-out/>.

Gimenez, A. L. (1996). *On the basis of custom and history*. Baguio City: Mining Communities Development Center. Inc.

Global Alliance for Incinerator Alternatives [GAIA]. (2019). *Plastics Exposed: How waste assessments and brand audits are helping Philippine cities fight plastic pollution*. Retrieved from <https://www.no-burn.org/wp-content/uploads/PlasticsExposed-3.pdf>

Global Witness. (2019, July 30). *Enemies of the state?* Retrieved from <https://www.globalwitness.org/fr/campaigns/environmental-activists/enemies-state/>

Gonzales, C. (2019, December 2). BCDA P13-B deal with Malaysia firm for New Clark City project aboveboard. *Inquirer.net*. Retrieved from <https://newsinfo.inquirer.net/1196965/bcda-p13-b-deal-with-malaysia-firm-for-new-clark-city-project-aboveboard>

Guzman, R. (2019, August 22). *Why Negros?* Retrieved from <https://www.ibon.org/why-negros/>

Heaney, L. R. & Regalado, J.C. Jr. (1998). *Vanishing treasures of the Philippine rain forest*. Retrieved from http://archive.fieldmuseum.org/vanishing_treasures/Deforestation_2.htm

Himmiwat, A., & Wayas, A. (2016). The Balatoc mine tailings project in Ucab, Itogon, Benguet. In Task Force for Indigenous People's Rights (Ed.), *Land use change and its impacts on indigenous peoples' natural resource governance* (pp. 275-298). Quezon City.

IBON Foundation. (2017a, April 27). *Addressing the rampage of land use conversion*. Retrieved from <https://www.ibon.org/addressing-the-rampage-of-land-use-conversion/>

IBON Foundation. (2017b, November 16). *Will amid woes: Dismantling large landholdings, staving off hunger*. Retrieved from <http://ibon.org/section/haciendas/>

IBON Foundation. (2018, June 8). *Time for government to come up with realistic poverty threshold*. Retrieved from <https://www.ibon.org/time-for-govt-to-come-up-with-realistic-poverty-threshold-ibon/>

IBON Foundation. (2019a, April 14). *Family living wage of five members in NCR*. Retrieved from <https://www.ibon.org/family-living-wage-for-a-family-of-five-members-in-ncr/>

IBON Foundation. (2019b, August 1). *Richest getting richer*. Retrieved from <https://www.ibon.org/richest-getting-richer/>

IBON Foundation. (2019c, December 1). *The need for a substantial wage hike*. Retrieved from <https://www.ibon.org/the-need-for-a-substantial-wage-hike/>

IBON Foundation. (2020, January 31). *Philippines' 20 Richest Own More Wealth Than Poorest 62 Million*. Retrieved from <https://www.ibon.org/philippines-20-richest-own-more-wealth-than-poorest-62-million/>

IBON International. (2019). *New Clark City, a government sell-out of IP and peasant land for private interests*. Retrieved from <http://www.iboninternational.org/article/2019/12/new-clark-city-government-sell-out-ip-and-peasant-land-private-interests?fbclid=IwARliWzSB4HHA8miklIHbhudT9a8YfarAcA3oFjetWegKonizvqhfbDLVGcI>

ICCA Consortium. (2015, April 15). *The Philippines – Don't blame indigenous peoples' farming practice for deforestation but mining and mono-crops plantations*. Retrieved from <https://www.iccaconsortium.org/index.php/2015/04/15/the-philippines-dont-blame-indigenous-peoples-farming-practice-for-deforestation-but-mining-and-mono-crops-plantations/>

Institute for Global Environmental Strategies [IGES]. (2010). *SCP policies and national strategies*. Retrieved from <http://www.iges.or.jp/en/archive/wmr/activity20100611.html>

International Union for Conservation of Nature [IUCN]. (2013). *Invasive plants affecting protected areas of West Africa. Management for reduction of risk for biodiversity*. Retrieved from <https://papaco.org/wp-content/uploads/2015/08/Invasive-plants-study.pdf>

KAMANDAG. (2019, July 8). May halong pagmamalaki ang tono ng pananalita ng BCDA sa mga huli nitong paskil sa social media [Facebook status update]. Retrieved from <https://www.facebook.com/kamandag.artists/photos/a.1563452710624064/2067499093552754/?type=3>

Karapatan Alliance for People's Rights. (2019, October 9). *Karapatan monitor: April-June 2019*. Retrieved from <https://www.karapatan.org/taxonomy/term/35>

La Vina, T. & Reyes, J. (2019, December 10). [ANALYSIS] Aetas and New Clark City: Trampling on human rights of our first peoples. *Rappler*. Retrieved from https://www.rappler.com/thought-leaders/246881-analysis-aetas-new-clark-city-trampling-on-human-rights#cxrecs_s

Ladrado, P. (2019, June 12). Filipino families poverty line. *CNN Philippines*. Retrieved from <https://cnnphilippines.com/life/culture/2018/06/12/filipino-families-poverty-line.html>

Laforga, B. M. (2019, November 11). Pernia: Q4 could see 6.5-7% GDP growth. *Business World*. Retrieved from <https://www.bworldonline.com/pernia-q4-could-see-6-5-7-gdp-growth/>

Lerma, B. & Batan, T. (2015). *Philippines – environment & climate change law 2015*. Retrieved from <http://www.iclg.co.uk/practice-areas/environment-and-climate-change-law/environment-and-climate-change-law-2015/philippines>

Lischin, L. (2019, May 30). Bloody violence haunts Philippine sugar plantations in Negros. *The Diplomat*. Retrieved from <https://thediplomat.com/2019/05/bloody-violence-haunts-philippine-sugar-plantations-in-negros/>

- Lopez-Gonzaga, V. B., & Pandam, R. T., Jr. (1994). *Land of hope, land of want: A socioeconomic history of Negros, 1571-1985*. Quezon City: Philippine National Historical Society.
- Lumibao, R. (2018, June 11). As landlessness, land grabbing intensifies, so does agrarian unrest. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2018/06/11/landlessness-land-grabbing-intensifies-agrarian-unrest/>
- Macaraeg, J. (2019, December 8). SEA Games 2019 displaces Aeta communities. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2019/12/08/sea-games-2019-displaces-aeta/>
- Macha, J. (2018, June 21). #LupangRamos | Kasaysayan ng paglaban para sa lupa. *Manila Today*. Retrieved from <https://manilatoday.net/lupangramos-kasaysayan-ng-paglaban-para-sa-lupa/>
- Madarang, C. (2019, September 3). Why lumad schools are valuable to the education of lumad children. *Interaksyon*. Retrieved from <http://www.interaksyon.com/trends-spotlights/2019/09/03/154413/why-lumad-schools-are-valuable-to-theeducation-of-lumad-children/>
- Mindanao Interfaith Services Foundation Inc. (2019). *MISFI Academy Campuses*. Quezon City: Save Our Schools.
- Molintas, J. M. (2004). The Philippine indigenous peoples' struggle for land and life: Challenging legal texts. *Arizona Journal of International and Comparative Law*, 21, 269-306). Retrieved from <http://arizonajournal.org/wp-content/uploads/2015/11/Molintas.pdf>
- Municipality of Capas, Tarlac. (2019). *BCDA marks 100 days until SEA games with 100 trees planted in New Clark City*. Retrieved from <http://www.capastarlac.gov.ph/bcda-marks-100-days-until-sea-games-with-100-trees-planted-in-new-clark-city/>
- National Economic Development Authority [NEDA]. (2017). *Philippine Development Plan 2017-2022: Abridged Version*. Retrieved from http://www.neda.gov.ph/wp-content/uploads/2017/12/Abridged-PDP-2017-2022_Final.pdf.
- Ombion, K. (2006, October 21). 'Pakyao' Makes Negros Sugar Farm Hands Poorer. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2006/10/21/%E2%80%98pakyao%E2%80%99-makes-negros-sugar-farm-hands-poorer/>
- Oplas, B. S. (2018, March 14). Mining tax and TRAIN. *Business World*. Retrieved from <https://www.bworldonline.com/mining-tax-train/>
- Orejas, T. (2014, September 9). Apl.de.ap is Clark Green City endorser. *Inquirer.net*. Retrieved from <http://newsinfo.inquirer.net/636304/apl-de-ap-is-clark-green-city-endorser>

Orejas, T. (2015, May 13). Farmers, residents left out in Clark Green City project? *Inquirer.net*. Retrieved from <http://newsinfo.inquirer.net/690919/farmers-residents-left-out-in-clark-green-city-project>

Paloma, D. (2018, August). Overview of the Philippine SDGs' implementation commitment to WEE [PowerPoint slides]. Retrieved from https://www.unescap.org/sites/default/files/Session1-Overview_of_the_Philippine_SDGs_implementation_commitment_to_WEE.pdf

Permanent Forum on Indigenous Issues. (2012, May 8). 'Doctrine of discovery', used for centuries to justify seizure of indigenous land, subjugate peoples, must be repudiated by United Nations permanent forum told. *United Nations Meetings Coverages and Press Releases*. Retrieved from <https://www.un.org/press/en/2012/hr5088.doc.htm>

Pesticide Action Network – Asia Pacific (PAN-AP). (2019). *Land & rights watch 2019 yearend report*. Retrieved from <https://panap.net/2019/12/land-rights-watch-2019-yearend-report/>

Philippine Statistics Authority. (2019, April 10). *Proportion of poor Filipinos registered at 21.0 percent in the first semester of 2018*. Retrieved from <http://www.psa.gov.ph/poverty-press-releases/nid/138411>

Postel, S.L. (1998). Water for food production. Will there be enough in 2015? *BioScience*, 48, 629-637.

Presidential Decree No. 27 (1972)

REAP-Canada. (n. d.). *Ecological sugarcane farming: From sugarcane monoculture to agro-ecological village*. Retrieved from https://www.reap-canada.com/international_dev_4_3_3.htm

Rivas, R. (2018, June 8). P42,000-budget for a family of 5 not official NEDA estimate – Pernia. *Rappler*. Retrieved from <https://www.rappler.com/business/204404-neda-budget-family-of-five-ernesto-pernia-estimate>

Rosenberg, D., McCully, P., & Pringle, C. (2000). "Environmental Effects of Hyrdological Alterations," *BioScience*, September 2000. Retrieved from: <https://www.internationalrivers.org/environmental-effects-of-hydrological-alterations>

Salamat, M. (2011, August 12). Indigenous peoples' groups decry use of IPRA and NCIP for development aggression. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2011/08/12/indigenous-peoples%E2%80%99-groups-decry-use-of-ipra-and-ncip-for-development-aggression/>

Salamat, M. (2016, November 9). Negros sugar mill workers show sorry state of contractual workers. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2016/11/09/negros-sugar-mill-workers-show-sorry-state-contractual-workers/>

Salamat, M. (2019, March 11). Indigenous peoples demand justice for Lumad chieftain Datu Kaylo. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2019/04/11/indigenous-peoples-demand-justice-for-Lumad-chieftain-datu-kaylo/>

Saligumba, J.R.L. (2015, June 4). IPs to Dep-Ed: Don't close schools we built. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2015/06/04/ips-to-deped-dont-close-schools-we-built/>

Salugpungan Ta 'Tanu Igkanogon Community Learning Center, Inc. (2019). *On the closure of Salugpungan schools*. Davao del Norte: STTICLCI.

Sapalo, N. (2019, December 11). Whose land is this? Constructing counter-narratives through maps. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2019/12/11/whose-land-is-this-constructing-counter-narratives-through-maps/>

Sapalo, N., Ortega, A. & Martinez, O. (2019). Counter-mapping New Clark City for Peri-urban social justice: Accounting for spatial narratives of community resistance and dispossession in urban transition [PowerPoint slides]. Retrieved from <https://www.researchgate.net/project/Counter-mapping-New-Clark-City-for-Peri-urban-Social-Justice-accounting-for-spatial-narratives-of-community-resistance-and-dispossession-in-urban-transition>

Social Weather Stations [SWS]. (2019, October 21). *Third quarter 2019 social weather survey: Self-rated poverty recovers to 42 %*. Retrieved from <https://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20191021144841>

Spence-Jones, R. (2008, May 9). Garden guerrillas: Seed bombs. *Telegraph*. Retrieved from <https://www.telegraph.co.uk/gardening/3347987/Garden-guerrillas-Seed-bombs.html>

Sta. Romana, L. (2017). Sustainable consumption and production in the Philippines. doi:10.1142/9789814730914_0010

Tapang, L.I. (n.d.). *A Primer on the People's Mining Bill*. Center for Environmental Concerns – Philippines. Retrieved from <http://www.cecphils.org/wp-content/uploads/pubs/primer/A-Primer-on-the-People%E2%80%99s-Mining-Bill-060611d.pdf>

Tariman-Acosta, K. (2017, November 12). Bungkalan: Mga Aral mula sa Hacienda Luisita at Negros. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2017/11/12/bungkalan-mga-aral-mula-sa-hacienda-luisita-negros/>

Umali, J. (2019, March 15). The Continuing Struggle of Lupang Ramos. *Esquire*. Retrieved from esquiremag.ph/long-reads/features/lupang-ramos-agrarian-reform-a2212-20190315-lfrm2

Umil, A. M. (2019, April 1). 14 peasants killed, 12 arrested in a day in Negros Oriental. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2019/04/01/14-peasants-killed-12-arrested-in-a-day-in-negros-oriental/>



***A*dvancing SCP Through Different Platforms: Opportunities and Challenges**

I. Scoping of Platforms for Civil Society
Engagement on SCP

II. General Observations on Current Platforms
Available to CSOs to Advance SCP

III. Annex

IV. References

I.

