

**NATURAL RESOURCE-BASED
CONFLICTS IN THE PHILIPPINES:
WORKSHOP ON TRENDS,
CHALLENGES AND ACTIONS
WORKSHOP PROCEEDINGS**



USAID
FROM THE AMERICAN PEOPLE

MAY 2004

This publication was produced for review by the United States Agency for International Development. It was prepared by ARD, Inc.

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A WORKSHOP ON TRENDS, CHALLENGES AND
ACTIONS (PROCEEDINGS)

13-14 MAY 2004

DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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ACRONYMS

ADR	Alternative Dispute Resolution
AFMA	Agricultural Fisheries and Modernization Act
AMORE	Alliance for Mindanao of Renewable Energy
ASEC	Assistant Secretary
BFAR	Bureau of Fisheries and Aquatic Resources
CARL	Comprehensive Agrarian Reform Law
CBFM	Community-based Forest Management
CFP	Community Forestry Program
CHARM	Cordillera Highland Agricultural Development Program
CORE Group	Conflict Resolution Group Foundation, Inc.
CRA	Current Reality Assessment
CRM	Coastal Resource Management
DA	Department of Agriculture
DENR	Department of Environment and Natural Resources
EcoGov	Environmental Governance Project
EU	European Union
EWV	Enterprise Works Worldwide
FASPO	Foreign Assisted Project Office
FFR	Forests and Freshwater
FVR	Fidel V. Ramos
GMA	Gloria Macapagal-Arroyo
HADP	Highland Agricultural Development Program
IBRA	Illana Bay Resource Alliance
ICRAF	International Center for Research in Agro-forestry
IEC	Information Education and Communication
IFMA	Industrial Forest Management Agency
IP	Indigenous People
IRR	Implementing Rules and Regulations

LGU	Local Government Unit
LLDA	Laguna Lake Development Authority
MAC	Marine Aquarium Council
MEDNET	Mediator Network for Sustainable Peace
MIMAROPA	Mindoro, Marinduque, Romblon, Palawan
MWSS	Manila Water and Sewerage System
NEDA	Natural Economic Development Authority
NGA	National Government Agency
NGO	Nongovernmental Organization
NIPAS	Natural Integrated Protected Areas
NRC	Natural Resource-Based Conflict
OEE	Office of Energy and Environment
PADCO	Planning and Development Collaboration International
PASA	Protected Area Suitability Assessment
PCA	Priority Conservation Areas
PENRO	Provincial Environment and Natural Resource Office
PNOC	Philippine Natural Oil Company
PO	People's Organization
QSEED	Quirino Movement for Sustainable Environmental and Economic Development
RPDEV	Ramos Peace and Development Foundation
SEP	Strategic Environmental Plan
TLA	Timber Land Agreement
UCMSEED	United Cagayanos Movement on Sustainable Environment and Economic Development, Inc.
US	United States
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

STAKEHOLDERS ADDRESS NATURAL RESOURCE-BASED CONFLICTS IN THE PHILIPPINES

Conflicts over dwindling supplies of forests, fish and water in the Philippines are increasing and effective mitigation tools and approaches are needed. To address this challenge, USAID organized and co-sponsored with the Philippine Department of Environment and Natural Resources (DENR), a workshop on “Natural Resource-based Conflicts in the Philippines: Trends, Challenges, and Actions.”

Seventy-five participants from NGOs, the national and local governments (including two former cabinet secretaries), donors, private sector and academe reviewed conflicts over natural resources in Asia, discussed mitigation tools and identified priority actions. Participants came from the Philippines, Indonesia, Sri Lanka and the U.S.

The participants agreed that conflict mitigation strategies and tools should focus on conflict prevention rather than ‘curing’ conflicts. As conflicts are expected to get worse and lead to heightened violence due to an increasing demand for dwindling supplies of natural resources – forests, fish and water - priority actions include: resolve conflicting policies and laws; develop baseline data on conflict areas including website and resource materials; adopt sector-specific alternative dispute resolution training programs; and establish a network of practitioners capable of mitigating natural resource conflicts.

MITIGATING CONFLICTS CENTRAL TO MANAGING NATURAL RESOURCES

The Philippines faces four key challenges related to natural resource management: conservation, corruption, conflict and competitiveness. Conservation - the wise use of natural resources - is essential to sustainable economic development; however, growing demands for natural resource are severely depleting the country’s limited supplies of forests, fish and water. Corruption and other failures of governance such as the open access of forests and fishery resources, has led to pervasive overfishing, destructive fishing and illegal logging. Conflict, often violent, results when resources users compete for declining supplies of forest, fish and water, especially when the loss of these natural resources threatens peoples’ livelihoods. The lack of natural resources, especially water, can undermine the ability of the Philippines to attract and retain economic investments, and maintain an acceptable quality of life for Filipinos.

USAID, DENR and other stakeholders such as NGOs and public interest law groups have been engaged in addressing natural resource conflicts for many years. Natural resource managers have developed and applied tools such as mediation, negotiation, and community dialogues in different parts of the Philippines for a variety of natural resources. This workshop brought over 75 natural resource management practitioners and conflict experts to help stakeholders develop a better understanding of natural resource conflicts in the Philippines, describe where conflicts presently occur and future trends, assess what tools work well in mitigating conflict, and identify priority actions. The participants also shared experiences and agreed on next steps to address this increasingly important topic, not only in the Philippines but in other parts of Asia.

USAID’s Asia and Near East Bureau provided core support for the workshop and the participants benefited greatly from the insights and guidance of Dr. Mary Melnyk, Senior Advisor for Natural Resources Management. Dr. Melnyk leads a USAID project to address natural resource management conflicts in Asia.

STAKEHOLDERS' OWNERSHIP FROM WORKSHOP PLANNING TO IMPLEMENTATION MADE A DIFFERENCE

Pre-workshop planning and design. USAID Philippines, together with the DENR, led a highly participatory process that included a core working group comprised of legal rights advocates, NGOs concerned with conflict mitigation and other USAID partners to oversee the design and implementation of the event. USAID contracted with the Associates in Rural Development, Inc (ARD) to provide logistical support for this workshop.

In order to better understand the extent of natural resource-based conflicts in the Philippines, USAID Philippines worked with local partners to prepare a series of case studies on natural resource conflicts. Partners prepared nine case studies that described natural resources conflicts, actions taken to mitigate the conflict and lessons learned. Dr. James Jarvie of ARD edited the case studies for presentation at the workshop. One case study documented that it is often more profitable to harvest forest products illegally than to meet all the legal requirements. This situation undermines the efforts of community groups to harvest forest products legally since illegal logging has kept market prices low, increased conflicts with community groups over forests and reduced economic incentives for planting tree crops.

In designing the workshop, the working group agreed to focus on three natural resources sectors: forests, fish/coastal resources, and water given the emerging importance of these resources and the lack of assessments regarding conflicts over the use of these resources. The group surveyed key stakeholders to identify who is doing what and where in various resource conflict-areas in the country.

The survey results, together with selected case studies, informed participants of possible conflict trends and challenges as well as guidance on possible mitigation approaches.

INCREASING CONFLICTS OVER DWINDLING NATURAL RESOURCES EXPECTED

Workshop proper. Mr. Rafael Camat, Assistant Secretary of DENR's Foreign-Assisted Projects Office (FASPO), opened the workshop by noting that "mitigating conflict is not an easy task. If not handled properly conflict leads to bloodshed." At least 69 DENR personnel (and 13 community members) have been killed or injured in the line of duty since the 1990s. He asked the participants to "think outside the box to help develop innovative ways to manage conflicts over natural resources."

Mr. Jerry Bisson, Chief of USAID Philippines' Office of Energy and Environment stressed that around the world and in the Philippines, conflicts over dwindling supplies of forests, fish and water are steadily increasing. What makes it more critical for the Philippines is that the country's forests and coastal resources are important in terms of their global significance as well as their local cultural and economic value.

CONFLICT DYNAMICS, TOOLS, AND LESSONS LEARNED PRESENTED

Dr. Jarvie provided an overview of conflict in Asia. In dealing with natural resource conflict, he noted that "preventing is better than curing" and because of very limited reporting of natural resource conflicts in the media, there is little information available to assess the true extent of the problem. Dr. Ernesto Guiang, Chief of Party of the Environmental Governance Project (EcoGov), presented an overview of conflict trends in the forest and water sectors, which are expected to worsen as population and demand for natural resources increase and resources dwindle. He also highlighted that current conflicts have shifted governance of forests from "Protect, Prohibit, and Punish" to "Protect, Participate, and Profit." Under this latter approach, natural resource users have greater authority and responsibility over natural resources and receive more benefits from their protection and use.

Mr. Ronet Santos, Program Coordinator of Volunteer Services Overseas, focused attention on the coastal sector and reiterated the view that conflicts will increase, especially due to overfishing and destruction of habitats, and the stakeholders need to have better tools to deal with increasing disputes, including violent clashes over coastal resources. Ms. Ann Koontz of Enterprise Works Worldwide, clearly showed how providing communities with tenure over forest land and resource extraction rights to natural resources, contributes to local peace and order, and economic development. However, EWW also vividly documented how corruption can destroy local enterprises, deter investments in forest plantations and fuel conflict over forest resources. The newly elected mayor of Tabina, Zamboanga del Sur, Mayor Romulo Lumo, gave examples of how he led community members in mitigating conflicts through information sharing, participatory monitoring and enforcement of local laws. He also candidly shared some of the negative aspects of his work including how many of the people affected by the solutions he implemented did not vote for him. Tabina is among the 19 coastal towns located in Illana Bay, Zamboanga del Sur, Southern Mindanao that is dependent on the critical resources of the bay.

Dr. Dolly Nepomuceno of the Laguna Lake Development Authority (LLDA) highlighted successful government intervention of LLDA to resolve conflicts over fresh water resources. She noted the importance of having a national government body with a coordinative, regulatory and developmental mandate, using up-to-date scientific and participatory-generated information as a basis for allocating water resource. Ms. Marlynn Mendoza, of DENR's Protected Areas and Wildlife Bureau, discussed challenges in conserving wetlands and working with Muslim communities in the Ligawasan Marsh, Mindanao. She emphasized that community members are not homogenous and they have different views about how to best use natural resources and the role of outside groups in managing natural resources. To be locally accepted and sustained, she noted that biodiversity conservation efforts should incorporate various indigenous knowledge systems and values of the community. Ms. Kimberly Sais, Senior Policy Advisor, USAID/EGAT's Office of Environment and Science Policy, shared tools and a framework for conflict mitigation being developed by USAID's Office of Conflict Management and Mitigation.

For the last presentation, Dr. Cynthia Irmer, Planning and Development Collaboration International (PADCO), shared her experience in Thailand and related it to the Philippines. She emphasized that conflict resolution strategies may require deeper involvement of communities and grass-roots organizations in analyzing the nature and sources of conflicts, participating in needs assessment to build stakeholders' capacity, and proposing solutions to resolve conflicts.

PRIORITY ACTIONS TO MITIGATE NATURAL RESOURCE-BASED CONFLICTS IDENTIFIED

The participants were divided into three groups: forests, fish, and water, to discuss natural resource-based conflicts in more detail. A spokesperson reported the results of each group's discussion in a plenary session. Results included maps showing priority areas based on threats to biological diversity from natural resource-based conflicts. In particular, the participants highlighted the need to increase support to mitigate natural resource-based conflicts in parts of Mindanao, Palawan and northern Luzon. Although the participants recognized the value of increasing the use of alternative dispute resolution, they also stressed the need to increase the penalty for violating environmental laws to serve as a significant deterrent. Participants identified a number of priority actions such as resolving policy overlaps by reviewing conflicting provisions of environmental laws. For instance, provisions of the indigenous people's rights act and mining law conflict with respect to the mandated process and authority over resource permitting and land use development. There is also a conflict between the indigenous people's rights act and the integrated protected areas act regarding authorities mandated over land use development (i.e., who determines what areas to be set aside as 'no-touch' zones, which are considered ancestral domains) and regulating the use and transport of natural resources found within ancestral domains that are also considered as protected areas. Similarly, conflicts over land use arise due to conflicting provisions under the protected areas act and the mining law as it is not clear which law will take precedence if a given forest area is deemed critical to maintain biological diversity and

ecological services and at the same time, there are valuable mineral deposits at the site. Lastly, participants considered designing alternative dispute resolution programs to address specific natural resource sectors and conflicts.

The participants also recognized the need for additional training and networking on conflict mitigation. They also outlined plans to develop baseline data on natural resource conflicts, including a website and resource materials.

The Secretary of DENR strongly supported this workshop and sent a number of DENR staff, including some of DENR's most progressive individuals who spoke candidly about the need to sustain the department's progress toward decentralized and participatory management of natural resources.

Closing: The workshop participants left with very encouraging impressions, especially from field managers who deal with conflict on a daily basis. A leader of an upland farmer federation said this was the first time they were able to discuss and share their experiences with such a diverse audience. He believed that previous development projects failed because they did not identify conflicts over natural resources as a critical issue.

Stakeholders need to be engaged in a transparent, participatory process in order to deal effectively with complex issues like natural resource conflicts. In developing appropriate natural resource conflict measures, it is important to build the ownership of key stakeholders in designing and holding the workshop. Participants identified a number of actions needed, the lead person for each action and expected results within 3-6 months. Other countries with escalating natural resource conflicts may be interested in replicating this workshop's participatory approach in order to identify and apply strategic actions to mitigate natural resource-based conflicts.

I.0 WORKSHOP OBJECTIVES, AGENDA AND METHODOLOGY

At the end of the workshop, the participants shall have:

1. Deepened their understanding of the nature and dynamics of natural resource-based conflicts.
2. Assessed current realities of NRC: trends, tools/strategies, challenges and opportunities.
3. Identified priority actions to more effectively address NRC.

I.1 WORKSHOP OUTPUTS

1. Documentation of natural resource conflict lessons and experiences among stakeholders.
2. Next Steps Action Plan that address conflicts by DENR, USAID and key stakeholders.
3. Basic framework for a USAID/DENR strategy to address NRC.

I.2 METHODOLOGY

Using the Technology of Participation, this event featured highly energized, fast-paced and creative learning activities that inspired teamwork and generated substantive outputs.

I.2.1 Approaches

<i>Strategic Issue Focus:</i>	Focus on issues not personalities
<i>Multi-sectoral:</i>	Collaboration among multi-sectoral representatives and their group is emphasized
<i>Workshop Format:</i>	The participants engage in a series of group work and plenary discussions. The ideas and insights produced are put together and used as working documents.
<i>Interactive & fast-paced:</i>	Participants get the chance to work with everyone else in the group.
<i>Action-oriented:</i>	Outputs always lead to action.