SCOPING OF PLATFORMS FOR CIVIL SOCIETY ENGAGEMENT ON SCP

Civil society has a crucial responsibility in ensuring that the world achieves sustainable development, which as a strategic global agenda is embodied in the Sustainable Development Goals (SDGs) of the United Nations (UN). In the words of non-government organizations (NGOs) participating at the UN's High-level Political Forum on Sustainable Development (HLPF), "Civil society is best suited to translate the SDGs into the daily life of communities, providing them an opportunity to link to local priorities, while boosting participatory democracy and the sensitization of citizens to the importance of the SDGs." An indispensable aspect of realizing the SDGs is making certain that governments are living up to their sustainable development commitments, and here the role of civil society cannot be overemphasized. Civil society has a role in not just in monitoring the progress made by governments in achieving the SDGs, but also in holding governments accountable for their actions (NGO Major Group, 2018).

Such key role that civil society plays in sustainable development is already pretty much established, recognized no less by the UN itself. Since the 1972 UN Conference on the Human Environment in Stockholm, considered the first official discussion on sustainable development at the global level, civil society has been increasingly acknowledged by the UN as an important actor in pushing the sustainable development agenda. The UN and its member-states have formally committed to encourage the involvement of civil society and ensure an enabling environment for their participation (PartnersGlobal, 2017).

For instance, the Brundtland Report (1987 Report of the World Commission on Environment and Development) called for the expansion in the rights, roles, and participation of an informed public and non-government organizations, the scientific community and industry in development planning, decision-making, and project implementation. Other landmark global initiatives to promote sustainable development such as the 2005 Paris Declaration on Aid Effectiveness and the 2011 Busan Partnership Agreement made similar commitments to bolster the participation of civil society organizations (CSOs) as independent development actors (PartnersGlobal, 2017).

Such recognition, of course, did not arise from the intrinsic inclusiveness of the UN and the states that make up its membership. Rather, it is a product of decades of vigorous and persistent work and struggle by civil society – including grassroots movements – at various levels and through various forms, both inside and outside the UN, in demanding greater democratic space for the people to participate in policy-making and development process.

It is said that one of the major differences of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs) from its predecessor, the Millennium Development Goals (MDGs), is the participatory process by which the former was crafted. As recalled by the UN Special Rapporteur on the Rights to freedom of peaceful assembly and of association in a 2019 report to the General Assembly: “Civil society played a key partner in the numerous public consultations and engagement in the two years prior to the finalization and adoption of the SDGs, as well as in the subsequent efforts to implement its goals and targets”. The Special Rapporteur affirmed as well “that civil society is both a means to ensuring social participation in the implementation of the 2030 Agenda as well as a beneficiary of the promise of the Goals,” (Special Rapporteur on the rights to freedom of assembly and of association, 2019).

As observed by some, the 2030 Agenda opened new windows of opportunity for civil society, whether operating at the national or global levels, to take advantage of. These were created by the broad acceptance and perceived neutrality of the SDGs; their emphasis on partnerships, including the need for collective action; and their potential to influence processes and dialogue spaces considering that these are relatively new where civil society can advocate for genuine inclusiveness (Community of Democracies & PartnersGlobal, 2017).

However, the SDGs are weighed down by several critical issues both in terms of providing a truly democratic space for civil society engagement and participation, on the one hand, and in terms of the goals themselves, including on sustainable consumption and production (SCP) as articulated in SDG 12, on the other hand. As discussed in the previous scoping paper “*People Powered Sustainable Consumption*”, mainstream understanding of SCP and as expressed in official policy discourse like the SDGs, appears to be restricted to its environmental dimension, ignoring the equally crucial pillars of sustainable development, namely social and economic. (See Box 1)

Box 1.

Sustainable consumption and production and the SDGs

The SDGs duly recognizes the key role of SCP in realizing the overall sustainable development agenda and has stated explicitly that achieving the goals, including on SCP (SDG 12), require far-reaching reforms. In its various sections, the official document “Transforming our world: The 2030 agenda for sustainable development” has made this very clear.

Its Preamble, for instance, states: “We are resolved to free the human race from the tyranny of poverty and want and to heal and secure our planet. We are determined to take bold and transformative steps which are urgently needed to shift the world on to a sustainable and resilient path”; while in its Declaration, it states: “We commit to making fundamental changes in the way that our societies produce and consume goods and services. The SDG 12 on SCP, with its 11 targets and 13 indicators, is the culmination of various efforts at the UN level to address the issue of sustainable consumption and production in the past 30 years. Aside from SDG 12, SCP objectives and core elements are also present in other SDGs.

These include SDG 8.4 on improving global resource efficiency in consumption and production and endeavoring to decouple economic growth from environmental degradation and SDG 7.3 on doubling the global rate of improvement in energy efficiency by 2030. SCP

Box 1. (continued)

approaches are also required in SDG 6.3 (on reducing water pollution and hazardous chemicals), SDG 6.4 (on increasing water-use efficiency); and SDG 11.6 (on improving municipal waste management).

But while the SDGs acknowledge the need for approaching the issue of SCP in a fundamental (or systemic) way, the targets that have been outlined under SDG 12 appear to reinforce the already prevailing efficiency approach to SCP. In addition, the goals are also saddled by vague indicators while some of the targets are already existing commitments in other related global initiatives outside the SDG, without clarity on how the targets will contribute either through strict monitoring of implementation or through scaling up of commitments and resources.

A summary of these concerns, constraints or challenges on the various targets and indicators of SDG 12 as pointed out by Bengtsson, Alfredsson, Cohen, Lorek, & Schroeder (2018) is presented on Annex 1 of this document.

Nonetheless, the SDGs at present embody the shared political commitment of governments worldwide to set policies, raise resources, and implement initiatives at various levels (national, regional, and global) to achieve sustainable development for all. Thus, while mindful of the limitations, efforts to influence the global agenda on SCP by civil society could potentially come a long way through engagement with the UN and its platforms and mechanisms on the SDGs. To be sure, this could become meaningful only if appreciated not as a standalone strategy, but as part of a multidimensional approach built, first and foremost, on the mobilization of communities that have the biggest stake in sustainable development.

The ensuing discussion will attempt to map out the structure and processes of the UN in relation to the policy setting, monitoring, and implementation of the SDGs, specifically Goal 12 on SCP, which can be potential spaced for civil society engagement and participation. Table 3.1 summarizes these spaces and/or areas of engagement relative to specific SDG 12 targets. The discussion will then proceed to analyze the limitations of some these spaces and what are the possible areas of reforms that can be instituted to address such limitations.

Table 3.1.

Summary of SDG 12 targets and indicators, mechanisms for implementation/ monitoring, and civil society engagement/space			
Target	Indicator	Implementation / monitoring mechanism	Civil society engagement / space
(12.1) Implement the 10-year framework of programs on sustainable consumption and production, all countries taking action, with developed countries taking the lead, taking into account the development and capabilities of developing countries	(12.1) Number of countries with sustainable consumption and production (SCP) national action plans or SCP mainstreamed as a priority or a target into national policies	10YFP/One Planet network	Through co-leadership of various 10YFP programs and membership in Multi-stakeholder Advisory Committees or MAC (there are currently around 35 CSOs in the different programs of the 10YFP)

Table 3.1. (continued)

<p>(12.2) By 2030, achieve the sustainable management and efficient use of natural resources</p>	<p>(12.2.1) Material footprint, material footprint per capita, and material footprint per GDP</p> <p>(12.2.2) Domestic material consumption, domestic material consumption per capita, and domestic material consumption per GDP</p>	<p>10YFP/One Planet network –</p> <p>Sustainable Food Systems program</p> <p>Sustainable Building and Construction program</p>	<p>One CSO (WWF) co-leads the Sustainable Food Systems program, while four CSOs are members of the advisory committee</p> <p>Five CSOs are members of the advisory committee of the Sustainable Building and Construction program</p>
<p>(12.3) By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses</p>	<p>(12.3.1) Global food loss index</p>	<p>Save Food Initiative (FAO, UNEP)</p>	
<p>(12.4) By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment</p>	<p>(12.4.1) Number of parties to international multilateral environmental agreements on hazardous waste, and other chemicals that meet their commitments and obligations in transmitting information as required by each relevant agreement</p> <p>(12.4.2) Hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment</p>	<p>SAICM</p> <p>Global e-Waste Statistics Partnership (International Telecommunication Union)</p>	<p>Around 118 non-government organizations worldwide are SAICM focal points</p>
<p>(12.5) By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse</p>	<p>(12.5.1) National recycling rate, tons of material recycled</p>	<p>Integrated Resource Recovery Center (UNESCAP)</p>	
<p>(12.6) Encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle</p>	<p>(12.6.1) Number of companies publishing sustainability reports</p>	<p>Corporate Sustainability Reporting (UNEP) + ECLAC</p>	

Table 3.1. (continued)

(12.7) Promote public procurement practices that are sustainable, in accordance with national policies and priorities	(12.7.1) Number of countries implementing sustainable public procurement policies and action plans	10YFP/One Planet network – Sustainable Public Procurement program	Seven CSOs are part of the advisory committee of the 10YFP Sustainable Public Procurement program
(12.8) By 2030, ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature	(12.8.1) Extent to which (i) global citizenship education and (ii) education for sustainable development (including climate change education) are mainstreamed in (a) national education policies; (b) curricula; (c) teacher education; and (d) student assessment	10YFP/One Planet network – Sustainable Lifestyles and Education program Consumer Information for SCP program	Seven CSOs are part of the advisory committee of the Sustainable Lifestyles and Education program One CSO (Consumers International) co-leads the Consumer Information for SCP program while six CSOs are part of the advisory committee
(12.A) Support developing countries to strengthen their scientific and technological capacity to move towards more sustainable patterns of consumption and production	(12.A.1) Amount of support to developing countries on research and development for sustainable consumption and production and environmentally sound technologies		
(12.B) Develop and implement tools to monitor sustainable development impacts for sustainable tourism that creates jobs and promotes local culture and products	(12.B.1) Number of sustainable tourism strategies or policies and implemented action plans with agreed monitoring and evaluation tools	10YFP/One Planet network – Sustainable Tourism program	Six CSOs are part of the advisory committee of the Sustainable Tourism program
(12.C) Rationalize inefficient fossil-fuel subsidies that encourage wasteful consumption by removing market distortions, in accordance with national circumstances, including by restructuring taxation and phasing out those harmful subsidies, where they exist, to reflect their environmental impacts, taking fully into account the specific needs and conditions of developing countries and minimizing the possible adverse impacts on their development in a manner that protects the poor and the affected communities	(12.C.1) Amount of fossil-fuel subsidies per unit of GDP (production and consumption) and as a proportion of total national expenditure on fossil fuels	G20 commitment/ deal to phase out fossil fuel subsidies	

Compiled by the author based on various UN materials

A. High-level Political Forum on Sustainable Development

Established by the outcome document (“The future we want”)¹ of the Rio+20, the High-level Political Forum on Sustainable Development (HLPF) was born in 2012. It is considered as the body responsible for the UN’s policy on sustainable development. Among its main functions are to facilitate the adoption of negotiated political declarations related to the sustainable development agenda of the UN; review and follow up on the commitments made by member states; and track and report on the progress of the SDGs implementation (66/288. The future we want). (See Annex 2 for the full scope of HLPF’s mandate)

Like the SDGs, the format and organizational aspects of the HLPF were envisioned to be established through an open, transparent and inclusive negotiation process under the General Assembly (66/288. The future we want).

The UN Economic and Social Council (ECOSOC) convenes the HLPF every year for eight days including a three-day ministerial meeting. Meanwhile, the UN General Assembly convenes the HLPF at the level of Heads of State and Government every four years for two days. Between 2013 and 2019, the HLPF has been convened eight times – twice under the auspices of the General Assembly (2013 and 2019) and six times under the auspices of the ECOSOC. Table 3.2 outlines the main features of the HLPF meeting as convened by the General Assembly and the ECOSOC.

Table 3.2.

HLPF meetings: UN General Assembly vs. Economic and Social Council		
Indicators	General Assembly	Economic and Social Council
Level	Heads of State and Government	National Cabinet ministers
Convener & Chairperson	President of the Assembly	President of the Council
Frequency	Every four years	Every year
Duration	Two days	Eight days (including three-day ministerial meeting)
Description		<ul style="list-style-type: none"> • Has a thematic focus • Follows up and reviews progress in the implementation of major UN conferences and summits on sustainable development • Promotes sharing of best practices and experiences, on voluntary basis • Promotes system-wide coherence and coordination on sustainable development policies • Benefits from regional preparatory processes
Outcome	Negotiated political declaration to be submitted for the consideration of the Assembly	Negotiated ministerial declaration for inclusion in the report of the Council to the General Assembly

Source: 67/290. Format and organizational aspects of the high-level political forum on sustainable development, Resolution adopted by the General Assembly on July 9, 2013

¹ The HLPF replaced the Commission on Sustainable Development (CSD), created in 1992 to ensure follow up on the Conference on Environment and Development (UNCED), as the central UN platform on sustainable development. More popularly known as the Rio Summit, the UNCED produced the Agenda 21 document (which called on countries to “strive to promote sustainable consumption patterns”. It is one of the landmark events at the international level that shaped SCP policy discourse through the decades.

Mandated to serve as the central forum for discussing international economic and social issues and for formulating policy recommendations addressed to UN member states and the UN system, ECOSOC consults with academics, business sector representatives, and NGOs. HLPF meetings under the auspices of the ECOSOC and regional preparatory forums for HLPF organized by ECOSOC regional commissions (discussed in the next subsection) are where the opportunities lie for civil society to engage and make interventions. There are about 5,451 NGOs worldwide that have consultative status with the ECOSOC. However, out of that total, only about 140 NGOs (i.e. those with ‘General Consultative Status’) are entitled to make oral presentations during ECOSOC meetings.²

During the annual HLPF under ECOSOC, progress in achieving the SDGs are reviewed through thematic review of specific SDGs and then through the Voluntary National Reviews (VNRs). SDG 12 on sustainable consumption and production was reviewed during the HLPF 2018 session.

In both processes – thematic reviews and VNRs – CSOs are supposed to be afforded space for engagement and participation. During thematic reviews, for instance, CSOs through the Major Groups and other Stakeholders (MGoS) are given an opportunity to give statements, declarations or throw questions, albeit limited only to two to five minutes. For VNRs, states are encouraged to involve CSOs in preparing the official reports or to present their own reports, but most are also remiss in, if not blatantly opposed to, ensuring that this is followed.

Figure 3.1 summarizes the entire structure of the HLPF and its various mechanisms as well as the different platforms for potential engagement for CSOs in terms of policy/agenda setting and implementation and monitoring, specifically on SDG 12, some of which will be discussed in the succeeding sections.

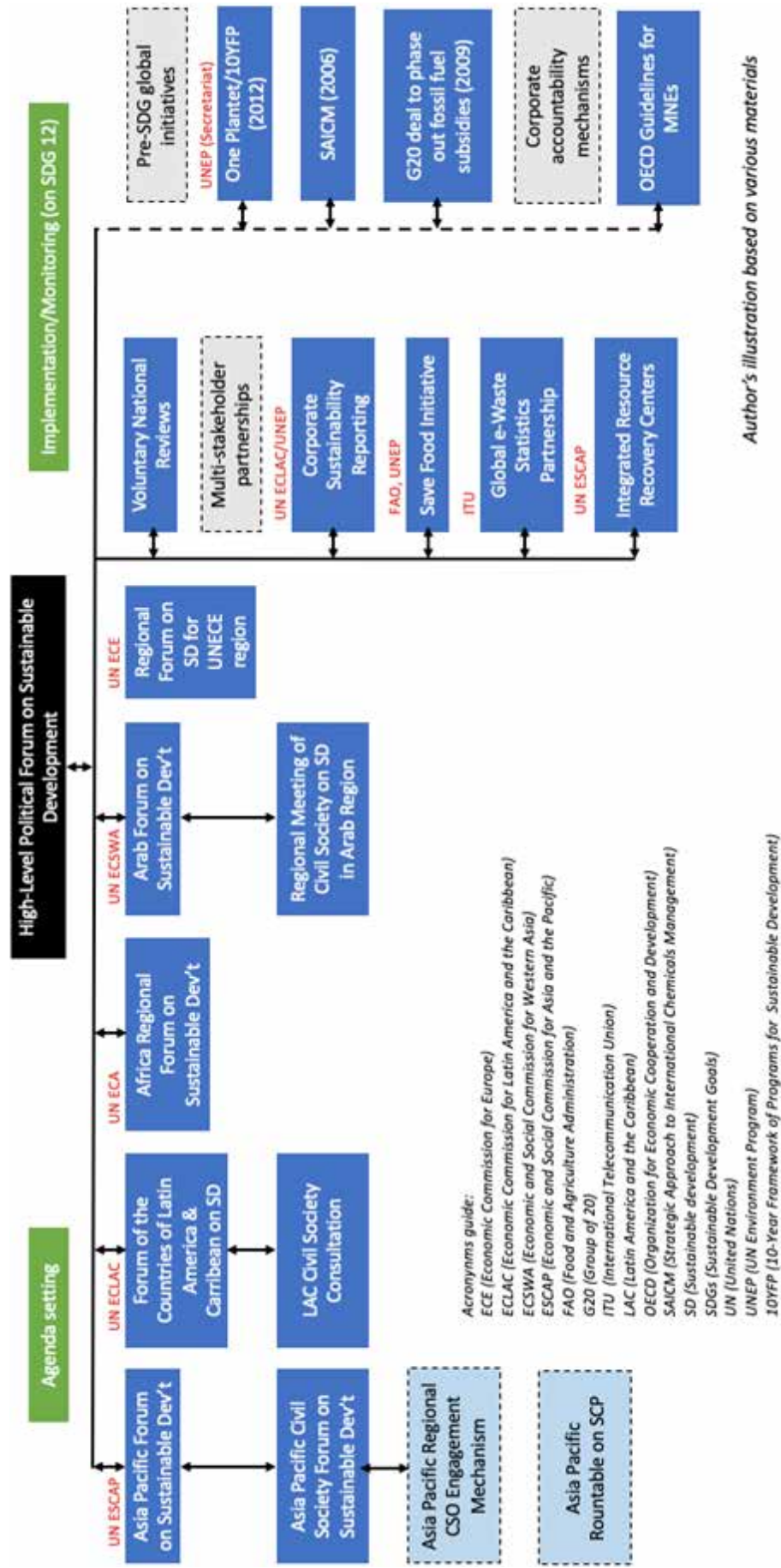
B. Regional Forums on Sustainable Development

As mandated by the UN, the HLPF annually convened under the auspices of the ECOSOC shall benefit from regional preparatory processes in recognition of the regional dimension of sustainable development. UN regional commissions are expected to contribute to the work of the HLPF, including through yearly regional meetings and by facilitating the participation of other important regional entities, major groups and other relevant stakeholders (67/290. Format and organizational aspects of the high-level political forum on sustainable development).

Through the regional commissions of the ECOSOC, regional forums on sustainable development are being organized in Africa (under the UN Economic Commission for Africa or UNECA); Asia and the Pacific (UN Economic and Social Commission for Asia and the Pacific or UNESCAP); Europe (UN Economic Commission for

² Consultative status to the ECOSOC is the highest status granted by the UN to NGOs which allows them to participate in the work of the UN. The consultative status may be classified as General Consultative Status (concerned with most of the activities of the ECOSOC and entitled to deliver oral presentations during meetings); Special Consultative Status (concerned with only a few fields covered by ECOSOC); and Roster (groups that the ECOSOC or the UN Secretary General considers can make occasional and useful contributions to the work of ECOSOC).

Figure 3.1. High Level Political Forum and its various Mechanisms



Europe or UNECE); Latin America and the Caribbean (UN Economic Commission for Latin America and the Caribbean or UNECLAC); and Western Asia (UN Economic and Social Commission for Western Asia or UNESCWA).

Prior to the official regional forums, some ECOSOC regional commissions and civil society platforms also facilitate consultation meetings with CSOs in the region.

The Asia Pacific sustainable development forums represent the most developed platforms in terms of encouraging systematic and comprehensive civil society participation. The 2018 Asia Pacific People's Forum on Sustainable Development (APPFSD) held in Bangkok, for example, was organized by the Asia Pacific Regional CSO Engagement Mechanism (APRCM) in collaboration with the UNESCAP and the UNEP as a preparatory meeting for the official Asia Pacific Forum on Sustainable Development (APFSD), which in turn will feed into the HLPF. The APRCM is a civil society platform meant to facilitate CSO engagement in intergovernmental processes at the regional and global levels, on the UN's sustainable development agenda. Since 2014, the APPFSD has provided CSOs from different sectors and countries in the region a space to explore common ground and actions, develop common messages and coordinate strategies for more effective participation in the national, regional and global intergovernmental processes on sustainable development.

In Latin America and the Caribbean (LAC), a similar CSO platform is being established. Called the Civil Society Participation Mechanism in the Sustainable Development Agenda, the platform aims to facilitate the participation of civil society in the Forum of the Countries of LAC on Sustainable Development that the UNECLAC organizes as well as other processes related to the 2030 Agenda. Like the APRCM, it is organized along sub-regional, sectoral and thematic groups to organize its work (The Civil Society Participation Mechanism in the Sustainable Development Agenda and the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2019).

C. Voluntary National Reviews

Among the tasks that the HLPF was mandated to perform is the facilitation of the Voluntary National Review (VNR) process. In the UN General Assembly Resolution 67/290 ("Format and organizational aspects of the high-level political forum on sustainable development") adopted on July 9, 2013, the HLPF meetings, specifically those under the auspices of the ECOSOC, shall "conduct regular reviews, starting in 2016, on the follow-up and implementation of sustainable development commitments and objectives, including those related to the means of implementation, within the context of the post-2015 development agenda". As described by the same resolution, such review shall be voluntary; shall be state-led, involving ministerial and other relevant high-level participants; and shall provide a platform for partnerships, including through the participation of major groups and other relevant stakeholders (67/290. Format and organizational aspects of the high-level political forum on sustainable development).

The outcome document of the UN summit for the adoption of the post-2015 development agenda, "Transforming our world: the 2030 Agenda for Sustainable

Development”, and which the UN General Assembly adopted under Resolution 70/1 on September 25, 2015, affirmed and reiterated such follow-up and review process at the global (i.e., HLPF) level. Further, it described the sort of national review of progress on sustainable development commitments that Member States are encouraged to do, namely regular and inclusive and shall “draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders, in line with national circumstances, policies and priorities” (70/1. Transforming our world: the 2030 Agenda for Sustainable Development).

Seen to accelerate the implementation of the 2030 Agenda, the VNR process aims to facilitate the sharing of experiences, including successes, challenges and lessons learned among Member States. It also intends to strengthen policies and institutions of governments and to mobilize multi-stakeholder support and partnerships for the implementation of the SDGs (High-Level Political Forum on Sustainable Development: Voluntary National Reviews, n.d.).

The VNR is considered an important innovation as a UN process for the follow-up to the implementation of the SDGs. Prior to the VNR, the practice was to review implementation globally, primarily based on the UN Secretary General’s reports. The VNR plays a key role in the 2030 Agenda’s approach of country-led reviews, recognizing that country ownership is central to the implementation of the SDGs. Aside from being voluntary, VNRs are expected to be transparent, participatory, and based on robust evidence (Sakiko Fukuda-Parr, 2018).

From only 22 countries participating in the first set of VNRs in 2016, the number has grown to 43 countries in 2017 (Sakiko Fukuda-Parr, 2018). In 2018, 46 countries participated while in 2019, there were 47 countries that presented their VNRs, including 40 countries that participated in the exercise for the first time. All in all, since its launch in 2016 up to 2019, there are now 142 countries that presented their VNRs during the HLPF meetings.

The VNR process opened up new areas of engagement for various stakeholders, including CSOs, in relation to the SDGs, either through contributing to the preparation of VNRs or commenting on the final report. However, this appears to be non-mandatory and not all states that present their VNRs include CSOs in the process. These will be discussed in greater detail in the second part of this paper.

D. One Planet Network

The One Planet network is a multi-stakeholder partnership for sustainable development that aims to be the lead mechanism to support and implement the shift to SCP patterns. Its current (2018 to 2022) strategic objective is to be recognized as the lead mechanism to support and implement the shift to SCP patterns and be an effective implementing mechanism of the SDG 12. Specifically, the network was formed to implement the 10-year framework of programs (10YFP) on sustainable consumption and production (SDG 12.1).

SDG 12.1 calls for the implementation of the 10YFP. Adopted at the Rio+20 conference, the 10YFP is a global commitment to accelerate the shift towards

sustainable consumption and production in both developed and developing countries. It covers six programs, namely: (1) Sustainable Public Procurement; (2) Consumer Information for SCP; (3) Sustainable Tourism; (4) Sustainable Lifestyles and Education; (5) Sustainable Buildings and Construction; and (6) Sustainable Food Systems.

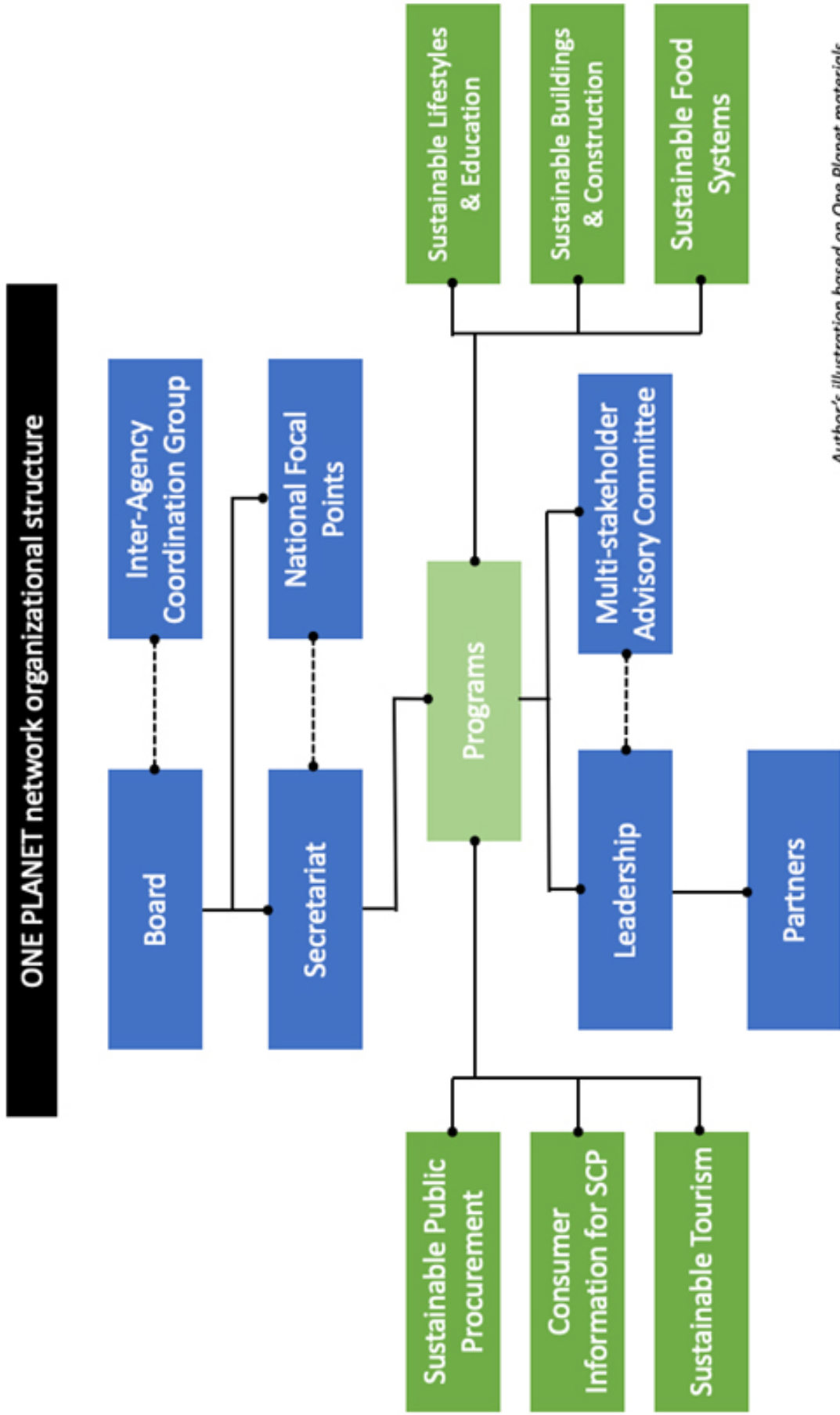
One Planet claims to have “the legitimacy and mandate from the international community to be the premier multi-stakeholder implementing mechanism for SDG 12, drawing stakeholders together around a common approach and a shared set of objectives”. The UN Environment Program (UNEP) currently serves as the Secretariat of the 10YFP and its work is being guided by a Board composed of two representatives from each UN regional group. They are usually from the environmental and economic ministries of national governments or from UN permanent missions. Countries currently serving on the One Planet Board are Argentina, Azerbaijan, Bhutan, Colombia, Hungary, Israel, Japan, Kenya, Nigeria, and Switzerland.