I.2.2 Foundational Values

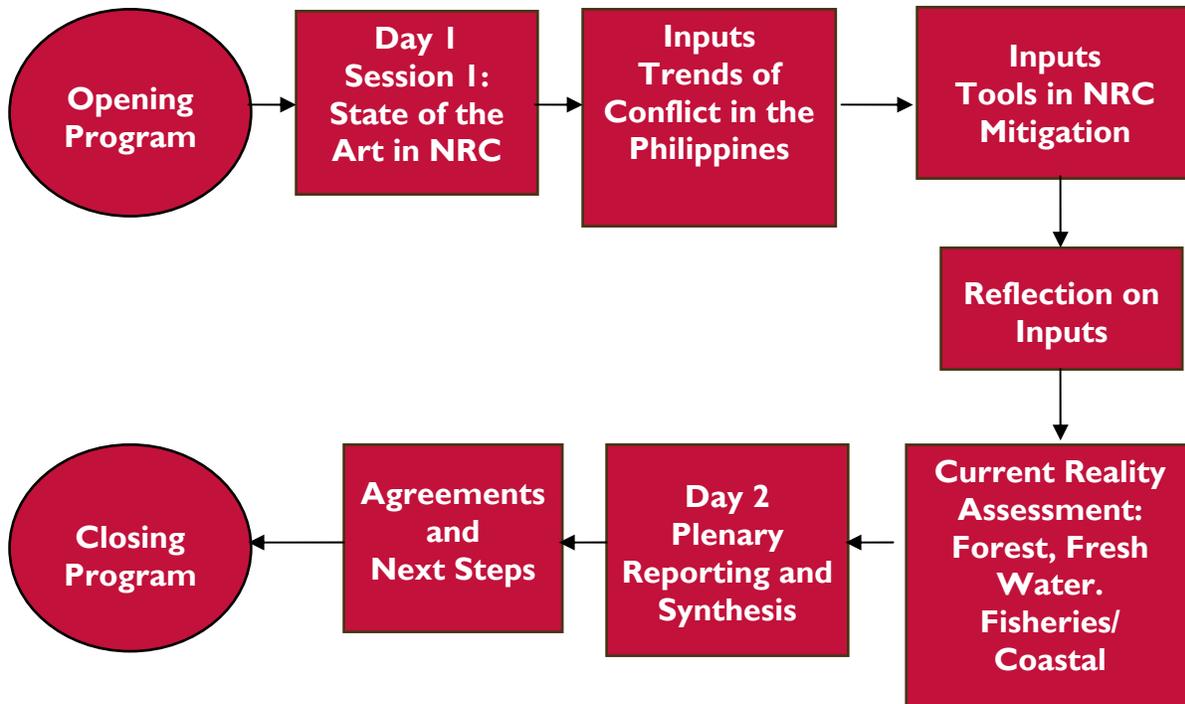
<i>Participation:</i>	Generating from the ideas from the participants' diverse expertise and experience.
<i>Teamwork:</i>	Using small and large groups for workshops and planning. Every one is part of a group.
<i>Creativity:</i>	Thinking with the minds and hearts to produce intuition and insights

Consensus: Building on common ground and weaving together our shared insights and focused direction

Reflection: Thinking back

Action: Leading to the future, the plans must have practical and tangible results

1.2.3 Workshop Process



1.3 WORKSHOP AGENDA

Day 1: May 13, 2004	
Registration	8:30 – 9:00
Opening Session Welcome Remarks <i>Assistant Secretary Rafael Camat, FASPO-DENR</i> Workshop Rationale <i>Mr. Jerry P. Bisson, Chief OEE-USAID</i> Workshop Overview <i>Ms. Agnes Q. Villarruz,, ARD</i>	9:00 – 9:45

Session 1: “State of the Art” in NRC	
NRC overview for Asia; Survey results for Philippines with Overview of Case Studies <i>Dr. Jim Jarvie, Associates for Rural Development (ARD)</i>	9:45 – 10:30
Open Forum/Brief Reflection <i>Ms. Agnes Q. Villarruz, ARD</i>	
Break	10:30 – 10:45
Trends of Conflict in the Philippines <ul style="list-style-type: none"> • Forest and fresh water resources <i>Dr. Ernesto Guiang, Environmental Governance Project</i> • Coastal/Fishery Resources <i>Mr. Ronet Santos, Volunteer Services Overseas</i> 	10:45 – 11:45
Discussion/Reflection	
Photo Session/Lunch	11:45 – 1:30
Session 2: “Tools” in NRC Mitigation	
Tools in NRC Mitigation <ul style="list-style-type: none"> • NGO/PO Experiences on Community-based Forest Management in the Philippines and Asia <i>Ms. Ann Koontz, Enterprise Works Worldwide (EWW)</i> • LGU Coastal Resources Management Experience of Illana Bay, Zamboanga del Sur <i>Vice-Mayor Romulo Lumo, Municipality of Tabina</i> • Fresh Water Conflicts: The Laguna Lake Development Authority (LLDA) Experience in Laguna de Bay <i>Dr. Dolly Nepomuceno, LLDA</i> • Natural based conflicts in the Ligawasan Marsh, Mindanao <i>Ms. Marlynn Mendoza, Protected Areas and Wildlife Bureau-DENR</i> 	1:30 – 2:45
Discussion/Reflection	2:45 – 3:15
Break	3:15 - 3:30
Session 3: NRC Break-out group Discussion	
<ul style="list-style-type: none"> • Fresh water • Coastal/Fisheries • Forest 	3:30 – 6:00
Informal Session: Developing and Applying NRC Assessment Framework and Toolkit	
<ul style="list-style-type: none"> • Developing an Assessment Framework and Toolkit <i>Ms. Kimberly Sais, USAID/EGAT</i> • Natural Resource Conflict Prevention/Resolution: Thailand experience <i>Dr. Cynthia Irmer, PADCO</i> 	6:00 – 7:00

Day 2: May 14, Friday	
Session 3 continued: Presentation and Discussion	
Sharing on Regional NRC Experiences	8:00 – 9:00
Recap of Day I	9:00 – 9:30
Presentation of Group Outputs and Discussion	9:30 – 10:30
<i>Break</i>	10:30-10:45
Plenary Discussion (Continued)	10:45-12:00
<i>Lunch:</i>	12:00 – 1:30
Synthesis, Agreements and Next steps	1:30 – 2:30
Closing Session	2:30
Impressions from Workshop Participants	
Response and Closing remarks	
<i>Mr. Marcial Amaro, Jr. Director, EcoGOV Project, DENR</i> <i>Mr. Jerry P. Bisson, Chief OEE-USAID</i>	
<i>Merienda</i>	3:00

2.0 OPENING SESSION

2.1 WELCOME MESSAGE



**ASEC RAFAEL CAMAT, JR.,
DENR**

“...you will be able to contribute to the development of a new level of thinking- think outside the box to help develop innovative ways to manage conflicts over natural resources.”

On behalf of the DENR Secretary Elisea Gozun, ASEC Camat welcomed the participants in this joint undertaking between the Department of Environment and Natural Resources and the USAID. He said that one of the workshop’s major objectives is to deepen the understanding of participants of the nature and dynamics of natural resource-based conflicts.

With this workshop, he hoped that participants will be on the way to developing a new level of thinking – “think outside the box to help develop innovative ways to manage conflicts over natural resources”. He encouraged everybody to actively participate in the workshop discussions and share their knowledge and experience in dealing with natural resource-based conflicts so that at the end of this workshop a framework can be used in dealing with all of these issues.

2.2 WORKSHOP RATIONALE



**MR. JERRY BISSON
Chief, OEE/USAID**

... this is an area that I'm very interested in. I've worked in the Philippines for a number of years and I'm really excited to learn from you and see if we can develop new areas, new thoughts and new directions for USAID support...

On behalf of USAID, Mr. Bisson welcomed the participants to the Workshop. He stressed that globally and in the Philippines, conflicts over dwindling natural resources, particularly fish, forest and water, are steadily increasing. What makes it more critical in the Philippines is that these resources are globally significant in

terms of their biological diversity and cultural importance. He cited that many of USAID's partners in the Philippines are actively engaged in improving the management of natural resources and, in the process, mitigating conflicts over forests, fish and water. Thus, it would be useful to bring together practitioners and resource persons to discuss natural resource conflicts in the Philippines. "Today we've gathered together our conflict management practitioners from across the Philippines, who are equipped with diverse experiences and knowledge on addressing natural resource-based conflicts." The workshop provides an opportunity for these experiences and lessons to be shared.

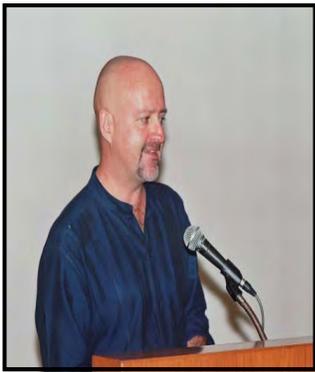
Mr. Bisson stressed that over the next two days, natural resource-based conflicts in the Philippines will be assessed and the following three questions will be in focus:

1. Where are the conflicts happening now? Where are the conflicts likely to happen in the next 3-5 years?
2. What tools seem to work? Are new tools needed?
3. What priority actions are needed?

This information will help USAID better understand the situation and, as appropriate, program our funding more effectively. He ended with the hope that practitioners will benefit from presentations, discussions, resource materials and networking opportunities.

3.0 SESSION I: STATE OF THE ART IN NRC

3.1 OVERVIEW OF NATURAL RESOURCE-BASED CONFLICTS IN ASIA, SURVEY RESULTS WITH AN OVERVIEW OF CASE STUDIES



**DR. JIM JARVIE
ARD**

There are many definitions of NRC and none is “right” or “wrong”. Conflict is ultimately derived from incompatible interests trying to assert their will.”

Dr. Jarvie provided an overview of conflict in Asia. He emphasized that there is no “right or wrong” definition of Natural Resource Conflict (NRC). Conflict typologies are rooted on exploitation of natural resources or competition for natural resources. Dr. Jarvie likewise noted that the main conflict participants are the communities, companies, governments, security forces and gangs and rebels. While prevention is better than cure, solutions to these conflicts must be locally appropriate. There are no “silver bullets”.

Dr. Jarvie predicted that as populations will get bigger and as resource bases will get smaller, NRC over current resources will get worse, new resource conflicts will emerge and NRC intervention will be a “growth industry”. Based on the survey of NRC, most conflicts in the Philippines are caused by conflicting policies and laws as well as incompatible interests among stakeholder participants. Conflict reporting rarely happens unless something sensational happens.

The impacts of conflict are not evenly distributed and the poor suffer worst. Conflict management tools in the Philippines are developed from the ground up and almost all involve mediation, facilitation and negotiation. He stressed the strong need for capacity building or skills upgrading and better communication among on natural resource management practitioners.

While some conflicts can be successfully addressed, Dr. Jarvie left some questions for the participants to ponder on: *What can we learn from failures? Why do so many conflicts remain in place or recur? What do we need to do to be more effective? Do we have the tools to address future conflict trends?*

3.2 REFLECTION ON THE PRESENTATION

Words, phrases, pictures remembered:

- The elephant
- The gangs - as participants of conflicts
- Role of government
- Fire in the forest

Key words highlighted:

- Conflicts will get worse
- Concept of threshold of conflicts
- Solutions must come from commonalities rather than differences
- Strong need for capacity building on conflict resolution

Meaning of NRC:

- There is no consensus
- Something to do with incompatibility
- Depends on what is happening on the locality

What caught the participants' attention:

- Media reporting of conflicts - focus on sensationalism
- Prevention is better than trying to find a cure

3.3 DISCUSSION

3.3.1 Concept and Causes of Conflicts

Dir. Concordio D. Zuñiga (Lands Management Bureau) – This is reaction on Jim's presentation that a lot of conflicts are attributed to conflicting policies. I think this is not true in the Philippines because the real problem is that the resolution of claims and conflicts is a very long and tedious process. It starts at the *barangay* level where there is a conciliation procedure, which if it fails, the contending parties have the option of bringing it to the proper court. The parties are represented by lawyers and the cases usually drag on for years for a number of reasons: the lawyer has not collected the legal fees so postpones the hearing; or force *majeure* makes some witnesses unavailable. If the case is finally settled at the lower court of administrative body, the decision is appealable to the higher levels (ex. decisions from Director of Lands are appealed to Department Secretary then to Office of the President then to the Court of Appeals and finally appealed for certiorari to the Supreme Court). It may take up to 20 years or more to resolve a case.

Answer (A) - I have two responses to that: one, conflict is often perception rather than reality in some cases. In the questionnaire, people pointed to that and I'd say that if you have a *barangay* law case, it has already become a conflict but is there something behind it? Which could be if that was sorted out, such conflicts would not occur. The second thing is, among respondents, what do they need? Almost everybody said that they wanted information on the laws - that might be useful to try and gather during this workshop.

Mr. Gilbert Braganza (World Bank, Manila) - Speaking as a natural resource management practitioner and not from the donor agency, I'd like to get Dr. Jarvie's insights. First on the concept of conflict, you say that conflicts will get worse; that the mode and method of conflict management will also have to evolve. In that

sense, the orientation on how we define conflict has always been negative. I would like to think that there should be a redefinition of conflict or a paradigm shift - that conflict is an indicative or catalyst for change. How we define opposing parties as opposed to collaborators, how we define the methods of compromise and mediation, would have to evolve in itself.

Second point is on the existence of a conflict management facility. In the country, there is no such thing at the moment - everything here is very ad hoc or informal, that communities do not know how to access this type of facility. If you're talking of a community in the Sierra Madres, they will have to go to *Tuguegarao* [Cagayan] to seek help and this is a disincentive for the communities to access the conflict management facility if it does exist.

Third point is the idea of a champion and a broker of conflict management. Who is supposed to be the champion and broker? Is it DENR on the government side or the local government on the community's side or is it the *barangay* captain or any formal or informal entity? There should be a clear articulation of a champion or broker to push forward the agenda of conflict management in various levels of where it is happening.

Last point is that more often than not, people do not avail of the facilities of conflict management because it does not translate to immediate and economic benefits. What short and long term benefits (tangible and perceptible) can be had from going through the conflict management process?

A - I actually agree. Another thing though with conflicts getting worse, if we continue to focus on fishing communities (as in the case studies) looking for fishing rights, the long term conflict is going to be that fishing stock are collapsing and people are going to lose food security. That's a real big problem that affects everybody. Another big problem in natural resource issues have to do with corruption. In large-scale conflict mitigation, prevention is going to have to take that on. And, if the conflict has already started between two communities, I think that is more a symptom and just like in curing any disease, we don't cure the symptom - we've go to go for the core.

3.3.2 Gender Dimension of Conflicts

Dr. Lucena Mercado (DENR-R2 Coastal Marine & Management Development) - You were able to highlight some of the vital information needed to guide us in the field. I wonder if in the course of your study whether you considered the gender dimension of conflicts. Even if you talk about access to resources and control of these resources, then between and among sexes or genders, there would have to be some sort of conflicts. Could you highlight this in succeeding studies especially in the Philippines?

A - The Asian study was large and we tried to pick out the main themes. Certainly at the local level, gender impacts can be tremendous. Again, the poor suffer the worst, the women suffer but ultimately, everybody suffers. But this can be analyzed at the local level.

3.3.3 Security Forces as Conflict Participants

Dr. Jose Cunanan (Foundation for the Philippine Environment) - Your choice of the word security as the description of groups when you relate it in the Philippine context, in Asia and globally (like in South America or Africa), seems not to be comprehensive enough in terms of armed groups involved. Whether these are military (which means government) or paramilitary, that may be funded by other sources or mercenaries. I think that in the larger context, the interest of military groups, both government and generals, are still very dominant factors in the access to resources. I think you are being Filipino by pinpointing at military or paramilitary or armed groups. This is a very sensitive matter but I think you should open it a bit because in the Philippine context, security guards mean people who check on your bag.

A - I actually deleted the words "and rebels" off the slide yesterday if I could be less Filipino and more Scottish. In the way we were describing it, security forces are military which are legal and recognized by

government. Gangs can mean militias that are very common in different places. What was fascinating to me was looking at how different branches of the military will clash in local areas for local resources in a totally illegal violent fashion. They would be clashing with other security forces who are working in a legal fashion trying to defend rights but yeah, this is a very sensitive topic. For anybody working in the field, they work with community conflicts such as in parts of Indonesia, where if they went to the courts, they would be badly hurt because they would be dealing with corrupt military officials and police officers as well as uncorrupt ones, which is really dangerous.

3.3.4 Intraparty Conflict

Ms. Annabelle Abaya (The Conflict Resolution Group Foundation, Inc.) - First point, with regards to the non-existence of an organization that would address conflicts, there is a new law that the President [GMA] signed last April 2 which is the Alternative Dispute Resolution (ADR) Act of 2004. Under this law, there is going to be the creation of the Office of ADR under the Department of Justice. This should institutionalize the use of ADR. I also want to mention that there are now emerging organizations that are addressing the specific needs of different organizations. There is MEDNET that is addressing the needs of communities with regards to the environment. There is also the Business ADR Group that emerged recently and is putting up units all over the Philippines to address the needs of the business community

Another point is that there's a lot of talk about inter-party conflicts - in the presentation, we looked at conflicts between government and security forces vs. communities, etc. But in one study that I was involved in in Boston is looking into intra-party conflicts. Very often the focus is only on party vs. another party but very often the reason why two or more parties cannot go together is because of a lot of intra-party conflicts. Before you go into inter-party, you have to go into intra-party conflicts first.

A - Right. Another thing that would be useful is to be easy on conflicts that are already happening or about to happen and look at the bigger future trends. Back to the West Kalimantan example, the Madaris and the local communities have been fighting and scrapping for years but there was no anticipation of the huge issue that was arising over land rights that ultimately led to a huge massacre which carried on for months. Once that started, no institution can really deal with it. In this workshop we really need to look at what are the future trends and how do we address these?

3.3.5 Community Conflict Resolution

Ms. Susan Naval (Enterprise Works Worldwide) - with all due respect to the lawyers and doctors here, we who are involved directly in conflicts (because of the red tape and difficulty in accessing from the DENR), we go straight to where the conflict is and try to solve it in our own way.

Former DENR Secretary Victor Ramos (Fidel Ramos Peace and Development Foundation) - First question is on the role of lawyers, are they the cause or solution of these conflicts? I just attended a workshop on conflict resolution in Los Baños under the EcoGov Program and one of the instructions of a resource person was to keep the lawyers out of the negotiations or mediations because they insist on rights instead of on relationships and these things. Considering the large number of lawyers in the country, there might be an exponential increase in the conflicts here too.

Second question, I was missing as cause of conflict the conflict between customary laws and our statutes which is a big cause of conflicts in the Philippines.

Third is that I would like to reinforce what Braggy from WB mentioned about a paradigm shift on the way we look at conflicts. We should be on the look out for certain conflicts that can advance reforms in governance and in policies. During my term as Secretary of DENR, I looked forward to conflicts and crises because at the end of the day, we ask, what can we get out of this? For instance, when the spillage in Marcopper in Marinduque happened, we took advantage of it to advance reforms on environmental provisions that were not possible before because of the strong opposition from industry. We took advantage of the crisis over the

spill and the industry could no longer complain. Also, in the Boracay case, I was battered in the media for almost a month, but at the end of the day, we were able to convince the government to invest on 95 million dollars worth of sewerage facility which has increased the carrying capacity of this beautiful island. I think there are certain conflicts that we should develop into a full crisis and get some big reforms out of it. We should manage conflicts to a certain level of dynamism so that we can advance reforms that under normal circumstances we can never get. Thank you.

3.3.6 Role of Mediators: Lawyers and NGOs

A - On the role of lawyers, I'd say that if the conflicts are already in place, who do the participants trust? If it is a lawyer, great, and if not, then don't. The same goes for NGOs. As in the plight of the guys in yellow shirt [presentation], they were provoked by an NGO. In many cases, the involvement of NGOs made the situation worse whereas in other areas, an NGO is making things better. I think it depends on the local case.

On the customary laws, I don't know much about it. On the paradigm shift, the biggest is for us to stop waiting for accidents and conflicts to happen then try to fix it... let's move into predictive mode and try to mitigate future conflicts.

4.0 SESSION 2 - TRENDS OF CONFLICTS IN THE PHILIPPINES

4.1 FORESTS AND FRESHWATER RESOURCES



DR. ERNESTO GUIANG, CHIEF OF PARTY

Environmental Governance Project

“Shift from Protect, Prohibit, Punish to Protect, Participate, Profit on the governance of FFR.”

Dr. Guiang detailed the historical and current context of conflicts in Philippine forests and freshwater resources. He said that in the 1900s – 40s, the most prominent conflicts were on the access to forest resources and market, as they were dominated by the elite as well as the struggle in accessing modern forest technologies. In the 1950s, conflicts that arose were mostly on the tension created between displaced indigenous peoples and settlers, especially in Mindanao.

Tension between these two groups carried on in the 1960s – 1970s, but conflicts became far more complicated as insurgency response to injustices, clash of statutory and customary laws, inter-TLA boundary disputes, and corruption became more prominent. Moreover, in the 1990s until the early 2000s, the most prominent conflicts include massive encroachments, rising illegal logging and collusion, and disputes in enforcing property rights.

Dr. Guiang shared significant insights from the historical trends of FFR conflicts:

- Population increase under a stagnant economy and “state/elite capture” fuels FFR conflicts.
- Technology, environmentalism, global thinking indirectly support or mitigate conflicts in policies, mandates, priorities.
- Shift from “Protect, Prohibit, Punish” to “Protect, “Participate”, “Profit” on the governance of FFR.

4.1.1 Reflection

Annie - What was the focus of the presentation?

A - historical trends

Annie - What were the recurring conflicts in the presentation?

A - resource use conflicts

- conflicts on access
- tenure
- diminishing resources
- increasing population

Annie - What impacts were highlighted on FFR?

A - diminishing forest cover but increasing conflicts

4.1.2 Challenge

Annie - Where do we go from here? What is the greatest challenge from the discussion on the forest sector?

A - Coordinate! So people don't get confused.

4.1.3 Discussion

Historical trend of FFR conflicts

Regional Executive Director “Panoy” Tolentino (DENR-Mindoro, Marinduque, Romblon, Palawan) – You seemed to gloss over the issue of armed groups in the uplands because you mentioned it only in the 70s. In our experience in the field, it seems to be a very crucial problem or issue as far as conflicts in the uplands are concerned.

A - That's a real issue although based on readings, we only see some of the immediate clashes. For instance, in the 60s and 70s, if you go to Nasipit Lumber Company, you can still go to Tungao but it's almost impossible to there in the late 70s because the insurgents were killing all the forest managers. Likewise in PICOP, you will see in the papers that the insurgents were burning their bulldozers in the late 70s and 80s.

The Hukbalahap movement in the 50s was really an issue of economic injustice because of the inequity in land distribution system. It was really building up in the early to late 60s but it was not really a major issue until they got to a point where people were moving to Mindanao when there was no more land to farm. Up to the 60s (I grew up in Mindanao), all you have to do to get a farm is to go to the countryside. We moved to Mindanao in the early 50s and my father got almost 20 hectares as part of the resettlement of the government. Now these were logged over areas but when the population started to increase in the late 70s, the only way you can get a farm is to follow the logging road and eke out a farm in forestlands, what is now called upland farming. The Mindanao issue is really about logging that came on in the late 70s to early 80s when TLAs were already affected.

Atty. France Begonia (Legal Rights and Natural Resources Center) - I think you made a sweeping statement in the historical presentation about the Regalian Doctrine's seemingly absolute and all-embracing effect.

I don't know whether this is just a slant of the presentation or your perspective of how things developed. Seemingly one of the sources of conflict and the responses over time really focused more on the supply side. We are managing how much we are supplying, whether its timber now or NTFPs later, whether one product over the other. I wonder if first, we cannot view pressures on natural resources and the resulting conflict in isolation of market realities. What sort of push and pull factors result from the market side? Whether that's international or domestic market? Is our wood being used more to cater to the needs of the elite rather than something else? What insights from your research on the supply side could complete the picture? Has it changed? Are we still export oriented till now like in the time of Marcos? I'd like to tie that up with the earlier discussion about conflicts - that there is no consensus. The insight that natural resources conflicts are recurring and maybe there is an aspect being glossed over. Way back in the 70s, it may have been timber and paper producing industry, now its palm oil. It's probably a different phase but its recurring and realities are being tailored along these lines.

A - If you remember in the 60s, the national government had an import substitution policy - companies in the Philippines can buy equipment from Japan and the US and the Filipino entrepreneurs can pay them by exporting raw logs to them. To me, that was a core in terms of fast-tracking the logging in the Philippines that was responding to the market side worldwide. In the 60s, the timber, logging and forest products industry in the Philippines were earning high value dollars for the country. So, you have those responding to the market.

On the other hand, in the late 70s and early 80s, the sugar and coconut industries collapsed. What happened then? The biggest example is the Kanlaon National Park in Negros where people were moving up to the hills because of the collapse of the two industries that used to provide employment to the people in the province. The Philippines is built on five political commodities and as long as these commodities are subject to international changes in market prices, we are going to be affected so we cannot totally detach ourselves from the international arena. When you look at the forest and forestry resources, these are part of the whole game.

The biodiversity game - how come we got so much money from the GEF and EU in the early 90s? Because, there was so much advocacy to preserve our remaining mega diversity in the Philippines, which not only has local significance but as a source of gene pool as well.

That's my perspective in this presentation although in the Philippines, we had the Martial Law years that catered to the State and elite capture. You can name one person who has 200,000 ha of concession in the country, and he is in the top 12 senators in this elections.

Atty. France Begonia (LRNRC). - You can extend the same analysis to the so-called 'cyclical business is like mining'. Actually, that's where the advocacies come from, Sometimes, I think the people confuse the messenger for the message.

Second point is about the statistics on the ownership of forest that you attributed to the Regalian Doctrine, which I think is ahistorical because it has since been disproved from the technical/legal view. I think that DENR is very much aware that part of the impetus for CBFM, CFP or social forestry was the recognition that our forests actually have de facto managers. So, whatever veneer it has in the law that forestlands are state-owned because the State is in control, it is actually not.

A - The DENR still issues the tenure.

Fr. Joe Ante, OMI (Vicariate Social Action Center, Sulu) - You indicated that the forest cover has been decreasing through the decades. Is there a way to reverse the trend?

A - In the 80s and 90s, we invested (using borrowed money) on the process of rehabilitation which is very expensive. Can you imagine how much government would incur in rehabilitating a hectare of pasturelands especially in the North? Probably it would range between P100,000 to 150,000 per hectare. But how much did those guys [pasture leaseholders] pay in rentals? [too little - P40/ha]. We can do it [rehabilitation] but its not going to be cheap nor is it going to be easy.

In the Laguna Lake example, at the height of the aquaculture in the early 80s, almost one-third of the lake was under aquaculture. But, how much were those guys paying in rentals to the government? I think one peso [per hectare]? I think we have lost a lot of opportunities to take advantage of our own resources because, as the economists contend, we have not been pricing our resources that well. This has been an incentive for people to abuse the forests or fresh water resources.

Cultural dimension of conflicts

Fr. Mar Alingasa (Cebu Uniting for Sustainable Water Foundation) - Can we consider a kind of cultural dimension to the source of conflict? For example, our politics is based on patronage and I don't know how we can overcome this. Unless we do, it is very much an uphill battle because it is an inherent characteristic of people in the uplands to always look up to their political leaders. If they can be capacitated to be their own persons, they can decide for themselves. I think this is a very big challenge especially for our community organizers.

A - I think we, Filipinos, especially our generation, have been brainwashed with the concept that we come from a very feudal culture. The patronage system is probably our own baggage as a culture. I think the only way we can get away from that is to set up a good system to improve our procedural justice and our distributive justice both in law and in practice. Some of our problems are due to procedural justice that is so unfair that no matter what you do, you still get a result that is not right. Also, with distributive justice that is so wanting in this country, I sometimes think that we should get out there and shoot everybody else because of so much injustice around us.

Community conflict management strategies

Mr. Joe Artuz (Provincial PO President in Region 2) - From the earlier presentation where it was mentioned that in resolving conflicts, lawyers should be used, I would like to share our experience. In our community level, we resolve conflicts among ourselves and do not bring it out. What is important in resolving conflict is to listen to the concerns of the parties. Its not necessary to advice them to go to a lawyer or adviser. We just stand in between the two parties and listen and understand, then the conflict can be resolved.

In Dr. Guiang's presentation on conflicts in the forest, we from the communities, are confused because we see so many programs being implemented by various government agencies, and we don't really know which to follow. The DENR has a program to protect the forest while other agencies like the DAR have a program giving rights to the community. So where do we stand? DENR says it is giving us the authority to protect and utilize the natural resources but other line agencies declared our area as protected area. Like last February 2004, without our community's involvement and the barangay captains were not informed earlier, the province was declared as provincial landscape but there is a conflict because the area delineation was not based on ocular [actual] survey.