The 10YFP national focal points (NFPs) play a critical role in the One Planet network. They are nominated by governments as their point person in the engagement for the 10YFP and in coordinating with its Board and Secretariat. As of today, there are 130 countries that have nominated their NFP and alternate. They are government officials from the ministries of environment, foreign affairs, development, economics, trade, agriculture, industry and tourism, among others. There are about 263 NFPs and alternates under the One Planet Network as of July 2019.

Meanwhile, there is also the Inter-Agency Coordination Group (IACG) of the 10YFP/One Planet network that aims at ensuring the greatest level of cooperation and coordination within the UN system. It ensures that there is coordinated, effective and substantive contribution of the UN system to the realization of the goals, objectives and functions of the 10YFP. The IACG also works to make certain that there is enhanced information sharing and coordination among UN bodies to support governments and other stakeholders’ efforts on shifting to SCP patterns. Currently, the IACG is made up of more than 20 organizations, including UNCTAD, UNDESA, UNDP, UNECLAC, UNEP, UNESCAP, UNESCO, UNESCWA, FAO, UN Habitat, UNICEF, UNIDO, ILO, ITC, UNOPS, UNU, UN Women, UNWFP, UNWTO, UNECE and UNITAR.

Lastly, hundreds of organizations comprise the six programs of the 10YFP that work together to provide tools and solutions to countries in their shift to SCP. While each program differs in their implementation approaches, all are structured to function in the same way. Each has Lead/Co-lead organizations (Leadership) which support the overall coordination, implementation, fundraising and provision of resources and monitoring. The lead and co-leads could be a government, UN agency, NGO, private sector body, or specialized technical institution that has recognized competencies in the area. Each program also has a Multi-stakeholder Advisory Committee (MAC) that is established based on various criteria, including expertise, regional and stakeholder balance. Its functions include the provision of technical expertise and inputs for the working focus of the program as well as

Figure 3.2 summarizes the operational structure of One Planet as a network, including its different programs.



Author's illustration based on One Planet materials

resource mobilization. Finally, program partners are organizations supporting implementation and/or benefiting from the activities of the program including workshops, trainings, making use of and dissemination of the program's materials. (See Annex 3 for the Leadership and Advisory Committees of the One Planet Network.)

D. Multi-stakeholder Partnerships for SCP

Similar to the One Planet network, there are other global multi-stakeholder initiatives launched and/or supported by various UN bodies even prior to the adoption of the 2030 Agenda to promote sustainable consumption and production. These partnerships are described below.

Corporate Sustainability Reporting

In June 2012, following the Rio+20 conference, the governments of Brazil, Denmark, France and South Africa formed the Group of Friends of Paragraph 47 (GoF47). Paragraph 47 refers to the 47th paragraph of the Rio+20 outcome document "The future we want" which emphasized the need for corporate sustainability reporting. The founding countries have since been joined by Argentina, Chile, Colombia, Norway, and Switzerland. It brings together governments to promote sustainability reporting and to exchange information and best practice (UNEP, 2019). The GoF47 is supported by the UN Environment Programme (UNEP), specifically its Consumption and Production Unit, as secretariat. It directly contributes to SDG target 12.6 which encourages companies, especially large and transnational corporations, to adopt sustainable practices and to integrate sustainability information into their reporting cycle. Meanwhile, as advised by the 2030 Agenda, these activities of the business sector be incorporated in the VNR processes of the HLPF.

The rationale behind corporate sustainability reporting is the recognition that quality information is important in guiding decisions and actions on SCP. Corporate sustainability reporting provides key information from the business sector on their sustainability practices while increasing transparency and tracking progress on their commitments to sustainable development. From a business perspective, sustainability reporting is seen as offering incentives such as cost savings, easier access to capital, improved performance on financial markets and increased stability on top of good public relations. As noted by its proponents, sustainability reporting is a process that combines "long-term profitability with social responsibility and environmental care" (United Nations Environment Programme, 2013). By 2017, about 93% of the 250 biggest companies in the world are said to report on their sustainability performance.

For CSOs, opportunities of engagement in relation to corporate sustainability reporting include: (1) contributing to the development of sustainability reporting through advocacy, involvement in multi-stakeholder dialogue and requesting information about environmental, social and governance performance from companies; (2) reviewing corporate reports and providing feedback to companies and other stakeholders on the quality and substance of those reports; and (3)

drawing attention to instances where companies are not meeting their sustainability targets or where targets are insufficient (UNEP, 2019).

Several big global civil society groups and coalitions like the European Coalition for Corporate Justice (ECCJ), Oxfam, World Wide Fund for Nature (WWF), Transparency International, and Amnesty International among others engage in influencing corporate sustainability reporting through various initiatives such as dialogue, awareness raising and advocacy for issues covering environment, human rights, and anti-corruption.

Key issues, however, continue to undermine corporate sustainability reporting and its potential to contribute to sustainable development, including on SCP. One is the observed wide divergence in companies' reporting practices, which leads to a lack of concise, consistent and comparable information for different stakeholders.

At the national level, legislation to compel companies to report on specified non-financial information (i.e., sustainability indicators) is either weak, if not outright lacking. At the same time, monitoring, enforcement and independent validation of corporate sustainability reports are generally inadequate. All these hamper the ability of civil society and public authorities to assess, monitor and ensure corporate responsibility and accountability (ECCJ, 2018).

SAVE FOOD

In January 2011, the Food and Agriculture Organization (FAO) of the UN and Messe Düsseldorf, a trade fair ground and organizer based in Germany, launched the SAVE FOOD global initiative on food loss and waste reduction. SAVE FOOD counts over 500 companies and organizations from industry and civil society active in food loss and waste reduction.

The initiative contributes to the realization of SDG target 12.3, which aims to halve by 2030 the per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses. Through the SAVE FOOD initiative, FAO encourages dialogue between industry, research institutions, governments and civil society on food losses and waste. They also collaborate with donor agencies, multilateral institutions and the private sector, especially the food packaging industry, in implementing programs on food loss and waste reduction (FAO, 2019).

Addressing food losses and waste is crucial to the promotion of efficient and sustainable food supply chains and in fostering food and nutrition security as they represent a serious depletion of technical, financial and natural resources invested in land preparation, production, harvesting, handling, processing and packaging of food (FAO, 2017).

The initiative has four pillars: (1) awareness raising on the impact of, and solutions for, food loss and waste through communication and media campaign; (2) collaboration and coordination of worldwide initiatives on food loss and waste reduction for more efficient use of intervention and resources and facilitating the sharing of information and harmonization of methodologies, strategies and

approaches; (3) development of policy, strategy and program for food loss and waste reduction through studies on most cost-effective interventions, socioeconomic impacts of food loss and waste, and political and regulatory framework; and (4) supporting investment programs and projects implemented by public and private sectors, including technical and managerial support and capacity building of food supply chain actors at the food subsector level or at the policy level (FAO, 2019).

For civil society, the main form of engagement in the SAVE FOOD initiative is their participation in capacity building activities that the FAO organizes such as training on post-harvest management for NGOs, farmers' organizations, women's groups, etc.

Global E-waste Statistics Partnership

In 2017, the International Telecommunication Union (ITU), United Nations University (UNU) and International Solid Waste Association (ISWA) formed the Global E-waste Statistics Partnership. It contributes to the achievement of SDG indicator 12.4.2 under SDG target 12.4. SDG indicator 12.4.2 pertains to hazardous waste generated per capita and proportion of hazardous waste treated by type of treatment. It is estimated that only 20% of the 50 million metric tons of e-waste produced every year worldwide are recycled. A great majority of such wastes ends up in landfill, burned or illegally traded, or just simply abandoned and forgotten in homes (Zhao, 2019).

Presently, only 41 countries worldwide compile national statistics on e-waste. In the context of the SDGs and its targets and indicators on waste management to ensure sustainable consumption and production patterns, the lack of data on e-waste presents a big challenge on evaluating developments over time, setting and assessing targets, and identifying best practices in policies. The Global E-waste Statistics Partnerships aims to bridge this big gap in data and information.

Among the tasks of the partnership are to (1) collect and improve worldwide statistics on e-waste; (2) enhance the understanding and interpretation of global e-waste data; (3) improve the quality of e-waste statistics by guiding countries and building national capacity through e-waste statistics trainings; and (4) raise awareness and communicate the data to the general public and relevant stakeholders (ITU, 2019).

Strategic Approach to International Chemicals Management

SAICM or the Strategic Approach to International Chemicals Management is a policy framework to promote chemical safety around the world adopted at the First International Conference on Chemicals Management in February 2006. Developed through a multi-stakeholder and multi-sectoral process, SAICM was conceived to support the goal of the 2002 Johannesburg World Summit on Sustainable Development for sound chemicals management throughout their life cycle so that by the year 2020, chemicals are produced and used in ways that minimize significant adverse impacts on the environment and human health (SAICM, 2019). SAICM is being administered by the UNEP which hosts the Secretariat.

SAICM was borne out of the recognition that while chemicals are important for economic production and development, they do have serious potential costs such as the chemical industry's heavy use of water and energy resources and impacts on environment and human health. Thus, the sound management of chemicals is a key cross-cutting issue for sustainable development (SAICM, 2019).

With the adoption of the 2030 Agenda, SAICM is seen as directly contributing to the realization of SDG 12 on sustainable consumption and production as well as other goals. Specifically, SDG target 12.4 aims to, by 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment.

SAICM commitments are articulated in the Dubai Declaration (expresses high-level political commitment to SAICM); Overarching Policy Strategy (sets out its scope, needs, objectives, financial considerations, underlying principles and approaches, and implementation and review arrangements); and the Global Plan of Action (serves as a working tool and guidance document to support implementation of SAICM and other relevant international instruments and initiatives). These commitments are periodically reviewed by the International Conference on Chemicals Management (ICCM) which had sessions in 2009, 2012 and 2015, with another scheduled for 2020.

To facilitate the implementation of SAICM commitments, each government is asked to appoint a national focal point to represent the country's inter-ministerial or inter-institutional arrangements for implementing their strategic approach to chemical management. SAICM also maintains a network of regional and inter-governmental organizations or IGOs (UN bodies and multilateral institutions) focal points.

Civil society participation in the SAICM process and its implementation, meanwhile, is facilitated through NGO focal points who are nominated by NGO participants. NGO focal points are part of the network of SAICM stakeholders established and maintained by the Secretariat. At present, SAICM maintains a network of stakeholders composed of about 175 governments, 90 NGOs and 10 IGOs.

Global Partnership for Effective Development Cooperation (GPEDC)

An alternative means for civil society actors to engage the monitoring process of the SDGs is the Global Partnership for Effective Development Cooperation (GPEDC). It is a multi-stakeholder body tasked to support the implementation of effective development cooperation which intrinsically includes the SDGs. The GPEDC, in a sense, is unique in that it allows CSOs and labor groups to have guaranteed seats in the highest policy-making body of the partnership – the Steering Committee.

The GPEDC Steering Committee is composed of a rotating co-chairs shared by developed, middle-income and developing countries. In addition, the leadership also includes a non-executive co-chair position represented by a CSO figure which in turn is selected by the CSO Partnership for Development Effectiveness (CPDE).

The current GPEDC leadership is as follows:

Sweden	Mr. Thomas Gass, Ambassador, Swiss Agency for Development and Cooperation (SIDA)
Bangladesh	Mr. Mustafa Kamal, Minister of Finance, Government of the People’s Republic of Bangladesh
Republic of Congo	Ms. Elysee Munembwe Tamukumwe, Deputy Prime Minister, Minister of Planning, Democratic Republic of Congo
Non-Executive, Consultative Co-Chair	Mr. Vitalice Meja, Executive Director, Reality of Aid Africa

In addition to the Co-Chair position, CSOs also have a seat in the Steering Committee as a regular member-representative of civil society. Other development actors included in the Steering Committee are the private sector, multilateral development banks, parliamentarians, UNDP/UNSDG, OECD/DAC, representative of Arab providers of development cooperation, trade unions, foundations, sub-national governments, representatives of providers of development co-operation, representatives of recipients and providers of development cooperation, and representatives of recipients of development cooperation.