Government has many big programs but various agencies have their own way of implementing them without close coordination. DAR tells us that they have a big program worth so many millions that will provide roads, irrigation, etc. So we accept it even if it is in conflict with programs of other agencies. So, we would like to appeal to the different government agencies to coordinate first and define the roles of each one before coming to our communities.

4.2 COASTAL/FISHERIES/FORESHORE SECTOR



MR. RONET SANTOS
Volunteer Service Overseas

“Philippine coastal resource conflicts usually occur over policy formulation that define the rules of the game and how resource users play the game...”

Mr. Santos focused on coastal resource conflict which was specifically defined as “incompatibility between two or more groups over control and access to coastal resources”. Coastal resource conflict is common, natural and unavoidable, one of life’s energies. He said that we have a choice over how conflict energy is expressed and its outcome as change. At the core of issues surrounding conflict is power. Conflicts “resolved” at the expense of a weaker party can breed latent conflict that may explode at a later time. He stressed that power *per se* is not negative, it is how power is used that can be bad.

Using the DFID sustainable livelihoods framework as an analysis tool, Mr. Santos explained that coastal resource conflicts in the Philippines usually occur over the overall policy formulation that define the “rules of the game” and user livelihood strategies or how “players” (resource users) “play the game” or conduct themselves to take advantage of available opportunities. The livelihoods framework suggests the key areas where positive contributions can be made are in the process of improving the quality of policy formulation review and strengthening institutional capacity for policy implementation.

Mr. Santos identified some of the most pressing concerns in CRM, such as the delineation of municipal waters, foreshore settlements, and institutionalization of the Bantay Dagat, and how the alleviation of these concerns has been averted by constant violation of the rules, poor institutional capacity, and differences in values (conservation vs. extraction) among rule makers and stakeholders.

In predicting conflict trends, Mr. Santos reiterated the view that conflicts will increase, especially due to overfishing, destruction of habitats, and the stakeholders need to have better tools to deal with increasing disputes, including violent clashes over coastal resources.

4.2.1 Reflection

Annie - What was the drama of the message?

- A** - transformation of resource users
- conflicts on the rules of the game

Annie - What is the greatest challenge that can be put into action?

- A** - sharing of resources

4.2.2 Discussion

Foreshore as resource conflict

Dir. C. Zuñiga (Lands Management Bureau) - Just a reaction: management of foreshore areas is not vested with the local government units but by the DENR Land Management Sector. The rentals are very low for the use of pasture and forest areas because this started in the early 60s when the exchange rate was \$1 is to P4 and the population was below 30 million and the land ratio was one hectare per person. The reason why we can't increase [rentals] is because our existing public land laws prohibit an increase of more than 100 percent yearly or every five years. This is a reaction to Dr. Guiang's earlier discussion on rentals.

5.0 SESSION 3 – TOOLS IN NRC MITIGATION

5.1 NGO/PO EXPERIENCES ON COMMUNITY-BASED FOREST MANAGEMENT IN THE PHILIPPINES AND ASIA



ANN KOONTZ
Enterprise Works Worldwide

“To be able to effectively mitigate forest conflict, communities need to have a good working relationship with the DENR, DA, LGUs, Industry neighbors that adjoin their forest lands and other forest stakeholders”.

Based on the experience of Enterprise Works Worldwide (EWW), Ms. Koontz cited the top three issues that impact forest and conflict issues: determining and enforcing boundaries, lengthy and comprehensive paperwork requirements, and consistency and dependability of enforcement. Each country that EWW has worked in Asia (Indonesia, Philippines, Nepal, Sri Lanka, India, and Thailand) experienced these issues with regard to forest conflict despite varying tenure instruments and forest governing approaches. She said that to alleviate some of these conflicts, there has to be a consolidation of tenure and permit options, promotion of linkages among various NGOs and government agencies, and improved linkage with the Department of Agriculture to improve upland production.

Ms. Koontz vividly documented how corruption can destroy local enterprises, deter investments in forest plantations and fuel conflict over forest resources. Larger conceptual modeling activities also identify indirect sources of conflict which can include population growth, lack of economic opportunities, poverty rates, etc. But, EWW has found that even in the context of poverty and high population growth, the three issues above must be addressed if forest conflict and its associated negative impacts are to be mitigated.

Ms. Koontz shared the tools EWW uses to address Forest Conflict Issues: 1) Threats Analysis that uses perception and biological indicators; 2) Multi-sector work groups/task forces and federation building; 3) Building constituencies to combat forest conflict. Because threats eventually translate into conflicts both from within the community and from outside the community, “threats analysis needs to be done with multiple stakeholders and buy-in sought in designing the activities to abate the threats/conflicts”

To mitigate or resolve forest conflicts, Ms. Koontz gave the following recommendations: Consolidate tenure and permit options; Promote linkages, particularly with the Department of Agriculture, Provide technical assistance, improve market linkage, provide access to loans and reduce legal requirement and paperwork burden.

5.1.1 Discussion

Scale of Conflict

Atty. France Begonia (Legal Rights and Natural Resources Center) - Does size matter? You pinpointed in your map that there are actually overlaps - tenure instruments, program areas, maybe overlapping instruments that are not simply forestry instruments but others like CADC. Is there a sense of a more manageable management unit in terms of size of the area?

Secondly, the nature of the community because you also pinpointed as two very strong tools: constituency building and federation. Is there a particular style for managing diversity of opinion or divergence of interest? If you multiply or extend further the constituency or the number of stakeholders, maybe the strategy has been to maximize unities but what about difference of opinion or interests?

A - On the question of scale, one of the issues in the Philippines and in other Asian countries is that there have been a lot of community land tenure programs that do not give enough land for any sustainable economic activity. They probably need to go up in size to be feasible. As far as tools are concerned, they are scale neutral.

In one group that I participated in last week, they are working on trans-boundary issues across countries and the same type of tools are applicable at scale. But on the community level, I'd say that probably larger areas of management are needed if the economic goals of the CBFM program will be realized.

As far as conflicting interests are concerned, it's challenging. In the Philippines, forest communities have a long history of some sort of governance over the forest resources. This is more with the indigenous people (IP). It can be other forest communities versus traditional lowland farmer communities that may be new immigrants in the last hundred years or maybe several generations but they don't have a strong history of use in the forest. They wouldn't go up and traditionally collect wild vegetables or plants with medicinal properties like the IPs do. We find those communities and help them with agricultural production rather than turn them into forest producers. This is a better strategy and helping them to get increased individual property rights is more probably what they are interested in rather than some sort of communal or community forestry.

Roles of stakeholders

Regional Executive Director Dionisio "Panoy" Tolentino (DENR-MIMAROPA) - You mentioned about the 'either or' in forest management particularly in the Philippines. I'm excited about how you can share with us some information on how to come up with a mix or a balance particularly on the roles of different stakeholders and say, a combination of environmental services, biodiversity conservation, the interest of the community and others.

A - There's not a one-fits-all. But as an example, you have a community in a CBFM area with some old growth or more intact forest and biodiversity. Put that in a protected area (not in a sense of a park but the CBFM still has control over it), then if you have secondary forest area, that's where you help them with getting some sort of plantation species of wood that have commercial value. The trick is to find the ones that are of commercial value. But more importantly, cut down the paperwork and put more trust and guarantees that if they invest in timber plantations that are harvestable in 7 -15 years, they are going to reap the benefits. Right now that is the biggest problem, they don't have the trust that they will be allowed to reap the benefits. And then for denuded areas, concentrate on agro-forestry and traditional agriculture rather than selectively extracting and harvesting from the intact biodiversity, especially for groups that have not traditionally done that. With the IPs, it's a little different because they have traditional uses like for "almaciga" extraction. You want to balance that but again help them to restrict or control their traditional slash and burn [farming].

Appropriate livelihood strategies in uplands

Assistant Secretary Rafael Camat (DENR) - I'd like to be clarified on the recommendation that we have to link with DA to improve upland productivity because this is a conflict in the uplands. As an example, the Mt. Pulag National Park where DENR has a program that promotes the production of high value crops that started in the 90s. They had the HADP or highland agricultural development program and it was succeeded by CHARM or the Cordillera Highland Agricultural Resources Management Program. What happened? Mt. Data had 600 hectares and Mt. Pulag National Park is now under threat.

Another case is in Palawan where the EU had a project where they wanted to assist the indigenous communities to improve their productivity by giving them carabaos. One of the community leaders, an IP, said not to give the carabaos. When asked why not, he said that it would destroy the mountains. He cited an example where traditionally, the IPs in Batarasa area were coastal dwellers who learned lowland agriculture. When they were kicked out of the lowland areas, they went to the island. You can now see the destruction that's happening by applying lowland agriculture in the uplands. So, I don't know what your experience is in recommending that.

A - We're finding communities that before they were awarded with CBFMAs, probably were providing labor to previous logging concessions. So they're not traditionally used to the management of forest trees. So, their expectation is "ok, now we can go in and be the loggers". Whereas, for example, where they do have rights to the land as part of CBFM or outside CBFM, their first choice will be to get more productive through high value cash crops or value-added processing. So many times in the CBFM, they're not just looking at forest products versus linking with DA. On the total management picture, what we can do best for this group is to help them based on their history and talents, of how they do their economic activities or what the resource base and the markets will support. Enterprise Works will try to avoid going in and advocating totally new economic activities. We usually look at what the people are currently doing, how it fits into the market system, how to improve it with technology, value adding. When you switch a group out of an economic activity, there are all kinds of uncontrollable or unforeseen circumstance that we should be careful of.

5.2 LGU EXPERIENCE IN COASTAL RESOURCES MANAGEMENT: EXPERIENCE IN ILLANA BAY, ZAMBOANGA DEL SUR



HON. ROMULO LUMO
Mayor-elect, Municipality
of Tabina

*...conflict can be resolved without violence
and even without the implementation of
statutory laws...they merely follow the
dictates of the stomach...*

Mayor Lumo shared some of the notable conflicts that the municipality of Tabina has undergone. He said that one of the major conflicts they had was with nearby municipality of Dinas, also a member of the Illana Bay Resource Alliance (IBRA). He narrated that the conflict started when Tabina took seriously their role on the protection of their municipal waters based on RA 8550. Dinas established a 104-ha sanctuary which overlapped some of San Pablo's, another nearby town, municipal territories. Conflict started when some

former MILF rebels from Dinas to threatened to shoot anyone who encroached the sanctuary. It was then when consultations between Dinas and Tabina were initiated with the help of the EcoGov Project and the DA-BFAR. A task force was formed, a survey was made, and it was determined that the sanctuary which Dinas was claiming was in fact part of their territories. It was then when San Pablo then gave up their claims on some areas.

Tabina's conflict with Pitogo municipality stemmed from the confusion on boundary of their municipal waters. The two municipalities agreed to create a task force, then drew a perpendicular line towards the sea, and passed a resolution agreeing to the boundaries. Moreover, Tabina's conflict with marginalized fisherfolk emerged when a marine sanctuary was established. Fisherfolk said they felt deprived of their livelihood with the enforcement of new laws barring fishing within the sanctuary. Thus, illegal fishing became rampant. To alleviate this, Tabina LGU organized non-formal discussions and invited them in demarcating boundaries. An IEC campaign was also conducted and alternative sources of livelihood were implemented by giving them a hand in the rehabilitation of the sanctuary.

Mayor Lumo said that some of the lessons learned from these experiences are that conflict can be resolved without violence, and even without the implementation of specific statutory laws - since most fisherfolk cannot understand the laws - they merely follow the dictates of the stomach. He also cited the importance of educating the violators, who in the long run, can turn out to be champions of marine sanctuary protection.

5.3 ADDRESSING FRESH WATER CONFLICTS: THE LAGUNA LAKE DEVELOPMENT AUTHORITY (LLDA)



Community participation, partnership building build a common vision, empowers communities and make them more effective in conflict resolution.”

DR. DOLLY NEPOMUCENO
Assistant General Manager,
LLDA

Dr. Nepumuceno stated that Laguna de Bay is a vital natural resource that encompasses 66 Local Government Units consisting of 5 provinces, 12 cities and 49 municipalities including 11 within Metro Manila. The lake itself supports a host of beneficial uses including fisheries, irrigation, power generation, industrial cooling, recreation, domestic water supply and navigational lane. The management and control over the Laguna de Bay and its watershed or region is vested in the Laguna Lake Development Authority (LLDA), a national government body with a coordinative, regulatory and developmental mandate, using up-to-date scientific and participatory-generated information as a basis for allocating water resource.

The lake has unique characteristics that subject it to conflicts including common property characteristics, open access approach, diversity of uses, complex lake dynamics having a natural capacity to cleanse itself thru

assimilation, externalities in resource utilization, indivisibility of benefits and costs from the lake resources, among others.

Dr. Nepomuceno detailed that some of the major conflicts that LLDA has encountered were rooted on the “limited natural carrying capacity of the ecosystem to satisfy the competing quantity and quality-related demands and sectoral interests of the users; unclear, confusing and fragmented institutional arrangements and lack of common vision and policy objectives around which stakeholders support can be rallied.” The costs of these conflicts are high, she said, as poor public health and sanitation, threats to food security, loss of livelihood, and threats to water security are emerging.

Stressing the need for productive conflict resolution measures, Dr. Nepumuceno recommended the “Ready, Fire, Aim” approach rather than the “Ready, Aim, Fire” which simply means that conflict resolution strategies should start simple and fine tune as experience builds up. To create mutual trust and understanding among stakeholders, she recommended community participation, and partnership building. For sustainability, she stressed the need for funding mechanisms and sharing of financial resources to improve lake management and promote peace among stakeholders. She added that there is a need for a strong political and commitment, effective sharing of scientific data and experiences to overcome conflicts.

5.3.1 Discussion

Importance of political will in conflict management

Mr. Carlo Custodio (Protected Area and Wildlife Bureau)- There was no mention of exercise on political will but I know of a manager who was promptly ejected when he exercised that because a politician wanted to expand his area beyond the limit. How can that be addressed in Laguna de Bay? Second, how safe is it to eat fish from Laguna de Bay?

A - I worked very closely with that General Manager who exercised political will and was driven out of LLDA but after everything has been said and done, I think it's better to do what is right and well, not everybody can be fooled. There are other government agencies doing very well with very honest and high-performing staff. I think this case should not dampen the spirit, we should try to move on because we are public servants and we are supposed to do our job and not be distracted by this.

On the second question, I eat freshwater fish from Laguna de Bay almost three times a week and I'm still up and about. But, if you're concerned about the level of contamination, we have started as part of our regular monitoring program the fish analysis. So far, monitoring data indicate that there's no cause for alarm although it is no reason to be complacent. We continue to monitor and provide public information through our LLDA website where we have a “laymanized” presentation of water quality monitoring data. So, you can eat fish from Los Baños.