The Steering Committee’s primary mandate is to set the agenda of the GPEDC assemblies in an attempt to unite development actors towards supporting effective development cooperation commitments. It meets biannually to ensure that the work of the GPEDC is carried out in the most inclusive manner.

One of the strengths of the GPEDC as a multi-stakeholder body is its effort to include CSOs and other development actors in its decision-making processes. Civil society has repeatedly praised the GPEDC, and has proposed for other multilateral bodies to consider adopting the same inclusive governance model demonstrated by GPEDC.

Nevertheless, opportunities to substantially engage the SDGs through the GPEDC remain limited. The GPEDC mandate is confined only to monitor commitments, but does not hold any policy-influencing capacity to significantly impact the implementation of the SDGs at the national level. In addition, participation and capacity for influencing for CSOs remain hobbled by the domination of business actors in development. One of the biggest challenges faced by GPEDC and the entire SDG process in general is the lack of resources and the only ones who could provide it are big corporations who continue to encroach and influence global and national-level policies.

E. National Level Spaces for CSO Engagement in SCP- Kenya and Philippines

Engaging national level spaces is equally important in influencing policy and actions on SCP. Below is a brief discussion on these spaces in this study’s case study countries, Kenya and Philippines.

Kenya

In Kenya, planning for sustainable consumption and production is the responsibility of the Ministry of Planning and Devolution (MPD) and the Ministry of Environment (MoE). Both are the national focal points for the multi-stakeholder platform for action for SCP, the 10-Year Framework of Programs (10YFP).

The MPD supports devolved level development planning through preparation of guidelines for integrated county development planning. It provides technical backstopping to county governments during the preparation of County Integrated Development Plans, Annual Development Plans, and also during sectoral planning. The MPD is also responsible for building the capacity of county planners on development planning through preparations of training manuals and conduct of the actual training. It also provides secretariat services to the National Government Service Delivery Coordination Committees at the county level.

In terms of implementing and monitoring the SDGs, of which SCP is one, an SDG unit was created inside the MPD. It is responsible for mainstreaming the SDGs in policy, planning, and budgeting at the national and county government levels. In order to ensure the coordination and coherence of SDG initiatives and policies across government units, the SDG Unit co-convenes the budgetary process to harmonize the planning framework and the budgeting process in order to ensure that the national budget is aligned with the implementation of the SDGs. The budget hearing process can be engaged by CSOs wanting to influence how much goes into the implementation of the country's commitment to the SDGs.

The SDG Unit tracks and reports on the progress of the SDGs within the existing frameworks of monitoring and evaluation both at National and County levels. In order to ensure that national and county governments are capable of implementing and monitoring the SDGs at their levels, the unit conducts capacity building in areas including coordination, planning, budgeting, statistics, monitoring and evaluation, and preparation of the position papers. The SDG unit also conducts advocacy and awareness creation on the SDGs directed at the general public.

The SDG Unit chairs the Interagency Technical Working Group (Committee) that is responsible for the reporting of the SDGs. This working group produces Kenya's Voluntary National Report (VNR) on its SDG implementation to the High Level Political Forum (HLPF) in New York. The other co-chairs of the ITWG are the private sector representative, the Kenya Private Sector Alliance (KEPSA), and the CSO representative from SDG Forum, the main platform for CSO engagement and action on the SDGs. The SDG Unit wishes to further develop its stakeholder engagement with CSOs through the current creation of a Multi-stakeholder Engagement Framework that will guide the government's engagement with stakeholders and will enable the taking on of appropriate duties among the different stakeholders.

Meanwhile the Ministry of Environment and Forestry which leads the country's formulation of its Green Economy Strategy and Implementation Plan (GESIP) has

created directorate on green growth in order to spearhead policy proposals and streamline green growth in manufacturing, agriculture, mining, and tourism. It works with SWITCH Africa in order to enhance the capacity of small and medium enterprises (SMEs) on SCP and develop the country's green public procurement framework.

Some of the challenges identified in engaging these spaces for CSOs on SCP are the need to reach out to other stakeholders beyond Nairobi and to conduct greater interaction with, and raise the awareness of, communities on SDG issues in general, and SCP in particular.

Philippines

The main bodies responsible for the development and implementation of the SCP policies and initiatives in the Philippines are the Department of Environment and Natural Resources (DENR) and the National Economic Development Authority (NEDA). These two government agencies are also the national focal points for the 10-Year Framework of Programmes (10YFP), a multi-stakeholder platform for action for Sustainable Consumption and Production (SCP).

Engaging SCP through the PDP 2017-2010

The Philippine Development Plan 2017-2020 (PDP 2017-2020) is the country's implementation mechanism of the SDGs. Each of the SDGs, including Goal 12 on SCP, are mapped/mainstreamed into the PDP's chapters. The development of the PDP is led and coordinated by NEDA in consultation with the different line agencies of the government and other stakeholders.

SCP or Goal 12, is mapped under Chapter 20 of the PDP, titled Ensuring Ecological Integrity, Clean and Healthy Environment. The responsible agency for this chapter under the Coordination Mechanism for Plan Implementation and Monitoring is the Cabinet Cluster on Climate Change Adaptation, Mitigation, and Disaster Risk Reduction. The Cabinet Cluster on CCAM-DRR is chaired by the DENR, and co-chaired by the Department of National Defense. The Climate Change Commission (CCC) acts as the secretariat of the Cabinet Cluster while the Agriculture, Natural Resources, and Environment Staff of the NEDA also provides support.

Proposed Sub-Committee on the SDGs

However, the institutional arrangement for the implementation and monitoring of the SDGs might change with the approval to create a Sub-Committee on the SDGs. This will be under the Development Budget Coordinating Committee and will be chaired by the NEDA and the Department of Budget Management (DBM). According to NEDA, the formation of the subcommittee will ensure that development planning will be linked to budgeting, which will ensure that programs for implementing the SDGs are sufficiently funded. The subcommittee "will also include technical working groups (TWGs) on social, economic, environment and governance matters. These TWGs will conduct studies on how best to meet the goals, including the cost of meeting them" (Edillon in "New panel formed to meet

Box 2.

Members of the Cabinet Cluster on Climate Change Adaptation, Mitigation, and Disaster Risk Reduction
Chair: Secretary, Department of Environment and Natural Resources Co-chair: Secretary, Department of National Defense Members: The Executive Secretary The Cabinet Secretary Head, Presidential Management Staff Secretary, Department of Budget and Management Secretary, National Economic and Development Authority Secretary, Department of Foreign Affairs Secretary, Department of Information and Communications Technology Secretary, Department of Finance Secretary, Department of Science and Technology Secretary, Department of Interior and Local Government Secretary, Department of Public Works and Highways Secretary, Department of Social Welfare and Development Secretary, Department of Agriculture Secretary, Department of Agrarian Reform Secretary, Department of Energy Chair, Metropolitan Manila Development Authority Chair, Housing and Urban Development Coordinating Council Secretariat: Climate Change Commission

concerns on SDGs”, 2019, para. 4).

Both the two chambers of the Congress of the Philippines (House of Representatives and Senate) are also involved in the crafting and review of policies and programs on the SDGs. Both chambers have committees on the SDGs whose function is to ensure that the country’s laws and policies are aligned with the commitments to SDGs. The Philippine House of Representatives has an existing Committee on SDGs currently led by ALONA Party-list Representative Anna Marie Villaraza-Suarez. It is composed of five vice-chairpersons, 14 members of the majority, and two members of the minority.

The Senate Committee on SDGs on the other hand was established on September 3, 2019 when members of the chamber adopted Philippine Senate Resolution (PSR)

Box 3.

Roles and Functions of the Proposed Sub-Committee on the SDGs
<ol style="list-style-type: none">1. Assist in the coordination of the SDGs in the Philippines;2. Coordinate, monitor, and recommend to DBCC and the NEDA Board, policies, programs, activities, and projects related to meeting the SDGs consistent with national development objectives and priorities;3. Provide support, guidance, and oversight on the integration of the SDGs in the development plans;4. Coordinate inter-sectoral concerns between the economic, environmental, social, and peace, security, and governance sectors;5. Serve as the platform for disseminating information on and advocating for the SDGs; and6. Provide clearance and review to SDG-relevant national reports (e.g. Voluntary National Reviews).

(Falcon, 2018)

122 creating the Committee on SDGs, Innovations and Futures Thinking. The newly created committee is the result of streamlining standing committees in the Senate thereby merging the former Committee on Agriculture and Food with the Committee on Agrarian Reform. PSR 122 also merged the Committee on National Defense and Security with Committee on Peace, Unification and Reconciliation and the Committee on Environment and Natural Resources with the Committee on Climate Change. According to Senator Pia Cayetano, “it would be the responsibility of the Committee to at least make sure that the body knows that there are such goals that need to be achieved by way of prioritizing” (Cervantes, 2019, para. 6).

Further, Cayetano stresses that the Committee on SDGs is primarily meant to address overlapping efforts on working on the 17 SDGs: “many times, a committee is left within the confines of a bill pending before it...That’s why the SDGs committee is secondarily referred to ensure that we take a bigger picture,” (Cervantes, 2019, para. 7).

Despite the existence of dedicated committees on SDGs in both legislative bodies, policy influencing related to SDGs remain dampened by corporate lobbying and political interests. For example, while there is a landmark legislation on Occupational Safety and Health law as well as the Expanded Maternity Leave Act both of which are important pieces in achieving SDG 8 on Decent Work and Inclusive Growth, the core components of decent work such as higher wages and an end to contractualization remain ignored (J. Cainglet, personal communication, October 14, 2019). Labour groups and CSOs fought hard for their version of an anti-contractualization law only to be watered down in both the House of Representatives and Senate. Furthermore, even the watered down version as vetoed by the President suggesting no real interest and political will to provide substantial increase in wages and an end to contractual work.

Extensive government bureaucracy mires engagement efforts by CSOs. Labour groups’ regular dialogues with the Department of Labour and Employment (DOLE) could result in advances in how they relate with that particular government agency, but none of their agreements would transmit to other agencies such as NEDA (J. Cainglet, personal communication, October 14, 2019).

Engaging the SCP Monitoring through the Voluntary National Review

For the Voluntary National Review, the NEDA also leads the formulation of the report as well as the engagement of stakeholders. For its 2019 VNR, it released a zero draft of the report in the national SDG website to receive comments from the wider public. It also conducted three regional consultations (Luzon, Visayas, Mindanao) and with major groups and stakeholders such as children, youth, labor tripartite bodies, and CSOs.

Engaging the VNR process however comes with its own problems. One of the described the difficulty of being recognized as a legitimate development actor engaging the SDGs. J. Cainglet mentioned that regional consultations are selective at best as the agencies involved in organizing the consultations only invite CSOs it wishes to involve in the review and that they had to invoke their status with the

International Labour Organization (ILO) to be acknowledged by the Philippine government through the VNR process (personal communication, October 14, 2019).

While the VNR process is the main state-sponsored platform for the SDGs and is the most obvious point of intervention, SCP does not get reported every HLPF. VNR reports vary depending on government priorities and preferences.

II.

GENERAL OBSERVATIONS ON CURRENT PLATFORMS AVAILABLE TO CSOS TO ADVANCE SCP

While the UN processes, primarily through the HLPF and its related platforms on the SDGs (including pre-SDG mechanisms), specifically the goal on SCP, provide opportunities for policy advocacy and engagement, including on monitoring, follow-up and review of commitments, it is necessary to identify the shortcomings or limitations of these processes and platforms. Doing so benefits civil society not only in terms of prioritizing engagements in the myriad of UN meetings and events and maximizing impacts, but more critically, in pushing for policy reforms that could provide strategic gains in pushing for a genuine sustainable development and SCP agenda.

A. Marginalization in Policy and Framework Setting

It is crucial to start with the basic critique on the SDGs themselves in general and the SCP agenda (SDG 12) in particular, which as noted in the preceding section (and described in detail in the previous scoping paper on people-powered SCP) are restricted by providing too much attention on the environmental dimension and thus fall into the trap of over-reliance on technological innovations to promote sustainable consumption and production, and in the process almost ignore the economic and social dimensions of sustainable development. This fundamental issue stands out in the nature of the HLPF as the central UN platform on sustainable development, which has focused more on tools, implementation, and monitoring, instead of policies and frameworks. Consequently, it impacts on efforts by civil society to reshape the discourse on SCP which is dominated by the narrow and weak approach through efficiency and innovations.

Indeed, one of the major criticisms of the HLPF process by CSOs that closely participate in it is that the forum should be more policy-oriented. As it is, the current HLPF format is limited to reviews and effectively lacks space for more in-depth policy discussions (Burca, 2019). During the HLPF 2018 when SDG 12 on SCP was among those covered by thematic review, participating civil society groups observed that states continued to avoid discussions on systemic obstacles to sustainable development. Relatedly, despite repeated reference to the 2030 Agenda as integrated and holistic, “policy, sectoral and goal silos are as strong as ever” during the HLPF discussions (Donald & Ramoroka, 2018). For the SCP agenda, this approach is problematic as sustainable consumption and production should be viewed beyond indicators mostly addressed through simple innovations while ignoring systemic issues of poverty and underdevelopment, especially in the poor countries.