Mr. Victor Ramos (PFRFPD) - When we talk of political will in our culture, you have to get the full support of the President himself. I happen to be the one who started the implementation of ZOMAP as I was the DENR Secretary at that time. Our big problem there then were the generals because a lot of them had areas that they don't want to reduce within the 15-20 percent allowed. My strategy then was to kill a chicken to frighten the tiger, which is an old saying. I went to President Fidel Ramos himself, and I said, 'Sir, we will have to sacrifice one of your political allies.' This person was the first politician, Gov. Vargas of Cagayan, to endorse FVR when he ran for president and he invested 500 million pesos for about 500 ha in the lake. The President asked, 'don't you have any other strategy?' I said, 'if you talk to your old generals then we don't have to do this. Not only that, Sir, we have to sacrifice two more because if you hit only once, they might think it's a fluke so we have to hit one, two, and three more - all three big politicians'. And, we did it but it had to be a win-win situation and I had to sit down with the lawyer of that governor from Isabela to tell them that we have to do this as it is important to the ecosystem.

When we went to break the fishpens, they were no longer there. We brought the Philippine Navy but that was only for show for the cameras. It had already been negotiated the night before. That is the story behind how we implemented ZOMAP. But, it took the political will of the President and after that, the following week, all the generals were applying for smaller fishpens.

Ensuring water quality and safety

Mr. Vergel Medina (PNOC) - A few days ago, I was reading a calendar of the MWSS and it says that the Laguna Lake will soon be the source of potable water. Would LLDA allow that in terms of health and something?

A - Let me state that the use of the Lake water resources for water supply purposes challenges almost all of the other water uses but may I refer to that MWSS project. While this 400 million-dollar water supply project has been approved by the Investment Coordinating Committee, the source of water would have to be proposed by the winning bidder. So, it's really not sure yet whether Laguna de Bay will be the raw water source. But, based on past and recent studies, there's no other way that you can provide economically potable water to Metro Manila and environs other than from the Laguna de Bay. It is very likely that the Lake will be proposed as the raw water source. LLDA will certainly allow it.

With regards to water quality, you probably have only seen the western shore and have not been to the eastern side. When you reach the place, you probably will not recognize that you are in Laguna de Bay because it's very clean.

5.4 DENR'S EXPERIENCE IN DEALING WITH CONFLICTS IN THE LIGAWASAN MARSH



**MS. MARILYNN
MENDOZA**
**Protected Areas and Wildlife
Bureau-DENR**

*“We are born here, We live here,
We will die here”...this statement
clearly reflects the attachment of the
Maguindanaons to Ligawasan.*

The Ligawasan is of biological importance. It is considered distinct and unique region among the 15 biogeographic zones of the country because of the presence of significant diverse flora and fauna; extremely high priority for biodiversity conservation; a globally important bird area; a possible crocodile reserve for the reintroduction of captive bred crocodiles of the DENR Crocodile Farm Institute in Palawan to repopulate the diminishing crocodile stock of the marsh.

It is also recommended as protected area in the Ligawasan Marsh Development Master Plan 1999-2025 by the National Economic Development Authority (NEDA) of Region 12. The Maguindanaon Muslims predominantly inhabit the Ligawasan.

Ms. Mendoza said that like other biodiversity hotspots, the Ligawasan Marsh has been experiencing threats to its sustainability which includes logging, siltation, diversion of river flows and construction of dams, marsh conversion, the presence of exotic species such as the janitor fish and the unstable peace and order situation. Ligawasan used to have forests but because of the bombings only a few fragments can be observed.

The recommendation in the Ligawasan Marsh Master Plan by the NEDA-Region 12 for Ligawasan to become a protected area, paved the way for the implementation of the Protected Area Suitability Assessment (PASA) Project in 2001. The PASA project brought about a major concern. That is, *efforts at providing mechanisms for biodiversity conservation and ecologically sustainable development in Ligawasan will require harmonizing two conflicting realities – the traditional institutions governed by customary laws and Islamic precepts and institutions on one hand, and the existing laws and national guidelines of the Philippine government on the other.*

Ms. Mendoza noted the possibilities of solving these conflicts at the clan or community levels by elders leading to amicable settlement. Whatever activities or developments that will be proposed in Ligawasan, the connection of the people, its culture and the area MUST be carefully considered.

5.4.1 Discussion

Conflicts and development initiatives

Mr. Enrique Gallardo (Alliance for Mindanao of Renewable Energy or AMORE) - I work in Maguindanao and Sultan Kudarat, based in South Cotabato. I have four questions: one, is Buluan Lake part of Ligawasan Marsh? Buluan has stark similarities with Laguna de Bay in terms of fish cages and fish pens with such a whole plethora of problems. [Answer: Buluan drains to Ligawasan downstream]

Second question, there are rumors that when they drilled for water, they chanced upon lines wherein the air or water is combustible. Is this a natural occurrence on a small scale or are there really gas deposits in Ligawasan Marsh? People keep asking about this and suspect that there are large deposits of such resources in the area that may attract development initiatives to the area.

Within Tampakan, South Cotabato, there are large resources of minerals and a mining company operates there. Does its downstream also drain to Buluan Lake or Ligawasan Marsh? [Answer: The river coming from Mt. Matutum drains to Buluan Lake which in turn drains to the Marsh.]

A - For the natural gas, there's still this exploration going on and we don't know yet the extent of natural gas, unless Tots would like to add some more information on this.

Tots - I am not very sure about that although we have heard about it. But, according to the local communities, one root cause of the conflict in Central Mindanao is because of the potential sources of gas in the marsh. The government is rumored to be positioning itself there and the MILF is also protecting their interest in the area.

Mr. Carlo Custodio (PAWB-DENR) - When we talk of the project implemented, we are looking at the Ligawasan Marsh complex which is composed of more than 190 *barangays* and so many municipalities but the Phase 2 project only covers a small portion of the marsh. This is what we call the Priority Conservation Areas (PCA). Talking of titling, I don't know but most of the marsh has already been titled except for what we call the PCAs.

A - This is part of the project that we would like to validate because we have reports that there are A&Ds on the side of what we have prioritized. We still have to validate this through ground titling.

Potential source of major conflict

RED Dionisio “Panoy” Tolentino (DENR) - I wonder if you have included in your paper a potential conflict which is actually a national program to issue titles within the marsh as part of the peace process?

A - This came out in one of our consultations but we don't know much about this titling issue.

Asec Rey Camat (DENR) - Additional information about the areas declared for titling: there is actually an area in Pikit that was identified (around 5,000 ha) for titling but this is more on the upper portion of Ligauasan Marsh that is not reached by water. We foresee a big potential conflict in Ligauasan Marsh because of the existence of biodiverse plants and animals as well as signs of natural gas in the area. PNOG has already put in a notice to DENR that they are interested in the areas because of the potential for natural gas. Also, peat is present - peat is a semi-processed material for fertilizer.

The demand for more agricultural lands is increasing and we have stakeholders with CBFMAs who want to convert their areas into oil palm plantations. They are asking for a substantial area (about 5,000 ha) to be converted. This is going to be a very challenging area for study and for putting in place something that would balance the need for socioeconomic development and environmental conservation.

6.0 SESSION 3-A: CURRENT REALITY ASSESSMENT (CRA): NRC BREAK-OUT GROUP DISCUSSION

6.1 CONTEXT

The objective of this session was to share/generate ideas, experiences and doable actions relative to the scope, tools/approaches, trends and challenges/opportunities to address NRC on the following important natural resources sectors: forest coastal/fisheries and fresh water.

The break-out groups were expected to generate the following outputs:

- Scope (type and location) and trends of conflicts involving the sector which will be plotted on transect and geographical maps (paper and digital)
- Tools/Approaches used in addressing NRC
- Predicted Trends of Conflicts
- Priority actions for challenges/opportunities
- A battle cry or slogan expressing the sector's commitment for action that will be presented in the closing session.

6.2 PROCESS

The current reality assessment (CRA) framework below was used to assess the current situation of natural resource-based conflicts (NRCs) in each sector. Best answers were generated and plotted on the CRA template and geographical maps to deepen understanding of the scope and dynamics, predicted trends and the tools/practices used in conflicts for each NRC sector. Finally, participants were led to “think out of the box” and identify new challenges and opportunities for priority actions to effectively address NRCs.

<p>Scope of Existing Conflicts (Existing conflicts plotted on a Map)</p> <ul style="list-style-type: none"> • Legal/Institutional • Socio-political-cultural-gender • Economic (e.g. Poverty) • Internal disputes within Communities 	<p>Predicted Trends (Events or factors that may aggravate or result in further conflicts in the future plotted on a geographical map.)</p> <ul style="list-style-type: none"> • Internal • External
 <p>NRC sector</p>	
<p>Tools Used to address NRC (Methods, Approaches)</p> <ul style="list-style-type: none"> • What works well/Why? • What does not work well/Why? 	<p>Challenges/Opportunities</p> <ul style="list-style-type: none"> • Challenges/ Opportunities and priority actions to effectively address NRC

6.3 GROUP OUTPUTS

Summary: The group discussion was guided by the inputs from the presentations of resource persons on Trends of Conflicts of the three natural resource sectors. To determine commonalities on the scope and nature of conflicts across the three sectors, conflicts were categorized as: (1) Legal/Institutional; (2) Socio-political-gender; (3) Economic; (4) Internal Disputes within Communities. These categories were based on the pre-workshop survey. A focused group discussion was also employed to tackle the efficacy of the tools/methods/approaches used to address NRC – what works well and why as well as what does not work well and why. This was done to draw lessons and insights from the experiences of the participants in conflict management. Plotting of current and predicted conflict trends on geographical maps was done to identify priority areas where programs and strategies can be focused for conflict mitigation and prevention.

Finally, to generate consensus points for actions, the participants were led to “think out of the box” and identify challenges and opportunities for priority actions to effectively address NRCs.

The outputs of each group are summarized in the following templates and geographical maps:

Coastal / Fisheries / Foreshore Sector

Group Members

- ANA MARIE O. DIZON
- MA. JANUSETTE C. UY
- JUN PAUL U. MISTICA
- LUCENA U. MERCADO
- CYNTHIA LOZANO
- WILFREDO TORRES III*
- FLORENDO BARANGAN
- SITTI LUKAIYA H. USIH
- RODOLFO FERDINAND QUICHO
- MARLITO N. GUIDOTE
- MAYOR ROMULO V. LUMO
- CAROLIZA T. PETEROS
- MARION ANTONETTE G. ABUEL
- JOHN NOAH M. RED
- FLERIDA C. CHAN
- SVENJA SCHMELCHER
- JOSE MA. ANTONIO BRINGAS
- NELIA C. LAGURA
- ALAN WHITE*
- WILLIAM JATULAN
- JOSE DOROTEO ANTE
- CONCORDIO D. ZUÑIGA
- BIENVENIDO CRUZ
- MARY JENNIFER YNGENTE
- JANUSETTE C. UY

Window A: Scope / Type of Existing Conflicts

Legal / Institutional	Social/Political/Cultural / Gender	Economic	Internal Disputes within communities
Institutional / jurisdictional overlap	Conflicting interest of stakeholders e.g. commercial vs. municipal	Incompatible/ conflicting resource use	Municipal water delineation
Conflicting policies and programs of agencies e.g. Fisheries Code, AFMA, NIPAS	Inter ethnic resource competition among marginal fishers	Unequal opportunity for Control and access to resources	Boundary conflict between LGUs
Illegal titling of foreshore and mangrove areas		Use of illegal and destructive fishing	
		Rapid population increase	



Tools Used to Address NRC

“What are the methods/approaches used to address NRC in the Coastal / Fisheries/ Foreshore Sector?”

What Works Well?	Facilitating Factors
<ul style="list-style-type: none"> ❖ Negotiation / mediation; consensus building through meetings and workshops ❖ Community resource mapping ❖ Conflict assessment / mapping analysis ❖ Coastal Resource Management Plan ❖ unified ordinance among different municipalities ❖ Cancellation / reversion proceedings ❖ Provision of popularized technical information ❖ Participatory tools for appreciation of value of resources and community empowerment ❖ IEC (active participation of the community, multi sectoral); use of traditional / cultural conflict resolution methods 	<ul style="list-style-type: none"> ❖ Credible/ impartial broker ❖ Clarity of position ❖ Open / Transparent ❖ Good faith ❖ coordination and cooperation among communities ❖ Scientific data thru research and survey with community participation ❖ Legal tools and procedures ❖ Active participation ❖ Participatory process ❖ Political will of leaders ❖ Successful examples

What Does Not Work Well?	Constraining Factors
<ul style="list-style-type: none"> ❖ compromise agreement does not work in illegal activities ❖ inconsistency in policy implementation ❖ strong armed tactics ❖ Top – down processes ❖ Confrontational methods ❖ Meetings and workshops 	<ul style="list-style-type: none"> ❖ Starting with complicated processes ❖ political interventions ❖ presence of armed men ❖ imposing policies without consultation ❖ “closed, entrenched positions” ❖ when parties are not ready to sit and talk ❖ threatening environment ❖ power imbalance

PREDICTED TRENDS	
INTERNAL	EXTERNAL
<ul style="list-style-type: none"> ❖ Absence / inadequate and uncoordinated coastal / fisheries management measures at all levels ❖ Weak / absence of coastal law enforcement ❖ Continuous unabated decline of fishery resources ❖ Weak political leadership ❖ Poor sanitation and pollution mitigation ❖ In extreme situations, people will use status, ethnic affiliations to justify rights over resources ❖ Scarcity of food and other resources ❖ Lack of capacity to establish licensing system, etc. 	<ul style="list-style-type: none"> ❖ Extensive reclamation projects to accommodate population explosion and economic development ❖ Rapid population growth ❖ Failure of economy to absorb new entrants to labor force ❖ Climate change ❖ Natural calamities / disasters

“What do you see as challenges or opportunities that the Coastal/ Fisheries/ Foreshore Sector must ACT on to effectively address NRC?”

Challenges/Opportunities	Priority Action <i>(Doable within the next 6 months)</i>
<ul style="list-style-type: none"> ❖ Harmonization / coordination of communities ❖ Harmonious complementation between NGAs and NGOs ❖ How to improve local capacity for implementation ❖ Full implementation of the Fisheries Code 	<ul style="list-style-type: none"> ❖ Formulation of integrated coastal resource management plans ❖ Consultation among NGA/ NGOs, formulation of a network of stakeholders ❖ Documenting, sharing successful examples; existing projects on capability building ❖ Synergy among NGOs, government, international agencies ❖ Insert conflict management modules in existing training courses ❖ IEC for the local constituents ❖ Pressure concerned agencies i.e. BFAR to issue relevant IRRs

6.3.1 Coastal/Fisheries/Foreshore Sector Discussion

Use of alternative dispute resolution (ADR)

Ms. Annabelle Abaya (CORE Group) - If the paradigm persists of "who is at fault" and punishment is meted, then you can never achieve ADR. But we must give it more opportunity to work. For perpetrators, who is going to decide that they are indeed perpetrators? The lower courts are jammed with a million cases. Rather than including conflict mediation modules in training courses, it should be considered as a system

instead. Solutions to conflicts should be appropriate to communities. Example for the Cordilleras, mediation of cases (rape, theft, and other crimes) is through cultural mediation. Maybe we should give this another look.

Developing sensitivity

Mr. Ronet Santos (VSO) - We can look at doable actions in terms of timeframe and sensitivity. In terms of timeframe, there are preventive measures vs. manifest conflicts. As we have discussed earlier, we prefer that most actions are preventive rather than trying to cure the already manifest conflicts. How do we address these?

Sensitivity is complex and earlier we were talking of conflict thresholds so how do we address conflict sensitivity? We need skills and attitude in sensitivity that would translate to behavioral change. For instance, in the delineation, allocation and regulation of resource, there will always be conflicts due to jurisdictional overlaps and how should we address them? What are the preventive measures so that we don't wait for conflicts to happen before doing anything?

Atty. Nelia Lagura (Environmental Legal Assistance Center) - I agree that compromise of ADR tools are good in helping to de-clog the courts since litigation is time consuming and costly. I also agree with the opinion earlier that we need to identify cases that can be compromised and what are not because if it is illegal then it cannot be compromised. For example, here is a commercial fisher engaged in muro-ami (when you say compromise, there is give and take), but if he is not imprisoned and in exchange for that he pays the fine. When you allow a compromise like this, it is like saying that you can do it so long as you pay the fine. However, coral reef rehabilitation is very expensive and how much is the fine? Maybe about P10,000 but he earns some one million pesos, so the fine is too low and can be covered by the total earnings. The penalty does not prevent him to continue practicing muro-ami.

A - Penalties for commercial fishers who are violators, is too low in comparison to what they are earning. Enforcement of laws is lacking because violators can do away with just paying the minimal fines if they are caught. For instance, municipal waters are off-limits to commercial fishers but because the laws are not strictly enforced, then you have conflicts.

Costing of resources is another issue because they don't really account for the cost of rehabilitation.

Ms. Ana Balayon (PBPF-Davao City) - We now have a deeper conviction for mediation through (1) careful analysis of the players, who we are and where we are; and (2) restorative justice which we call "ipaghusay" in the context of righting a grievance. Also, in any conflict some people are guilty but we are all responsible.

Dr. Ernie Guiang (DAI) - I would like to reiterate that if we don't do anything about ADR, conflicts are going to get worse.

Dir. Concordio Zuñiga (LMB) - Regarding the titling of foreshore areas, this is vested on the DENR Lands sector. There are many agencies issuing titles: DENR-LMB, DAR, NCIP, the Courts but we have to validate whether these titles were validly issued.

FRESH WATER SECTOR

Participants

1. Victor O. Ramos
2. Amabelle Asuncion
3. Marlynn Mendoza
4. Le Jaime Jalbuena
5. Abe Padilla
6. Roda Cisnero
7. Jose P.M. Cunanan
8. Joy Jochico
9. Jessie Abrenica
10. Jane Dominguez
11. Gerry Bumatay
12. Joey Roncesvalles
13. Dolora Nepomuceno
14. Margarito Alingasa
15. Tattie A. del Rosario



SCOPE/TYPE OF EXISTING CONFLICTS

- Water use conflicts due to competing interests
- Diminishing supply v. increasing demand
- Conflicts on water allocation
- Sourcing of water supply
- Access to resource
- Policies, programs, & management
- Decentralization of functions
- Fragmented policy implementation
- Water contamination
- Protection/conservation of water resources
- Diminishing supply due to salt water intrusion

SCOPE/TYPE OF EXISTING CONFLICTS

- Identified conflicts cut across issues and cannot be classified under any of the proposed cluster titles (i.e., legal/inst'l, social/political/cultural/gender, economic, internal disputes within communities)
- Instead of mapping out specific conflicts, group identified **PROBLEMATIC AREAS** or areas where source of conflict is **SEVERE**.

SCOPE/TYPE OF EXISTING CONFLICTS

- PROBLEMATIC AREAS (SEVERE)
 - NCR
 - Cebu
 - Baguio
 - Iloilo
 - Laguna de Bay
 - Liguasan
 - Agusan Marsh
 - Lake Sebu
 - Compostela
 - Bukidnon
 - Davao
 - Lake Lanao
 - Quezon, Palawan
 - Bicol River Basin

TOOLS USED TO ADDRESS NRC

What works well...	Facilitating Factors
Top 3: 1. ADR	: no recrimination : considers the interests of all the parties
2. Partnership Building	: promotion of camaraderie : openness
3. IEC/Awareness-Building	: wide exposure : info dissemination

TOOLS USED TO ADDRESS NRC

What does not work well...	Constraining Factors
Top 3:	
1. Lobbying for changes in policies/legislation	: vested interests : time and cost elements
2. Litigation	: time element & costs : prejudice
3. Intra-government coordination	: turf war : can be dictated upon

PREDICTED TRENDS

INTERNAL (factors that directly affect water as such, e.g. source, quantity and quality)	EXTERNAL (factors that indirectly affect the water)
<ul style="list-style-type: none"> -conflict on water allocation -continued forest degradation -environmental degradation -worsening pollution -continuing competition among users -continuing contamination of water resources -not valuing water as economic good 	<ul style="list-style-type: none"> -limited funding for conservation or protection -global warming -climate change -increased population

CHALLENGES/OPPORTUNITIES

Challenges/Opportunities	Priority Actions (Doable within the next 1-3 years) Short-term: 1 year Long-term: 3 years
Water resource conservation	IEC
Build awareness	Academic research & publication of articles
Strengthening enforcement	Streamlining of roles of agencies & empowering agencies

6.3.2 Fresh Water Sector Discussion

Water valuation and costing

Mr. Vergel Medina (PNOC) - Considering the economic importance of water, have you considered costing of water in terms of water users' fees?

A - Actually the Cebu Water District has a so-called socialized pricing where it is subsidizing the community water associations with about P10/cu.m. For domestic use, the price ranges from P15-25/cu.m while for industrial users, they are charging P35-40/cu.m. That is how the District is trying to provide some kind of equity in terms of being able to access water.

Dr. Ernie Guiang (DAI) - Sometime ago in Cagayan de Oro, there was a water pricing study funded by Ford Foundation and done by Ateneo. Perhaps you could look at their study as a basis for determining the proper price of water.

A - We are also working with media and we have the Philippine Water Partnership (where NWRB is also a member), that is supposed to do this study. NEDA has done some ground work on this already but I don't know when it will be realized.

RED Dionisio "Panoy" Tolentino (DENR)- I am curious whether in your discussion, did you consider the source of water? Is there a significant difference in terms of the magnitude or volume between the surface and underground water sources?

A - Actually that was not part of the discussions. What we are promoting is integrated water resources management (IWRM), utilization and development. IWRM is a process of managing water resources, land use and related resources for social and economic development without prejudice to sustainability of resources. Even rainwater harvesting will be a major resource in the coming years. Aside from that, in Cebu there is already a company that is selling desalinated water at P40-45/cu.m. Hotels are engaging other companies to start using desalinated water because they will be saving on water costs. These are developments but desalination is only possible for large industries and some companies (Shangri-La, Waterfront, etc.) are going into desalination plants where water is recycled by treating it before re-use and this will significantly reduce cost of water.

Strengthen Compliance with Local Ordinance

Mr. Florendo Barangan (CMMO/DENR) - Additional information on the Cebu situation: There are so many conflicting activities of the national government in the area. People go to the uplands to settle and then when there are so many people there, schools will then be built followed by roads and then markets will be available because this is another service needed by the people. I don't know whether these infrastructures were a source of attraction for people to settle in the uplands. The watershed has a 29,000-hectare area but there are about 169,000 people residing there now. There was even a local directive before allowing the establishment of commercial centers within 200 meters on both sides of the Cebu Central Highway. It's good that it was not pursued or there would have been more problems.

A - Regarding the said city ordinance, at that time DENR was silent. What we did was to ask DENR to give us information regarding the NIPAS law and then we provided together with ELAC, the position paper regarding the illegality of the law. Our NGO and ELAC raised this to the court and it so happened that the judge at that time is an environmentalist. To make the story short, we pushed for the illegality of the ordinance and because the City could not contest it anyway, they simply did not appear during the hearings. So, we won the case. However, at that time there was a danger that the ordinance will push through because of the powerful political influence of the Osmeñas.

Annie - What is the greatest challenge for the fresh water sector?

A - Water conservation

FOREST SECTOR

Participants

1. Anabelle Abaya
2. Oliver Agoncillo
3. Romy Acosta
4. Mars Amaro
5. Joe Artuz
6. Ana Balayon
7. France Begonia
8. Mario Bulusan
9. Carlo Custodio
10. Dausay Daulog
11. Chip Fay
12. En Gallardo
13. Cynthia Irmer
14. Jim Jarvie
15. Denise Jayme
15. Lida Jonotan
16. Ann Koontz
17. Edna Locsin
18. Vergel Medina
19. Carol Mercado
20. Mary Melnyk
21. Susan Naval
22. Lito Palpalatoc
23. Jun Patnugot
24. Kim Sais
25. Vic Tiongson
26. Panoy Tolentino
27. Merla Aquino
28. Len Bugayong

Legal / Institutional

1. Unclear boundaries between “forest” & “non-forest” lands
2. Jurisdictional conflicts among government agencies
3. Policy conflicts (NIPAS, Mining Law, CBFM, IPRA, IFMA, etc)

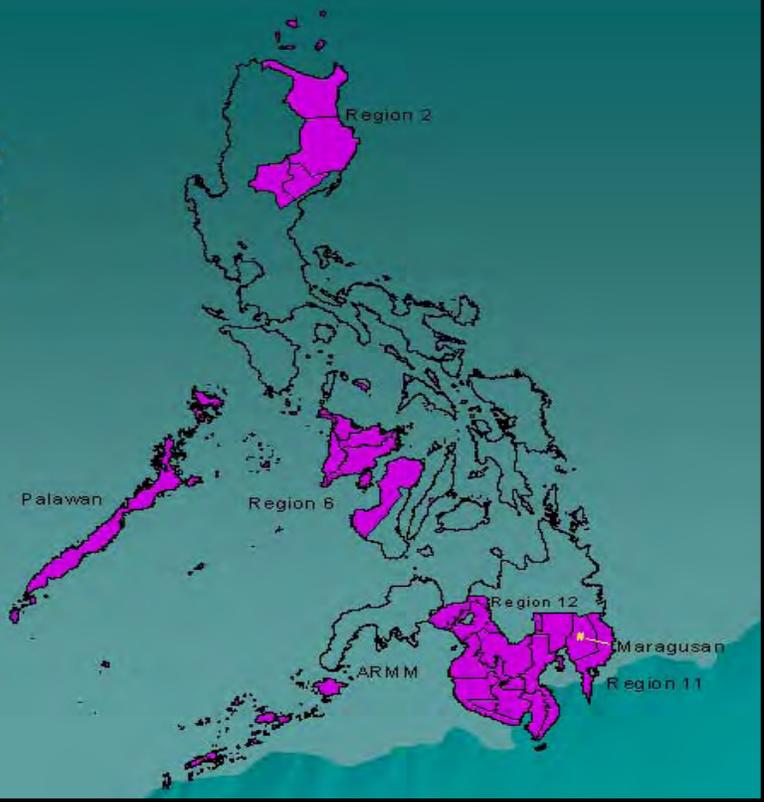
SCOPE / TYPE OF EXISTING CONFLICTS

1. Access & control, unequal power relations
2. Conflict of values (use of violence)
 - ◆ Social / Political / Cultural / Gender
 1. Heterogeneous communities / intercultural conflicts, IPs, migrants, lowlanders
 - ◆ Economic
 1. Production – protection conflict

**AREAS WITH
LEGAL/INSTITUTIONAL
CONFLICTS IN THE
FOREST SECTOR**



**AREAS WITH
SOCIAL/CULTURAL/
POLITICAL/GENDER
CONFLICTS IN THE
FOREST SECTOR**



AREAS WITH ECONOMIC CONFLICTS IN THE FOREST SECTOR



TOOLS USED TO ADDRESS NRC

What works well...

- ❖ Mediation
- ❖ Dialogue
- ❖ RTD
- ❖ TWG
- ❖ Joint fact-finding
- ❖ Negotiation – coaching
- ❖ Court litigation

Facilitating Factors

- ❖ Willingness to discuss
- ❖ Objective assessment
- ❖ Facilitating skills of mediator
- ❖ Initiative of PO leaders to mediate in conflicts
- ❖ Balance of power among disputing parties / stakeholders

TOOLS USED TO ADDRESS NRC

What works well...	Facilitating Factors
<ul style="list-style-type: none"> ✓ Mediation ✓ Dialogue ✓ RTD ✓ TWG ✓ Joint fact-finding ✓ Negotiation – coaching ✓ Court litigation 	<ul style="list-style-type: none"> ❖ Willingness to discuss ❖ Objective assessment ❖ Facilitating skills of mediator ❖ Initiative of PO leaders to mediate in conflicts ❖ Balance of power among disputing parties / stakeholders

TOOLS USED TO ADDRESS NRC

What does not work well	Constraining Factors
<ul style="list-style-type: none"> ❖ Relying on biophysical without considering social, economic, cultural factors ❖ Arm twisting ❖ Threats ❖ Round table discussions 	<ul style="list-style-type: none"> ❖ Biophysical does not provide people buy-in ❖ No acceptance ❖ No acceptance ❖ Participants are not decision makers / cannot commit

TOOLS USED TO ADDRESS NRC

❖ What does not work well	❖ Constraining Factors
<ul style="list-style-type: none"> ❖ Court litigation ❖ Token consultations ❖ Consultations that do not allow stakeholders to process issues 	<ul style="list-style-type: none"> ❖ Slow, expensive process ❖ Just to comply with legal requirements ❖ Non-confrontational culture of Filipinos ❖ Lack of effective methods to get FPIC ❖ Peace & order ❖ "Timing" of consultations

PREDICTED TRENDS

INTERNAL	EXTERNAL
<ul style="list-style-type: none"> ▶ More responsibilities & authorities of LGUs ▶ Uncertainty of capacity building of CBFMOs ▶ Acceptance of conservation principles ▶ Effective timber replanting programs (ecological vs. commercial) ▶ Logging ban of natural forests 	<ul style="list-style-type: none"> ▶ Change of administration / leadership ▶ Population growth ▶ Migration to uplands ▶ Major shifts in forest product markets ▶ Foreign debt

CHALLENGES / OPPORTUNITIES

Challenges / Opportunities	Priority Actions
<ul style="list-style-type: none"> • Reduction of policy and administrative conflicts on forest management • Party autonomy in the resolution of disputes 	<ul style="list-style-type: none"> ➢ Convince the Office of the President to issue EO on SFM ➢ File a petition for a certiorari or declaratory relief (RA 7611, specific for Palawan) ➢ Lobby for an amendatory law that would address conflicts – SEP, IPRA, CARL, NIPAS & other laws ➢ Training communities in alternative dispute resolution

CHALLENGES / OPPORTUNITIES

Challenges / Opportunities	Priority Actions
<ul style="list-style-type: none"> • Better access to environmental justice through the court • Fast track the transformation of DENR from a regulatory to development agency 	<ul style="list-style-type: none"> ➢ Lobby with present court administration for more courts, stricter rules & procedure, & capacity building of judges & prosecutors ➢ Work on guidelines for environmental courts ➢ Expand the coverage of EcoGov Program ➢ Re-tooling & re-engineering of DENR

6.3.3 Forestry Sector Discussion

Upland migration

Mr. Carlo Custodio (PAWB/DENR) - Additional information about migration in the uplands: maybe one of the reasons for upland migration is the programs in the uplands but I think one main reason for migration is landlessness.