This weakness is reflected in the ministerial declaration of the HLPF 2018 pertaining to SCP which stated that: “Resource efficiency must be increased taking

a life-cycle approach, from reduction of the resources used in the extraction and production phases to reuse and recycling, including by deploying innovation in technology and standards, including on materials quality.” It also highlighted the role of the One Planet Network as the implementation mechanism for SDG 12 and is a hub for innovations seen to promote sustainable consumption and production. Innovations to reduce food loss and waste are encouraged, as well as consumer education and awareness raising. Meanwhile, there is no mention of the fundamental defects of neoliberal policies that drive unsustainable consumption and production patterns, despite efforts by several CSOs to put the issue in the agenda.

It appears that behind the rhetoric of being an inclusive, multi-stakeholder platform, the HLPF is still being bogged down by the same fundamental issues that hamper the participation of non-government, non-business actors in UN processes and mechanisms. A study that closely looked at the actual impact of civil society in the SDG negotiations concluded that “civil society influence on global policymaking was moderate” (Senit, 2019, p.11). Further, the same study noted that civil society “had only a marginal effect on issue-framing, on shifting the positions of governments, and on the final agreement” (Sénit, 2019, p.16).

There is simply a very narrow space for any meaningful and substantial policy debates to take place within the HLPF and as some CSOs noted, the UN itself has “at times been an obstacle to, rather than an advocate for, dynamic civil society participation” (Donald & Ramoroka, 2018, para.6). Even side events that could potentially foster more engagements on policy and framework issues related to sustainable development are still dominated by the same powerful actors that dictate HLPF discussions. For civil society, this “imbalance only further skews the HLPF debates towards the interests of the powerful, keeping discussions very much in the middle of the road” and seriously weakens “civil society’s crucial role as watchdogs, experts and community representatives at the UN” (Donald & Ramoroka, 2018, para.6).

B. Restricting an Already Narrow Space

Promising as it is, the VNR process – considered by many, including by civil society, as the centerpiece of HLPF, is another major disappointment for most CSOs that engage in the platform. One of the common complaints from civil society is that most member states that participate in the process just use and treat the VNR as more like public relation stunts to boost the incumbent government’s image before the international community, than a truthful and credible monitoring and assessment of what countries have really achieved or not in terms of their commitments and goals for sustainable development. A takeaway of CSO participants in the 2018 HLPF neatly summed up how the VNRs went as public relations exercises for reporting governments:

“This was symbolized perfectly by the short films which have unfortunately become an almost ubiquitous part of government presentations, and whose (attempted) tone veers far more towards the inspirational – and occasionally propagandistic – rather than the informative. Although the ‘dialogue’ segments were marginally more interactive this year, and civil society did have more consistent opportunities

to intervene, very limited space exists for thorough questioning and meaningful engagement. Many VNR presentations were markedly disconnected from on-the-ground realities, reflected a highly siloed approach to SDG implementation and failed to aptly document major policy challenges or failures. Instead, most countries made vague references to financing gaps and data shortfalls, culminating in barely-disguised pleas for investment and increased private sector participation,” (Donald & Ramoroka, 2018). Furthermore, none of the VNRs presented addressed systemic limitations and cross-cutting issues that are weighing down sustainable development at the national level, which are precisely the areas in which the HLPF and its various stakeholders, including civil society, should have been able to engage on at the global level (Lieberman, 2018). These include global issues such as the neoliberal trade and investment regime that have been harming the sustainable development of underdeveloped countries.

A big part of this is the general lack of accountability from governments and the absence of formal mechanisms within the HLPF review processes to demand and ensure such accountability. Current UN guidelines for member states participating in the VNR are composed of broad recommendations that “governments can choose to write about things in very different ways” (Henman in Lieberman, 2018, para.6). These guidelines are also “fairly flexible” that “makes it easy for governments to hide what they want to hide and focus what they want to focus on,” (Henman in Lieberman, 2018, para.7).

Such predicament could have been addressed or at least minimized if CSO inclusion in the VNR process at the national level is strictly being followed, but like the VNR itself, this aspect of the review appears to be at the sole discretion of the member states as well. In most cases, civil society has been excluded in the process of crafting VNRs. Worse, opportunities to question, debate or even just clarify certain contentious claims by governments during the actual presentation of VNRs are seriously restricted by procedural weaknesses or format flaws, whether by design or not, that fail to stimulate the expected lively interaction and engagement among the various stakeholders. To illustrate, each VNR presentation is only allotted 30 minutes, including statements and responses from fellow member states as well as civil society. CSO intervention usually end up being crammed in two-minute joint statements, depriving any chance of real multi-stakeholder interaction on the VNR being presented.

Several CSOs are producing, individually or jointly, shadow reports, spot reports or parallel reports to counter or fill in the gaps of official national reports and official reviews and organize side events around them hoping to generate engagement and dialogue on crucial but unaddressed issues on sustainable development. But these civil society reports, many of which are actually notable for their clarity and quality, ably addressing critical gaps in government reports through rigorous data, analysis and experience (Donald & Ramoroka, 2018), are not officially recognized in the HLPF process. Even marginal support from the UN for the dissemination and promotion of such reports are lacking like posting the reports on UN or HLPF websites and providing free space within UN premises for CSOs to present these reports.

It is important to note that the marginalization of civil society, while felt by most CSOs engaging in the HLPF process, is actually more severe for smaller CSOs lacking enough financial and human resources from underdeveloped countries. First, only CSOs with consultative status with the ECOSOC are allowed to participate, and only a small fraction (just less than 3% of those with consultative status) are entitled to make interventions. Second, only CSOs with substantial resources enjoy direct physical and repeated access to these meetings, and most of them are from the industrialized countries, especially those based in the US and Europe. Thus, for many CSOs from the poor countries, their best chance to participate and influence the HLPF discussions on sustainable development is through national mechanisms for civil society engagement such as on the VNR. Unfortunately, as discussed earlier, this process leaves much to be desired in terms of CSO involvement and inclusion.

C. Limitations of Other Platforms for SCP Promotion

Other platforms, outside of but still linked with the HLPF and SDG 12, to pursue the SCP agenda for civil society are likewise restricted by similar fundamental issues. These platforms are either more focused on innovations (e.g., One Planet Network and SAVE FOOD initiative) or technical monitoring (e.g., Corporate Sustainability Reporting and Global E-waste Statistics Partnership) instead of policy setting; or voluntary and lack accountability mechanisms (e.g., SAICM).

The presence of big business interests in these platforms also creates additional challenges for the promotion of SCP. Global companies with controversial environmental and/or social track record like Microsoft and Nestlé, for instance, play key roles in the One Planet Network, which is considered as the main implementing mechanism for SDG on SCP. Microsoft is part of the advisory committee of One Planet Network's Consumer Information for SCP program while Nestlé is in the advisory committee of its Sustainable Food Systems program. These platforms are of course multi-stakeholder partnerships and thus include governments, civil society and the business sector. But given the skewed power relations among these stakeholders as illustrated in the HLPF process for instance, the opportunities for meaningful civil society impact could be small.

Meanwhile, SAICM will end in 2020, which it set as its deadline to realize its targets on sound management of chemicals and promote sustainable consumption and production. By most accounts, SAICM will not be able to achieve its targets covering more than 270 action targets (ChemicalWatch, 2019). For those who participated in SAICM, the process indeed offered opportunities for direct civil society interventions during meetings and discussions. CSOs, through the system of focal points, are also given time to prepare and plan for meetings, including the review of pertinent documents, before actual negotiations. It is also a useful venue to expose the impacts on the ground of harmful chemicals, including through side events (S. Rengam, personal communication, November 30, 2019).

However, having a resolution passed proved to be difficult, such as for instance, on the elimination of highly hazardous pesticides (HHPs), as dominant countries like the US and Europe with big pesticide corporate interests oppose it. In cases

where positive resolutions from civil society were passed and adopted by SAICM, implementation at the national level is undermined by lack of funding (S. Rengam, personal communication, November 30, 2019).

D. Rights Repression as Obstacle to Sustainable Development

An important aspect of civil society engagement in the implementation of sustainable development commitments that is often not discussed is the reality that many cause-oriented groups face increasing repression by their own governments and are thus severely undermined in fulfilling their role in the realization of the sustainable development agenda.

According to the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, for civil society to effectively play their role in the implementation of the SDGs, an enabling environment needs to be in place. To establish such enabling environment, there must be a legal framework with provisions for the protection, promotion and facilitation of the exercise of the rights to freedom and peaceful assembly. States should repeal or amend laws and regulations that impede or hinder the efforts of civil society to contribute to the realization of sustainable development (Special Rapporteur on the rights to freedom of assembly and of association, 2019).

Further, the same SR stressed: “Associations in every form whether registered or unregistered, formal or informal, service delivery or advocacy or oversight should be able to freely conduct their activities as independent actors, in order to effectively represent the needs and aspirations of their constituents or beneficiaries” (Special Rapporteur on the rights to freedom of assembly and of association, 2019).

For many rural, food-producing communities in underdeveloped countries, for instance, sustainable consumption and production starts with their sovereignty to produce food, which in turn is premised on their effective access and control over land and resources required for food production. But in many countries, repressive state policies are paving the way for vicious attacks on food producers including small farmers and indigenous peoples embroiled in land disputes against governments and businesses. A 2019 global report, for example, has monitored 138 cases of human rights violations including killings, arrests and detention, and assault of rural people and land activists in 23 countries worldwide that are related to land conflicts and struggles (PAN Asia Pacific, 2019).

Sadly, questions on human rights atrocities suffered by civil society actors in particular those working on the ground and in the communities are ignored at discussions in the supposedly inclusive and participatory HLPF platform. During Colombia’s presentation of its VNR at the 2018 HLPF, for instance, an indigenous peoples’ representative from the country raised the issue of the rampant killings that Colombian grassroots activists and communities face. CSO accounts claimed that the question was simply skirted by the Colombian government representative (Lowlands, 2018). About 21 cases of killings with 27 victims from farming and indigenous communities as well as land rights activists were monitored in Colombia in 2019 (PAN Asia Pacific, 2019).

In the Philippines, J. Cainglet argues that the government “*evades human rights issues in their VNR report. They don’t simply just evade these issues, they even tell outright lies. How can they say they are committed to implementing the SDGs when they can’t even accept the UN Security Council resolution to investigate the killings in the Philippines? Or accept UN and ILO high-level inquiries and missions on extrajudicial killings?*” (personal communication, October 14, 2019).

E. Maximizing Opportunities, Addressing Challenges

The earlier sections outlined the opportunities in and challenges facing current platforms for potential CSO engagement on sustainable consumption and production, and the overall sustainable development agenda. The succeeding discussion summarizes some of the concrete reforms to address the said challenges and maximize the opportunities that the current platforms present. These proposed reforms drew from the experiences of civil society in their engagement in these platforms and have already been synthesized by the Special Rapporteur on the Rights to peaceful assembly and of association and articulated at the UN level, in particular through its report at the 41st session of the Human Rights Council last June 2019.

Following a consultation meeting with CSOs, the Special Rapporteur enumerated key principles that should guide civil society engagement and participation in intergovernmental processes on sustainable development and specific recommendations to ensure accountability of the 2030 Agenda. These principles include providing enabling environment for meaningful CSO engagement at all levels; addressing data gaps and technology availability; capacity development for SDG implementation, monitoring and reporting; and linking other processes such as the Human Rights Council Universal Periodic Review (UPR), to the HLPF process (Special Rapporteur on the rights to freedom of assembly and of association, 2019). (See Annex 4 for full list of the principles)

F. SCP as a Strategic Battle

Beyond reforming the processes of the HLPF and its mechanisms, it is necessary for civil society to appreciate and approach the issue of sustainable consumption and production as a “strategic battle” both within the framework and context of the HLPF and related global platforms and outside of it.

In terms of engaging the HLPF, this means expanding the battleground beyond the HLPF and its limited spaces and looking at SCP not as a standalone goal that can be achieved through innovations and measured by certain indicators. As a cross-cutting theme, it must be pursued in different available spaces and at various levels of the UN, optimizing and synergizing CSO efforts. This approach creates much needed space to challenge existing frameworks and concepts on sustainable consumption and production that are problematic but are being upheld and promoted in the HLPF (E. Daño, personal communication, December 4, 2019).

Expanding the battleground for SCP also means operationalizing it at the national and local levels to mobilize communities with issues that are important to them and

engage governments through campaigns and policy advocacy. This could include specific SCP commitments of governments. In many developing countries, for example, bureaucratic corruption is prevalent – a policy issue that can be linked to sustainable public procurement as an SCP agenda (i.e., SDG target 12.7) (E. Daño, personal communication, December 4, 2019). Food prices and lack of farm support or the onslaught of imported food products that devastate local rural livelihoods are also highly political issues in many poor countries and thus can be related to SCP agenda of attaining sustainable food systems.

The UN's human rights system, for instance, can be maximized to push the SCP agenda beyond what the HLPF processes can or would allow. While facing its own limitations and actual implementation still rests with national authorities, the human rights approach using existing binding human rights instruments could contribute to demanding accountability from states on economic, social, cultural as well as civil and political rights that are linked to sustainable consumption and production.

This necessarily must include the people's collective right to development, which the UN already recognizes. As pointed out in the scoping paper on people-powered SCP, three essential dimensions of the right to development must be considered in relation to SCP: first, the people's right to participate in the development process; second, the people's right to enjoy a fair distribution of benefits from such process; and three, the people's right to self-determination including full sovereignty over all their natural wealth and resources. Broadening CSO engagement on SCP, and sustainable development in general, in the context of the people's right to development could potentially expand the battleground and achieve strategic gains for people-powered sustainable consumption and production.

III.