A - We did not touch on upland migration during the workshop. Introducing programs in the uplands is usually double-edged - either you attract more people to the uplands due to more jobs and more opportunities there or because there are no more spaces in the lowlands. I think the uplands is more feudal than the lowlands because of the tenancy issue in the uplands. I believe a more serious issue is on the legitimacy of stakeholders in the uplands. We just assume that whoever wants to participate in upland development is welcome but we are not resolving a basic issue of the feudal system existing in many of our upland areas.

Mr. Joe Artuz (QSEED) - Based on our experience, I don't think landlessness is the main reason why people migrate to the uplands. Many lowlanders lose their lands due to vices - they sell their land in order to pay for their vices. Because of this, they move to the uplands and after sometime, those in the uplands move back to the lowlands once they improve their economic livelihood and are able to buy land in the lowlands.

A - This is actually happening in many of our upland sites as a result of our interventions. In Maasin and Passi, where we originally had our project sites, they have produced foresters among the children of the upland people in the project site. Some upland farmers in Maasin have moved out of the watershed because they were generating income from the users' fees charged on water from the watershed. This is a nice development but of course we still need to address the issues of poverty and others in the lowlands and how these impact on the uplands.

On foreign debt

Mr. Jerry Bisson (USAID) - Can you clarify about the point on foreign debt? The government has more than 20 billion dollars in debt for the energy project of NAPOCOR that takes up a large chunk of foreign debt.

A: Ms. Ana Balayon (PBPF) - I don't think that in the next decade we are going to see a substantial lessening of our foreign debt regardless of who is winning right now [in the elections]. I think the impact of that is greater pressure on forest resources because we will try to find things that will cover up that debt.

Mr. Vergel Medina (PNOC) - Tying it with yesterday's presentation where it was mentioned that it is better to prevent the conflict rather than try to cure it, maybe one of the things we need to map out is accountability. We have programs being implemented that are not really acceptable or technically feasible. Who is accountable? We have organizations that are bloated with unqualified staff and we have a lot of outdated data but we insist on reporting them. Hence, maybe we should have a mechanism of accountability so that conflicts become more manageable and lesser.

Dr. Ernie Guiang (DAI) - Regarding the foreign debt, the energy sector alone takes more than 50 percent of foreign debt and we are spending 30 percent of our national budget on our monthly amortization, which is not going to be reprieved in the next 10 years. The implication is that between investments on forest rehabilitation versus investments on roads and social services, these two sectors will get more. Now, it will depend on how noisy the lobbyists will be in Congress. But if that is the direction, it is a challenge on how we can convert many of our assets and make them self-financing in the near future.

Mediation and environmental justice

Atty. John Red (PMO-Supreme Court) - One of the challenges mentioned is to create better access to environmental justice and one of the priorities identified is the creation of more environmental courts and

guidelines for environmental courts. For the information of everybody, under the leadership of Chief Justice David, the Supreme Court is currently implementing a very comprehensive action program for judicial reform and one of the objectives is to de-clog the court. One of the strategies is to strengthen collaboration with all stakeholders particularly in promoting alternative resolution of conflicts. Hopefully these cases can be settled before they go to court. We have 100 RTCs which are specifically designated to try environment-related cases and our Philippine Judicial Academy is rigorously implementing training courses for judges on how to handle environment-related cases. There is an MOU signed between and among the DOJ, DENR and Supreme Court to fast track the resolution of environment-related cases presently filed before the courts.

Ms. Annabelle Abaya (CORE Group) - What I just wanted to see is the institutionalization of mediation at DENR. We already know that at the courts, there is already a mechanism for specific cases to immediately be moved to mediation. The DOJ does the same thing for cases that carry a penalty of six years and below, these are now being referred to mediation with a very high success rate. For the DOJ, the success rate is 93 percent and at the Supreme Court its 81 percent. We had a project in Cebu for DENR, a pilot project on environmental issues, and the success rate was more than 80 percent. So, it's very promising. We also had a project at the NLRC where a mechanism was introduced that when a case comes in, they first go to mediation before getting into arbitration. The success rate was 94 percent, so I'd like to be able to see that at the DENR, too. There is a need for a mechanism, people have to be trained for it and if people at DENR are not sufficient, then perhaps we can use NGOs, POs and other people trained in the use of mediation. It is a very powerful tool and I wish that we can use it more vigorously.

A - We are in the process of institutionalizing that at the DENR. We have this project with Tanggol Kalikasan called 'Defending the defenders'. We also discussed about ADR at DENR and we started it in the EcoGov but our problem now is financing. We started with training on ADR in just a few regions but we need warm bodies within the Department who will specialize on that. We need to expand the project in order to address the complaints of our POs especially for support such as insurance coverage.

Ms. Ana Balayon (PBPF) - There is a need for studies on the application and making mediation automatic. Last year, the alternative law groups made a study of four courts near forest areas and in the past five years, these four courts have only less than 120 cases. If we automatically mediate the few cases brought there, then it might be counterproductive in that we are not providing an alternative to mediation. In other words, if you have perpetrators and the immediate reaction is to mediate, they have nothing to lose because if I don't mediate, litigation is so poor anyway. Again, this ties up with the balance of power where you have to have a semblance of it and mediation is successful when you achieve that.

The other thing bothering me is Jim's study where he said that most communities perceive conflict is between community and government, which means, that is either the DENR or the local government. If mediation will be institutionalized, who would be the acceptable mediator? Seeing that the DENR is so much of a stakeholder and in places where it is not, it can be perceived to be non-objective.

Dr. Ernie Guiang (DAI) - One of the things we notice in some natural resource cases is that they determine first whether the case can be mediated or will automatically go into adjudication. That is the first level of analysis needed. For cases that can be subjected to mediation, then give them to mediators.

Annie - What is the greatest challenge for the forest sector?

A - Institutionalizing the mechanics and structure for ADR

6.4 DEVELOPING AND APPLYING NRC ASSESSMENT FRAMEWORK AND TOOLKIT



“We hope that these tools and resources will aid us as we develop strategies to mitigate environmental problems before they become significant contributors to more endemic conflict situation.”

MS. KIMBERLY SAIS
USAID/EGAT

Ms. Sais gave an overview of some of the conflict resource tools that are being developed in Washington for USAID. She cited the terrible costs of conflict – globally, millions of lives have been lost, decades of investment wiped out, and billions spent to assist in the recovery of war torn countries. Civil or internal conflict affects nearly 2/3 of the countries where USAID works, and there is growing demand – from USAID Missions and its partners to think more strategically about how to address the causes and consequences of widespread conflict.

Ms. Sais stressed that conflict assessment is an important tool for helping accomplish USAID’s goal of integrating or mainstreaming conflict considerations into more traditional development sectors. She shared that the Agency’s conflict assessment is a diagnostic tool to help Missions and its partners: 1) Identify and prioritize the causes and consequences of conflict that are most important in a given country context; 2) Understand how existing development programs interact with factors linked to conflict; and 3) Determine where development and humanitarian assistance can most effectively support local efforts to manage conflict and build peace.

Ms. Sais emphasized that while the conflict assessments provide recommendations, they do not provide detailed guidance on how to design specific conflict activities. To move from diagnosis of the problem to a more detailed discussion of potential interventions, the Agency is developing a series of programmatic toolkits that are companion pieces to the conflict assessment. For example, the Natural Resources Management Toolkit is a series of short papers that explore specific sectors in greater detail including conflicts on Forests, Water, Valuable Minerals, Oil and Gas and Land. There is also an overview paper that summarizes the academic and policy research on the relationship between environment and conflict in developing countries.

6.5 NATURAL RESOURCE CONFLICT PREVENTION/RESOLUTION: THAILAND EXPERIENCE



**MS. CYNTHIA IRMER
PADCO**

“...Philippines context may require deeper involvement of communities and grassroots organizations in identification of sources of conflicts, analysis, needs assessments and proposed interventions.”

According to Dr. Irmer, in Thailand, public unrest, protest and violence are triggered by conflicts related to coal-burning electrical plants, gas pipelines, air and water pollution and changes in use of forests.

With a new Constitution which requires public participation in environment and natural resource policy making, the government initiated “assessment at every step” to prevent and resolve conflicts. Action steps like consultations between villagers and power company officials, capacity building workshops on natural resource conflict resolution, conflict resolution training for government officials, NGOs and academics and public participation training for government officials were conducted by the Ministry of Environment and Natural Resources. Additionally, the Center of Excellence for conflict resolution (MoNRE) was established.

Dr. Irmer observed that the Philippines context may require deeper involvement of communities and grassroots organizations in identification of sources of conflicts, analysis, needs assessments and proposed interventions. Capacity building efforts must ensure the participation and involvement of stakeholders in the grassroots communities.

7.0 DAY 2, BREAKFAST SESSION: SHARING ON REGIONAL NRC EXPERIENCES

7.1 OBJECTIVE

The objective of this session is to deepen and enrich the participants' understanding and dynamics of NRC, i.e., nature and appreciation of lessons learned from NRC experiences in island regions of the Philippines. The session was also a venue for sharing insights and experiences on the sessions of the first day of the workshop.

7.2 PROCESS

The participants were grouped per region (Luzon, Visayas, Mindanao) and encouraged to share ideas on:

- What does Natural resource Conflict (NRC) mean to them?
- What are their NRC experiences (commonalities and differences on origins, scales, manifestations)
- What are conflict trends and what we should do about them?
- What did you learn from the sessions in Day 1?
- How can we work together?

7.3 SUMMARY OF DISCUSSION

What were the experiences shared and partnership opportunities explored during the Breakfast session?

- It started with politics and ended up with development - it came out in the discussions that hopefully the President will carry out our advocacies
- Opportunities for linkages: prospects for collaboration with WWF, Asia Foundation, Volunteer Service Organization
- Partnerships explored or initiated : requested Mr. Alvarez from Marine Aquarium Council for a training on more environment-friendly ways of harvesting tropical fishes from aquariums, and he agreed in principle to visit our place [Cagayan Valley] and conduct a 6-month long training there with possible assistance from USAID; also with Mr. Ronet Santos who told me he will send some of their books that we're interested in after the workshop

What do you remember (pictures, words, phrases, anything) in yesterday's sessions?

- Silver bullet
- Ready, fire, aim
- Elephant (Jim's presentation) - someone asked "what happened to the elephant?" ...it ran away...
- Rules of the game

What do you remember about the sharing during the breakout workshops?

- Conflicts
- Ready, aim, fire

Who are the presenters you remember most?

- Jim Jarvie
- Ann Koontz
- Annie

What were the highlights from yesterday's activities?

- Jungle Jim's inputs - the elephant, the broad concept of NRC
- The Mayor's presentation - so candid, coming from the heart
- Cynthia's dinner presentation about "people's participation in Thailand"
- Jim's - "conflict resolution must be locally appropriate"
- Marlynn's presentation about Ligawasan Marsh - "We were born here, we live here, we will die here"
- Dolly Nepomuceno's report on Laguna de Bay - "we can eat the fish from Laguna de Bay"
- Kimberly's presentation - The tool kits

What was the general mood of the group?

- Excitement, energetic, fun, heavy stuff but fun in learning

Highest point?

- The workshop

Low point?

- None

Specific ideas/ insights that were noted in the different sessions:

- "Conflicts should never be always regarded as negative but opportunities for something"
- "Finding commonalities and not the differences in any conflict"
- "There should be coordination among government agencies" - comment from the PO head, Joe Artuz

- "The art of the possible - do not think of what you cannot do but focus on what can be done"

How was consensus reached in the workshop groups?

- Forest sector: by litigation, by volume of the voice, by agreeing to disagree and then agree
- Coastal sector: commonalities were identified, consensus was not difficult
- Fresh water sector: divine guidance (Father was in the group)

What specific objectives and personal expectations were already met?

- Better understanding of NRC
- Experience sharing

What are some challenges for specific actions that you can take back to your work?

- Annabelle Abaya - with a better understanding of conflicts, what I can do in terms of training is to share specific training programs that can be done to support NRCs.

What elements should be in that framework or program for your organization's strategy or a USAID-DENR strategy for NRC mitigation?

- Annabelle - need for a formal, structured mechanism for multi-sectoral collaboration
- Ann Koontz - there could be one person probably from DENR that would do the network function to keep up or follow up on NRC activities
- Jim - need for monitoring or keeping track of conflicts; validation of workshop inputs/outputs

7.4 SYNTHESIS

In a plenary session, the facilitator lead the group into summarizing the break-out group outputs using a transect map template that indicates commonalities and differences across the three NRC sectors.

In terms of scope of conflicts, it was noted that conflicting policies and programs of environmental agencies were common to all. The issue of access and control was also a major source of conflict among the three sectors.

The most common tools and practices used for conflict management are IEC activities and capability building strategies, the use of alternative dispute resolution (ADR) and partnership building using participatory approaches.

Continuous degradation of environmental resources and increasing population and poverty incidence will predictably increase conflicts in all three sectors. The lack of values for managing resources will increase the trend in all sectors while the acceptance of forest conservation principles and compliance to the logging ban will decrease the trend in natural resource-based conflicts in the forest sector.