ANNEX

Annex 1. SDG 12: Summary of perceived concerns, constraints or challenges

Target	Concerns, constraints or challenges
<p>(12.1) Implement the 10-year framework of programmes on sustainable consumption and production, all countries taking action, with developed countries taking the lead, taking into account the development and capabilities of developing countries</p>	<p>There is no clear recognition of a need to limit or reduce overall volumes of consumption in line with a broader systemic approach</p> <p>Assumes that separate national SCP action plans are the preferable way to integrate SCP into the work of governments. In reality, other approaches, such as integration of SCP objectives into mainstream economic development planning processes or into sectoral plans and policy frameworks may be equally or more effective</p>
<p>(12.2) By 2030, achieve the sustainable management and efficient use of natural resources</p>	<p>Wording (i.e. sustainable management of resources, but silent on their efficient use) gives the impression that resource extraction and consumption are not directly connected; as long as natural resources are sustainably managed, there appears to be no need to consider the sustainability of consumption as such. This ambiguity may reflect a reluctance to commit explicitly to sustainable consumption. In addition, although the four indicators can provide a robust quantification of resource consumption, the target does not specify what levels are to be achieved by 2030</p>
<p>(12.3) By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses</p>	<p>Not evident how the envisaged reduction in food waste would affect the overall volume of food production and its environmental impacts or to what extent it could contribute to hunger relief</p> <p>While the target seems to aim for cutting food waste by half in absolute terms, the food-loss index measures waste in relative terms as percentage of food input. As such, the target is aiming mainly for enhanced efficiency of agri-food systems instead of facilitating structural reforms</p>
<p>(12.4) By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment</p>	<p>Impact target that will be very challenging to achieve, even after 2020 while progress will also be difficult to monitor since there is no agreed definition of "environmentally sound management"</p> <p>There is no indicator tracking the treatment of non-hazardous waste, which is also causing serious health and environmental impacts</p>

Annex 1. (continued)

<p>(12.5) By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse</p>	<p>Although the target mentions four different approaches to waste reduction, the indicator only measures recycling (national recycling rate and amount of waste recycled), which is often the least preferable option from an environmental perspective. This preference is in line with a technology-focused efficiency approach and reflects a weak commitment to a broader systemic strategy</p>
<p>(12.6) Encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle</p>	<p>Phrased in a vague fashion, using the word “encourage” rather than stronger alternatives, such as “require”</p> <p>The indicator is the number of companies that publish sustainability reports, hence focusing on the latter and much easier part of the target—to provide information. Increasing the transparency of how companies address sustainability can be a step toward improved practices, but there is little evidence that this measure by itself will have significant impact</p>
<p>(12.7) Promote public procurement practices that are sustainable, in accordance with national policies and priorities</p>	<p>Target is vaguely phrased, aiming only to promote better practice; The indicator that measures the number of countries implementing sustainable public procurement policies and action plans is not very meaningful, because the metric says nothing about the level of ambition of such plans or the extent to which they are implemented</p>
<p>(12.8) By 2030, ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature</p>	<p>If seriously implemented, the target can contribute to achieving SCP but, as research has shown, providing information and raising awareness on their own will not be sufficient to achieve the required transformation of currently unsustainable consumption and production patterns</p>
<p>(12.A) Support developing countries to strengthen their scientific and technological capacity to move towards more sustainable patterns of consumption and production</p>	<p>Target has a strong focus on technological solutions and efficiency. Progress will be measured by the amount of support provided to developing countries on research and development for SCP and green technologies</p> <p>However, the level and kind of support to be provided are not specified and is unclear on how much additional support should be mobilized beyond what wealthy countries are already providing through bilateral and multilateral channels</p>
<p>(12.B) Develop and implement tools to monitor sustainable development impacts for sustainable tourism that creates jobs and promotes local culture and products</p>	<p>Target is very narrow, with its focus on tools for monitoring impacts in a specific economic sector and thus hard to see how it could be effective as a means of implementation across the other SDG12 targets</p> <p>The indicator for the target (the number of sustainable tourism strategies or policies) is difficult to measure in a meaningful way and for which it is also hard to assess the potential impact</p>
<p>(12.C) Rationalize inefficient fossil-fuel subsidies that encourage wasteful consumption by removing market distortions, in accordance with national circumstances, including by restructuring taxation and phasing out those harmful subsidies, where they exist, to reflect their environmental impacts, taking fully into account the specific needs and conditions of developing countries and minimizing the possible adverse impacts on their development in a manner that protects the poor and the affected communities</p>	<p>Target contains a number of caveats, such as a reference only to “inefficient” subsidies, which makes it possible for governments to maintain such subsidies if they so wish</p> <p>Target could provide incentives for enhanced efficiency and for shifting consumption away from fossil fuel-intensive goods and services but unless overall consumption volumes are also addressed, in line with a systemic approach, this could have undesirable side-effects such as worsening environmental impacts caused by increasing production of biofuels</p>

Annex 2. Mandate of the HLPF

Based on Resolution A/RES/66/28

The HLPF could:

1. Provide political leadership, guidance and recommendations for sustainable development;
2. Enhance integration of the three dimensions of sustainable development (i.e., economic, social and environmental) in a holistic and cross-sectoral manner at all levels;
3. Provide a dynamic platform for regular dialogue and for stocktaking and agenda-setting to advance sustainable development;
4. Have a focused, dynamic and action-oriented agenda, ensuring the appropriate consideration of new and emerging sustainable development challenges;
5. Follow up and review progress in the implementation of sustainable development commitments contained in Agenda 21 the Johannesburg Plan of Implementation, the Barbados Programme of Action, the Mauritius Strategy and the outcome of the present Conference and, as appropriate, relevant outcomes of other United Nations summits and conferences, including the outcome of the Fourth UN Conference on Least Developed Countries, as well as their respective means of implementation;
6. Encourage high-level system-wide participation of UN agencies, funds and programmes, and invite to participate, as appropriate, other relevant multilateral financial and trade institutions and treaty bodies, within their respective mandates and in accordance with UN rules and provisions;
7. Promote transparency and implementation by further enhancing the consultative role and participation of major groups and other relevant stakeholders at the international level in order to better make use of their expertise, while retaining the intergovernmental nature of discussions;
8. Promote the sharing of best practices and experiences relating to the implementation of sustainable development, and on a voluntary basis, facilitate sharing of experiences, including successes, challenges and lessons learned;
9. Promote system-wide coherence and coordination of sustainable development policies
10. Strengthen the science-policy interface through review of documentation, bringing together dispersed information and assessments, including in the form of a global sustainable development report, building on existing assessments.
11. Enhance evidence-based decision-making at all levels and contribute to strengthening ongoing capacity-building for data collection and analysis in developing countries.

Annex 3. Leadership and advisory committees of the One Planet network

Program (Work areas)	Leadership	Multi-stakeholder Advisory Committee (MAC) members
<p>Sustainable Public Procurement</p> <p>(1) Assessing implementation and impacts (2) Collaborating with the private sector (3) Identifying obstacles and promoting innovative solution (4) Implementing sustainable public procurement on the ground</p>	<p>China – Environmental Development Center of the Ministry of Environmental Protection (Government/public sector)</p> <p>ICLEI – Local governments for sustainability (Other)</p> <p>Netherlands – Ministry of Infrastructure and the Environment (Government/public sector)</p> <p>United Nations Environment Programme (UNEP) (UN/intergovernmental organizations)</p>	<p>16 members –</p> <p>Government/public sector (4 members): Germany – Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB); India – Ministry of Railways; SKL Kommentus Inköpscentral; United States General Services Administration</p> <p>Civil society (7 members): Forest Stewardship Council (FSC) – Global (HQ: Germany); Good Environmental Choice Australia (GECA) – Australia; Green Electronics Council – USA; International Institute for Sustainable Development (IISD) – Global (HQ: Canada); Japan Environment Association, Eco Mark Office – Japan; Sustainable Purchasing Leadership Council (SPLC) – Global; The Danish Institute for Human Rights – Denmark</p> <p>Business sector (1 member): Sextante LTDA</p> <p>Scientific/technical (1 member): Colombia – Centro Nacional de Producción Más Limpia</p> <p>UN/intergovernmental organizations (3 members): European Union - European Commission DG Environment; ITC-ILO (Int. Training Center of the ILO); West African Economic and Monetary Union</p>
<p>Consumer Information for SCP</p> <p>(1) Plastics (2) Behavior change (3) Product lifetime extension (or circular economy) (4) Product sustainability information (5) Social impact communication</p>	<p>Consumer Information Program (UN/intergovernmental organizations)</p> <p>Consumers International (Civil society)</p> <p>Germany – Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB) (Government/public sector)</p> <p>Indonesia – Ministry of Environment and Forestry (Government/public sector)</p>	<p>18 members –</p> <p>Government/public sector (3 members): Chile – Ministry of Environment; France – Ministère de la transition écologique et solidaire; Paraguay – SEDECO</p> <p>Civil society (6 members): Akatu Institute for Conscious Consumption – Brazil; China Chain Store & Franchise Association (CCFA) – China; Cruelty Free International – UK; Ecological Union – Russia; Marine Stewardship Council (MSC) – Global (HQ: HK); World Wildlife Fund (WWF) – Global (HQ: Switzerland)</p> <p>Scientific/technical (3 members): International POP Elimination Network (IPEN)/Health and Environment Justice Support (HEJSupport); Life Cycle Assessment Network Uganda (LCA Network Uganda); WRAP (The Waste and Resources Action Programme)</p> <p>UN/intergovernmental organizations (3 members): International Trade Centre (ITC); Life Cycle Initiative; United Nations Environment Programme (UNEP)</p> <p>Business sector (2 members): Microsoft; The Consumer Goods Forum</p> <p>Others (1 member): Global Ecolabelling Network (GEN)</p>

Annex 3. (continued)

<p>Sustainable Tourism</p> <p>(1) Global tourism plastics initiative (2) Lead (3) Innovate (4) Finance (5) Empower</p>	<p>UN World Tourism Organization (UN/ intergovernmental organizations)</p> <p>France – Ministère de la transition écologique et solidaire (Government/public sector)</p> <p>Spain – Secretariat of State for Tourism (Ministry of Industry, Trade, and Tourism) (Government/public sector)</p>	<p>19 members –</p> <p>Government/public sector (5 members): Bahamas – Ministry of Tourism; Chile - Ministry of Economy, Development and Tourism; Croatia - Ministry of Tourism; France – Ministry of Foreign Affairs and International Development; Germany - Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB)</p> <p>Civil society (6 members): Fair Trade Tourism (FTT) – South Africa; Federation of Tourism Enterprises of Chile (FEDETUR) – Chile; Japan Ecologie Association – Japan; Rainforest Alliance (RA) – Costa Rica; Rural Tourism Network (RTN) – Kenya; Sustainable Travel International (STI) – USA; World Travel & Tourism Council (WTTC) – UK</p> <p>Business sector (2 members): The Long Run (TLR); TUI Group</p> <p>UN/intergovernmental organizations (6 members): Global Sustainable Tourism Council (GSTC); IUCN WCPA Tourism and Protected Areas Specialist (TAPAS) Group; Organisation for Economic Co-operation and Development (OECD); South Pacific Tourism Organisation (SPTO); United Nations Development Programme (UNDP); United Nations Environment Programme (UNEP)</p>
<p>Sustainable Lifestyles and Education</p> <p>(1) Developing and replicating sustainable lifestyles, including low-carbon lifestyles (2) Educating for sustainable lifestyles (3) Transforming current and shaping future generations’ lifestyles</p>	<p>Japan – Ministry of Environment (Government/public sector)</p> <p>Swedish Ministry of the Environment – Represented by Stockholm Environment Institute (Scientific/technical)</p>	<p>25 members –</p> <p>Government/public sector (2 members): France – Ministère de la transition écologique et solidaire; The Philippines – Department of Environment & Natural Resources</p> <p>Civil society (7 members): African Union Commission, Directorate for Women, Gender and Development – Africa; Akatu Institute for Conscious Consumption; D- mat – Brazil; JUCCEE (Joint US-China Collaboration on Clean Energy) – US/China; One Earth Canada – Canada; Swechha – India; World Resources Forum (WRF) – Switzerland</p> <p>Scientific/technical (8 members): Berghs School of Communication; El Bosque University; Institute for Global Environmental Strategies (IGES); PERL (The Partnership for Education and Research about Responsible Living); RedES Colombia; Rhodes University; UNU – IAS; WRAP (The Waste and Resources Action Programme)</p> <p>Business sector (4 members): African Women Agribusiness Network; Filippa K; IKEA of Sweden; World Business Council for Sustainable Development (WBCSD)</p> <p>UN/intergovernmental organizations (4 members): European Union – European Commission DG Environment; Nordic Council of Ministers; Organisation for Economic Co-operation and Development (OECD) UNESCO; United Nations Environment Programme (UNEP)</p>

Annex 3. (continued)

<p>Sustainable Buildings and Construction</p> <p>(1) Enabling frameworks (2) Sustainable housing (3) Sustainability in the supply chain (4) Reduce climate impact (5) Knowledge sharing, outreach, awareness raising</p>	<p>Finland – Ministry of Environment (MoE) (Government/public sector)</p> <p>RMIT University (Scientific/technical)</p> <p>United Nations Environment Programme (UNEP) (UN/intergovernmental organizations)</p>	<p>21 members –</p> <p>Government/public sector (5 members): Argentina – Ministry of Production; Singapore – BCA Centre for Sustainable Buildings; France – Ministère de la transition écologique et solidaire; Mexico - SEMARNAT - Secretaría de Medio Ambiente y Recursos Naturales; Netherlands - Ministry of Infrastructure and the Environment</p> <p>Civil society (5 members): Development Alternatives – India; EcoSur; Energies 2050 – France; Royal Institution of Chartered Surveyors (RICS) – UK; World Green Building Council – USA</p> <p>Scientific/technical (4 members): Agence de mutualisation des universités et établissements (AMUE); China Academy of Building Research (CABR); The Energy and Resources Institute (TERI); Université Privée de Fès</p> <p>Business sector (4 members): GAUGE; International Finance Corporation – IFC; Royal BAM Group; SWECO; World Business Council for Sustainable Development</p> <p>UN/intergovernmental organizations (2 members): Global Green Growth Institute (GGGI); UN-Habitat</p> <p>Other (1 member): Bioregional</p>
<p>Sustainable Food Systems</p> <p>(1) Building enabling environments for sustainable food systems (2) Increasing the access to and fostering the application of actionable knowledge, information and tools to mainstream SCP in food systems (3) Raising awareness on the need to adopt SCP patterns in food systems (4) Strengthening collaboration among food system stakeholders to increase the sector’s SCP performance</p>	<p>Costa Rica – Ministerio de Agricultura y Ganadería (Public sector/government)</p> <p>Switzerland – Federal Office for Agriculture FOAG (Government/Public sector)</p> <p>World Wildlife Fund (WWF) (Civil society)</p>	<p>20 members –</p> <p>Public sector/government (4 members): Argentina - Secretaría de Gobierno de Ambiente y Desarrollo Sustentable de la Nación; South Africa – Department of Trade and Industry; Tunisia – General Direction of Sustainable Development; U.S. Department of Agriculture</p> <p>Civil society (4 members): Global Nature Fund – Germany; HIVOS – Netherlands; IFOAM International – Germany; International Centre for Environmental Education and Community Development (ICENECDEV) – Africa</p> <p>Scientific/technical (4 members): Alliance of International Institute for Tropical Agriculture (CIAT) and Bioversity International; ENEA (Italian National Agency for New Technologies, Energy and Sustainable Economic Development); INRA - Institut National de la Recherche Agronomique (INRA); International Panel of Experts on Sustainable Food Systems</p> <p>Business sector (4 members): Food Networks; Nestlé; Pinpoint Sustainability; Sri Lanka - National Cleaner Production Centre</p> <p>UN/intergovernmental organizations (4 members): Food and Agriculture Organization of the United Nations (FAO); International Fund for Agricultural Development (IFAD); United Nations Environment Programme (UNEP); World Economic Forum</p>

Annex 4. Key principles to guide civil society engagement and participation in intergovernmental processes on sustainable development and specific recommendations to ensure accountability of the 2030 Agenda (Special Rapporteur on the rights to freedom of assembly and of association, 2019)

Monitoring

- At the national and sub-national level, civil society should have a stake and a role in tracking progress towards achieving the SDGs, by developing appropriate indicators for their particular country contexts, and the means to assess and follow-up on the implementation of improvements needed
- Availability of data and the development of progress assessment methodologies are crucial to the success of review and follow-up mechanisms. Civil society's capacity to collect, disaggregate and analyze relevant data should be strengthened
- Develop collaborative, creative, innovative, efficient, cost-effective approaches to monitoring and data collection, taking advantage of existing civil society capacity, reach and expertise in this area
- Develop national-level technical training and sessions on how to monitor SDG implementation, collect and produce data, and raise awareness
- Integrate recommendations from the Human Rights Council Universal Periodic Review (UPR), the Human Rights Treaty Bodies, and Special Procedures into the follow-up and review process through the use of tools such as the Universal Human Rights Index (UHRI), designed to facilitate access to human rights recommendations

Review and accountability

- Mechanisms should be put in place to ensure civil society's active and meaningful participation in the VNR. To this end, States should implement multisectoral and ongoing mechanisms and platforms to ensure civil society can contribute to the VNR, including through consultations; online platforms, and written submissions, and reporting. Models where civil society has ownership of a section of the voluntary national review should be promoted
- National review reports are an opportunity to evaluate progress and extract lessons that will support further implementation of the Goals. They should be a solutions-based tool rather than just an opportunity to showcase good practices
- These reports should be drafted in an accessible manner and disseminated through appropriate means to give relevant stakeholders, including CSOs, opportunity to make observations to these reports before their presentation to the HLPF. Civil society comments and contributions to the VNR should be reflected in the final report
- Civil society should also be part of the SDGs review process at the global level. States and HLPF coordinating mechanism should promote the inclusion and participation of a wide range of civil society actors and major groups at the HLPF. In particular, civil society shadow or alternative reporting on national efforts on implementing the 2030 Agenda should be

supported, incentivized and formally accepted during the HLPF, as they are effective tools to identify and address shortcomings where States responsibilities are not met. UNDESA should consider providing guidance to CSOs via toolkits and promoting best practices, and by encouraging funders to support shadow reporting efforts. Access to CSOs reporting should not be limited to NGOs in consultative status with the ECOSOC

- HLPF coordination mechanisms should identify spaces where civil society shadow reports can be presented or shared with States to enable dialogue and further partnerships during the forum
- States and the HLPF coordination mechanism should ensure the recommendations from civil society reports are taken into account when discussing and negotiating the HLPF Ministerial Declaration
- The outcomes of the VNR and its presentation at the HLPF should be widely disseminated among civil society actors at the national and sub-national level
- Civil society should develop collaborative endeavors at the local level to identify people's priority concerns and develop their capacities to hold government institutions accountable. This includes by raising levels of awareness and understanding of the 2030 Agenda across all civil society actors including by breaking silos and building solidarities
- It is critical to strengthen NHRIs (national human rights institutions) capacity to monitor and hold governments accountable for the lack of progress or adequate progress in the implementation of the SDG commitments. Further, to identify patterns of discrimination and inequality that impede the promise to 'leave no one behind', and to utilize NHRIs' quasi-judicial mandates to receive and redress complaints of human rights violation related to development

IV.

REFERENCES

66/288. The future we want. (n.d.). Resolution adopted by the General Assembly on 27 July 2012.

67/290. Format and organizational aspects of the high-level political forum on sustainable development. (n.d.). Resolution adopted by the General Assembly on 9 July 2013.

67/290. Format and organizational aspects of the high-level political forum on sustainable development. (n.d.). Resolution adopted by General Assembly on 9 July 2013.

70/1. Transforming our world: the 2030 Agenda for Sustainable Development. (n.d.). Resolution adopted by the General Assembly on 25 September 2015.

Asia Pacific Regional CSO Engagement Mechanism. (2019). *Background*. Retrieved from <http://asiapacificrcem.org/about-rcem/what-is-the-rcem/>

Burca, D. D. (2019, October 8). *Where to for HLPF review process*. Retrieved <https://sdg.iisd.org/commentary/guest-articles/where-to-for-hlpf-review-process/>

Cainglet, J. (2019, October 14). Personal interview.

Cervantes, F. M. (2019, September 3). Senate OKs creation of Sustainable Dev't Goals panel. *Philippine News Agency*. Retrieved from <https://www.pna.gov.ph/articles/1079466>

Chemical Watch. (2019, March 27). *Feature: Has the SAICM programme made any difference?* Retrieved <https://chemicalwatch.com/75211/feature-has-the-saicm-programme-made-any-difference#overlay-strip>

Community of Democracies & PartnersGlobal. (2017). *The importance of ensuring an enabling environment for civil society as it relates to Sustainable Development Goals*. Retrieved from <https://community-democracies.org/app/uploads/2016/09/Study-Enabling-Environment-and-SDGs.pdf>

Daño, E. (2019, December 4). Personal interview.

Donald, K., & Ramoroka, M. (2018, July 30). *Five key takeaways from the 2018 High Level Political Forum*. Retrieved from <https://www.cesr.org/five-key-takeaways-2018-high-level-political-forum>

European Coalition for Corporate Justice. (2018, November 29). *NGOs call on the EU Commission to clarify legal framework for corporate sustainability reporting*. Retrieved from <https://corporatejustice.org/news/11351-ngos-call-on-the-eu-commission-to-clarify-the-legal-framework-for-corporate-sustainability-reporting>

Falcon, R. (2018, March 28). *National strategy to meet the Sustainable Development Goals (SDGs)*. Retrieved from https://www.pcw.gov.ph/sites/default/files/documents/events/2019/March/web_writer/BPfA_National%20Validation_NEDA_National%20Strategy%20to%20Meet%20the%20SDG_28%20March%202019.pdf

Food and Agriculture Organization [FAO]. (2017). *Global initiative on food loss and waste*. Retrieved from <http://www.fao.org/3/a-i7657e.pdf>

FAO. (2019). *SAVE FOOD: Global initiative on food loss and waste reduction*. Retrieved from <http://www.fao.org/save-food/background/en/>

High-Level Political Forum on Sustainable Development. (n.d.). *Voluntary national reviews*. Retrieved from <https://sustainabledevelopment.un.org/vnrs/>

IBON International. (2018, July 18). *HLPF 2018: Where's people's development in the "transformation to sustainable and resilient societies"?* Retrieved from <https://iboninternational.org/2018/07/18/hlpf-2018-where-s-people-s-development-in-the-transformation-to-sustainable-and-resilient-societies/>

International Telecommunication Union [ITU]. (2019). *Global e-waste statistics partnership*. Retrieved from <https://www.itu.int/en/ITU-D/Climate-Change/Pages/ewaste/globalewastestatisticspartnership.aspx>

Lieberman, A. (2018, August 7). *Civil society looks to independent review of SDGs, beyond government reporting*. Retrieved from <https://www.devex.com/news/civil-society-looks-to-independent-review-of-sdgs-beyond-government-reporting-93226>

Lowlands, R. (2018, August 2). *Unanswered questions: How civil society's contributions to sustainable development are undermined at the HLPF*. Retrieved from <http://sdg.iisd.org/commentary/guest-articles/unanswered-questions-how-civil-societys-contributions-to-sustainable-development-are-undermined-at-the-hlpf/>

MDGs to SDGs: Top 10 Differences. (2014, August 8). Retrieved from <https://advocacy.thp.org/2014/08/mdgs-to-sdgs/>

PAN Asia Pacific. (2019). *Land & Rights Watch 2019 yearend report*. Retrieved from <https://panap.net/2019/12/land-rights-watch-2019-yearend-report/>

New panel formed to meet concerns on SDGs. (2019, March 7). *Business Mirror*. Retrieved from <https://businessmirror.com.ph/2019/03/07/new-panel-formed-to-meet-concerns-on-sdgs/>

NGO Major Group. (2018). *Position Paper of the Non-Governmental Organizations Major Group High Level Political Forum 2018*. Retrieved from <https://www.forumue.de/en/>

position-paper-of-the-non-governmental-organizations-major-group-high-level-political-forum-2018/

Rengam, S. (2019, November 30). Personal interview.

Strategic Approach to International Chemicals Management [SAICM]. (2019). *Launch of the Beyond 2020 process*. Retrieved from <http://www.saicm.org/Resources/SAICMStories/LaunchoftheBeyond2020process/tabid/5530/Default.aspx>

SAICM. (2019). *SAICM Overview*. Retrieved from <http://www.saicm.org/About/SAICMOverview/tabid/5522/language/en-GB/Default.aspx>

Sakiko Fukuda-Parr, M. B. (2018, July). Voluntary National Reviews - what do they report? [CDP Background Paper No. 46(46)]. Retrieved from <https://sustainabledevelopment.un.org/content/documents/20549CDPbp201846.pdf>

Sénit, C. A. (2019). Leaving no one behind? The influence of civil society participation on the Sustainable Development Goals. *Environment and Planning C*, 0(0), 1-20. doi: 10.1177/2399654419884330

Special Rapporteur on the rights to freedom of assembly and of association. (2019). *Civil society participation in the implementation of Agenda 2030 on Sustainable Development*. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/290/60/PDF/G1929060.pdf?OpenElement>

The Civil Society Participation Mechanism in the Sustainable Development Agenda and the Forum of the Countries of Latin America and the Caribbean on Sustainable Development. (2019, April). Retrieved from <https://foroalc2030.cepal.org/2019/en/documents/civil-society-participation-mechanism-sustainable-development-agenda-and-forum-countries>

United Nations Environment Programme [UNEP]. (2013). *Frequently asked questions on corporate sustainability reporting*. Retrieved from <https://www.globalreporting.org/resourcelibrary/GoF47Para47-FAQs.pdf>

UNEP. (2019). *Group of friends of paragraph 47 (GoF47)*. Retrieved from <https://www.unenvironment.org/explore-topics/resource-efficiency/what-we-do/responsible-industry/corporate-sustainability-0>

United Nations. (2019). *Major groups and other stakeholders*. Retrieved from <https://sustainabledevelopment.un.org/majorgroups/about>

Zhao, H. (2019, October 14). *How ITU is meeting the global e-waste challenge*. Retrieved from <https://news.itu.int/how-itu-is-meeting-the-global-ewaste-challenge/>

The current global system of production and consumption is unsustainable and profit-driven for the benefit of the elite few. It must be replaced by systems that put people's rights at the center. Such systems, which operationalize the principles of People-Powered Sustainable Consumption and Production (PP-SCP)—(1) people's rights are protected and advanced in the whole production and consumption chain; (2) self-sufficiency from the community to the national level is promoted through people's sovereignty; (3) social innovations and community actions toward SCP are encouraged and supported; and (4) accountability of corporations and governments is demanded and ensured—are already being led and practiced by grassroots communities.

The book features the PP-SCP practices of the farmers and Indigenous Peoples of Kenya and the Philippines that promote various aspects of people's rights such as the right to food, the right to housing, the right to health and healthy environments, and in the case of Indigenous Peoples, the right to self-determination. The advancement of people's rights is supported by the communities' assertion of their sovereignty through collective action and the exercise of democratic governance within their organizations. The case studies also show that promoting people's rights and welfare can go hand-in-hand with the protection of the environment. With adequate support and protection, community-led PP-SCP practices can provide solutions towards transformation to sustainability.