The Philippines faces four key challenges related to natural resource management: (1) conservation or the wise use of resources; (2) corruption and other failures of governance; (3) conflict over use of depleting resources and competitiveness wherein the lack of natural resources, especially water, can undermine the ability of the Philippines to attract and retain economic investments, and maintain an acceptable quality of life for Filipinos.

		Forest	
		Fresh water	
		Coastal/ Fisheries	
S C O P E	Conflicting policies and programs of agencies e.g. Fisheries Code, AFMA, NIPAS	Fragmented policy implementation Policies, programs, & management	Policy conflicts (NIPAS, Mining Law, CBFM, IPRA, IFMA, etc)
	Unequal opportunity for Control and <i>access to resources</i>	<i>Access to resource</i>	<i>Access & control, unequal power relations</i>

		Forest	
		Fresh water	
		Coastal/ Fisheries	
T O O L S	Alternative Dispute Resolution		
	IEC/Awareness-Building Capacity Building		
	Partnership Building Participatory tools		

Forest			
Fresh water			
Coastal/ Fisheries			
T R E N D S	INTERNAL		
	Continuous unabated decline of fishery resources	Continuing contamination of water resources Depletion of potable water	Acceptance of conservation principles
	Scarcity of food and other resource	Not valuing water as economic good	Logging ban in natural forests
	<i>Degradation</i>		
	EXTERNAL		
<i>Increasing Population with Increasing Poverty</i>			

Forest	
Fresh water	
Coastal/ Fisheries	
CHALLENGES AND OPPORTUNITIES	<p>Creating alternatives for peaceful resolution of conflicts</p> <p>Institutionalizing structures and mechanisms for collaboration and integration of programs addressing NRC</p>

Based on challenges identified in the concurrent workshops, the participants identified a number of priority actions, foremost of which is the review of conflicting provisions of environmental laws causing confusion and policy overlaps. The participants also considered designing alternative dispute resolution programs (ADR) to address specific natural resource sectors and conflicts. The CORE Group Foundation can assist in designing training programs for ADR.

The participants agreed on the need for additional training and networking on conflict mitigation. Plans to develop baseline data on natural resource conflicts, including a website and resource materials were included as priority actions.

7.5 AGREEMENTS AND NEXT STEPS

“We have developed a great momentum in this workshop!”

“HOW DO WE KEEP THIS GOING?”

Priority Actions	By Whom (Person/Partners or Organization)	By When (w/in 6 mos.)	Resources Needed
Review of conflicting Environmental laws	Contract an independent and credible institution/ organization; To be coordinated by Tanggol Kalikasan	Before end of October 2004	Pooling of resources by participating agencies
Develop ADR training modules appropriate for specific sectors	The Asia Foundation; Core group (CAPS)	Within 6 months	Project funds
Develop conflict baseline information	DENR; EcoGov Project	Within 6 months	Project funds
Come up with concrete actions that will impact on the communities	By agency	Within 6 months	Project funds Agency/ organization funds
Set-up a website and NRC library	Jim Jarvie (jkjarvie@aol.com) Oliver Agoncillo/USAID	Within 6 months	Project funds
Identify a NRC point person	Oliver Agoncillo/USAID (oagoncillo@usaid.gov) Marcial Amaro, Jr./DENR- Eco-Gov Project	Within 6 months	Project funds

7.6 WORKSHOP IMPRESSIONS



MR. JOE ARTUZ
(QSEED)

On behalf of my people's organization and federation in Region 2, we would like to thank the organizers of this workshop - the USAID, ARD, DENR – for allowing me to attend. For the past five years, I have been attending various workshops but this one is different because we were able to discuss and share experiences in natural resource-based conflicts and doable action plans. In the past, we had discussions but many agreements *ay di natutupad* [were not followed through]. This activity is timely because next week we will have a PO federation meeting and I will be able to relay the things we talked about here to my co-POs and hopefully they will also learn something more about NRC. Again, thanks to the USAID in Washington and Philippines. I hope the LGUs were also here because they were identified as one of those that should be involved in resolving conflicts.

I have been attending various workshops but this one is different because we were able to discuss and share our experiences in natural resource-based conflicts and doable action plans.



MAYOR ROMULO LUMO
Tabina, Zamboanga del Sur

I have attended several activities like this already but this workshop is for me, the best managed and best facilitated. There were no dull moments and it was fast-paced drama. The participants are all experts and we learned a lot of new ideas and experiences from the resource persons and during the workshops. The workshop objectives were all achieved. We also learned that there are many tools that can be used in resolving NRCs. Let us all be reminded that our natural resources are God-given to sustain life. To borrow from Jim Jarvie's words, NRC are simple disputes but if not properly addressed can become worse. Thank you.

...for me this workshop is the best managed and facilitated. The participants were all experts and we learned a lot of new ideas and experiences from the resource persons during the workshops.



DR. MARY MELYNK
Natural Resources
Advisor,
USAID/Washington

This workshop has set a high standard of excellence in the presentations, facilitation, case studies, survey results, experiences shared. You have set a model on how to bring all sectors together and begin to analyze and resolve conflicts.

“I would like to give my impressions based on adjectives: charismatic, charming, exciting, energetic, successful... this workshop was all of these and more. I would like to thank all the organizers and participants for this successful workshop. This workshop has set a high standard of excellence in the presentations, facilitation, case studies, survey results, experiences shared. You have set a model on how to bring all sectors together and to begin to analyze and resolve conflicts. This model can be used in the rest of Asia where we plan to organize similar activities on NRC. The challenge of this workshop is on thinking outside the box - of considering the many options and tools available for resolving conflicts. I wish to thank Jerry Bison - it was his idea to bring all the sectors together to discuss NRC. I am saddened to know that he will soon be leaving the Philippines and because of this, we would like to call him and present a token of our appreciation for his long work here in the Philippines, we wish him well in his future work in Washington”.

7.7 CLOSING REMARKS

7.7.1 DENR



MR. MARCIAL C. AMARO,
JR.
Director
EcoGov Program
Management Office

“...We shall continue with the harmonization of conflicting environmental laws, rules and regulations in coordination with the concerned agencies and organizations and relevant stakeholders.”

Speaking on behalf of the Department of Environment and Natural Resources and Secretary Elisea “Bebet” Gozun, Director Amaro congratulated everyone for a successful two-day undertaking that generated a better understanding of the nature and dynamics of natural resource-based conflicts or NRC. This was made possible by the unselfish sharing of experiences and guided by the strong desire and renewed commitments to more effectively address NRC.

Director Amaro expressed the pleasure of DENR to have been given the opportunity to participate in this workshop as well as thanked the USAID for recognizing the significant role of DENR in NRC management and contributing to the wealth of knowledge that already exists on NRC mitigation and management.

On the action plan that was agreed to be carried out within the next six months, he said that the DENR-EcoGov Program Management Office, which was involved in the technical working group for this workshop shall apprise the DENR top management of our recommended courses of action thru its regular Executive Committee meetings for consideration and appropriate action. The following DENR actions may be expected: identify and or designate NRC focal units in the DENR offices at all levels, which shall be tasked to undertake, in coordination with other concerned offices and stakeholders, the inventory and validation of existing and emerging conflicts involving natural resources and to establish database on NRC. This may require, at the minimum, characterization of the NRC that shall include the identification of key actors and proposed solutions.

Other commitments of DENR are the institutionalization of alternative dispute resolution (ADR) methods within the DENR consistent with the stipulations of the ADR Act of 2004 and the harmonization of conflicting environmental laws, rules and regulations in coordination with the concerned agencies and organizations and relevant stakeholders, particularly the provisions of the Indigenous Peoples Rights Act (IPRA), National Integrated Protected Areas System (NIPAS) Act, Mining Act, among other laws.

7.7.2 USAID



MR. JERRY BISSON
Chief, OEE/USAID

“...While the workshop comes to an end, there are many things to look forward to. WE have identified trends, challenges, and initial short- and long-term doable actions. And we should keep that momentum.”

In his closing remarks, Mr. Jerry Bisson congratulated everybody for surviving this two-day workshop, especially Annie, who put up so much energy. “The planning group is dead wrong in saying that everyone is gonna leave after lunch but you are still here.” He noted that he saw some people sharing their cards and taking this opportunity to network with others.

Jerry affirmed that USAID learned a lot in this workshop and will continue to support NRC initiatives. He said that USAID is developing its next five-year development strategy in the Philippines. Thus, this workshop generated valuable guidance on approaches and priorities to address NRC.

He praised Filipinos as “*magaling*” and will miss them as he moves on to Washington next month.

Jerry acknowledged the people who were responsible for the success of the 2-day workshop: the DENR as co-sponsor under the leadership and guidance of Sec. Gozun, and support of Usec Metin; the superb technical and documentation support of the DAI staff, particularly Ms. Trina Isorena, Ms. Laarni Ananias; from the Asia Foundation Atty. BJ Mendoza; and from the Forest Development Center's Ms. Len Bugayong. “And of course, a big thank you to 'Jungle Jim,' 'Energetic Annie,' and all the hard working ARD team.

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 Expertise : Education/Training; and Research
 Training Program/s : GIS-GPS Training; AD Management Plans; and Cultural Sensitivity
 Research : Ethnographies at IPS
 Other Resource/s : Maps; and IP Photos

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 Research : Community-Based Property Rights Data Base

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Training Program/s : Threats Tool
Publication/s : Enterprise-Based Biodiversity Conservation “Natural Products Enterprises”

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Name of Office : Paglilingkod Batas Pangkapatiran Foundation
Type of Office : NGO
Office Address : 493 Gen. Luna Ext., Mt. Apo St., Davao City
Tel # : (082) 226-2059
Fax # : (082) 305-6936
Email : pbpfdvo@mozcom.com
Expertise : Education/Training

Name of Office : Philippine National Oil Corporation
Energy Development Corp.
Type of Office : GOCC
Office Address : Meritt Road, Fort Bonifacio, Makati City
Tel # : (02) 893-6001
Fax # : (02) 840-1893
Email : vergelmedina@yahoo.com
Expertise : Research

Name of Office : Protected Areas and Wildlife Bureau
 Type of Office : Staff Bureau
 Office Address : Quezon Avenue, Diliman, Quezon City
 Tel # : (02)925-8952
 Fax # : (02)925-8953
 Email : wildlife@pawb.gov.ph
 Expertise : Education/Training; Research; and Policy Research and Formulation

Name of Office : Quirino Movement for Sustainable Environmental and Economic Development (Q-SEED)
 Type of Office : Federation
 Office Address : CFFQI Compound, Capitol Hills, Cabarroguis, Quirino
 Tel # : (078) 685-5050
 Fax # : (078) 685-5050
 Email : quirino_cbfm@yahoo.com
 Expertise : Negotiation/Mediation; and Education/Training

Name of Office : Ramos Peace & Development Foundation, Inc. (RPDEV)
 Type of Office : NGO
 Office Address : 26th Floor Export Bank Bldg., Makati City
 Tel # : (02) 807-9978
 Fax # : (02) 807-4179
 Email : vramos_ph@yahoo.com
 Website : www.rpdev.org
 Expertise : Negotiation/Mediation; and Education/Training

Name of Office : Supreme Court of the Philippines/Program Management Office
 Type of Office : Government Branch
 Office Address : 6th Floor Supreme Court Centennial Bldg., Taft Avenue, Manila
 Tel # : (02) 552-9581
 Fax # : (02) 552-9586
 Email : john_red@supremecourt.gov.ph
 Website : www.apjr.sc.phil.org
 Expertise : Judicial Reform

Name of Office : Tabang Mindanaw/Assisi Development Foundation, Inc.
 Type of Office : NGO
 Office Address : Unit 503 Prestige Tower, Emerald Avenue, Ortigas Center, Pasig City
 Tel # : (02) 632-1001 to 03
 Fax # : (02)632-7844
 Email : assisi@tri-isys.com; tabang@tabangmindanaw.org; adizon70@yahoo.com; gerrybum@hotmail.com

Regional Office/s : Matina, Davao City
 Expertise : Education/Training; Negotiation/Mediation; and
 Emergency/Humanitarian/Development Assistance

Name of Office : Tanggol Kalikasan
 Type of Office : NGO
 Office Address : Room 403 CRM II Bldg., Kamias Road, Quezon City
 Tel # : (02) 434-7834
 Fax # : (02) 434-9141
 Email : mrlcisnero@skynet.net
 Website : www.tanggol.org

Regional Office/s : Baguio City
 Expertise : Negotiation/Mediation; and Education/Training
 Training Program/s : Institute of Environmental Governance; Paralegal Training; and Skills Training
 Publication/s : Primer on NIPAS; Coastal Resource Management; Ipagtanggol ang Kalikasan, etc.
 Research : Baseline Studies, et. al.

Name of Office : The Asia Foundation
 Type of Office : NGO
 Office Address : # 36 Lapu-lapu Ave., Magallanes Village, Makati City
 Tel # : (02) 851-1466
 Fax # : (02) 853-0474
 Email : bjay@asiafound.org.ph; bjay_angeles@yahoo.com; carol@asiafound.org.ph;
karlmerx@yahoo.com; willy@asiafound.org
 Website : www.asiafound.org
 Expertise : Negotiation/Mediation; Education/Training; and Research

Name of Office : The Conflict Resolution Group Foundation, Inc.
 Type of Office : NGO
 Office Address : Unit 303 Prestige Tower, Emerald Avenue, Ortigas Center, Pasig City
 Tel # : (02) 632-9356
 Fax # : (02) 635-9982
 Email : belle_abaya@yahoo.com
 Expertise : Negotiation/Mediation; Education/Training; and Research
 Training Program/s : Mediation Training; Negotiation Training; Family Mediation; and Crisis
 Management
 Publication/s : Phil. Experiments in Mediation and Consensus Building versus Public
 Conversations
 Research : State of ADR in the Philippines and Comparative Analysis of Community
 Mediation: Sri-lanka, Bangladesh, Philippines
 Other Resource : Mediation Project Documentation for Supreme Court, NLRC, IPR, DOJ, etc.

Name of Office : United Cagayanos Movement on Sustainable Environment and Economic Development, Inc. (UCMSEED)
Type of Office : CBFM Federations
Office Address : c/o Enterpriseworks Worldwide (Phils.)
11-B Sampaguita St., San Gabriel Village, Tuguegarao City 3500 Cagayan
Tel # : (078) 844-5107
Expertise : Negotiation/Mediation

Name of Office : United States Agency for International Development – Philippines
Type of Office : Donor
Office Address : 8th Floor PNB Financial Center Building., Pres. Diosdado Macapagal Blvd., 1308 Pasay City
Tel # : (02) 552-9828
Fax # : (02) 552-9997
Email : oagoncillo@usaid.gov; mjochico@usaid.gov
Website : www.usaid.gov.ph
Expertise : Education/Training Research and Project Management (Energy And Environment)

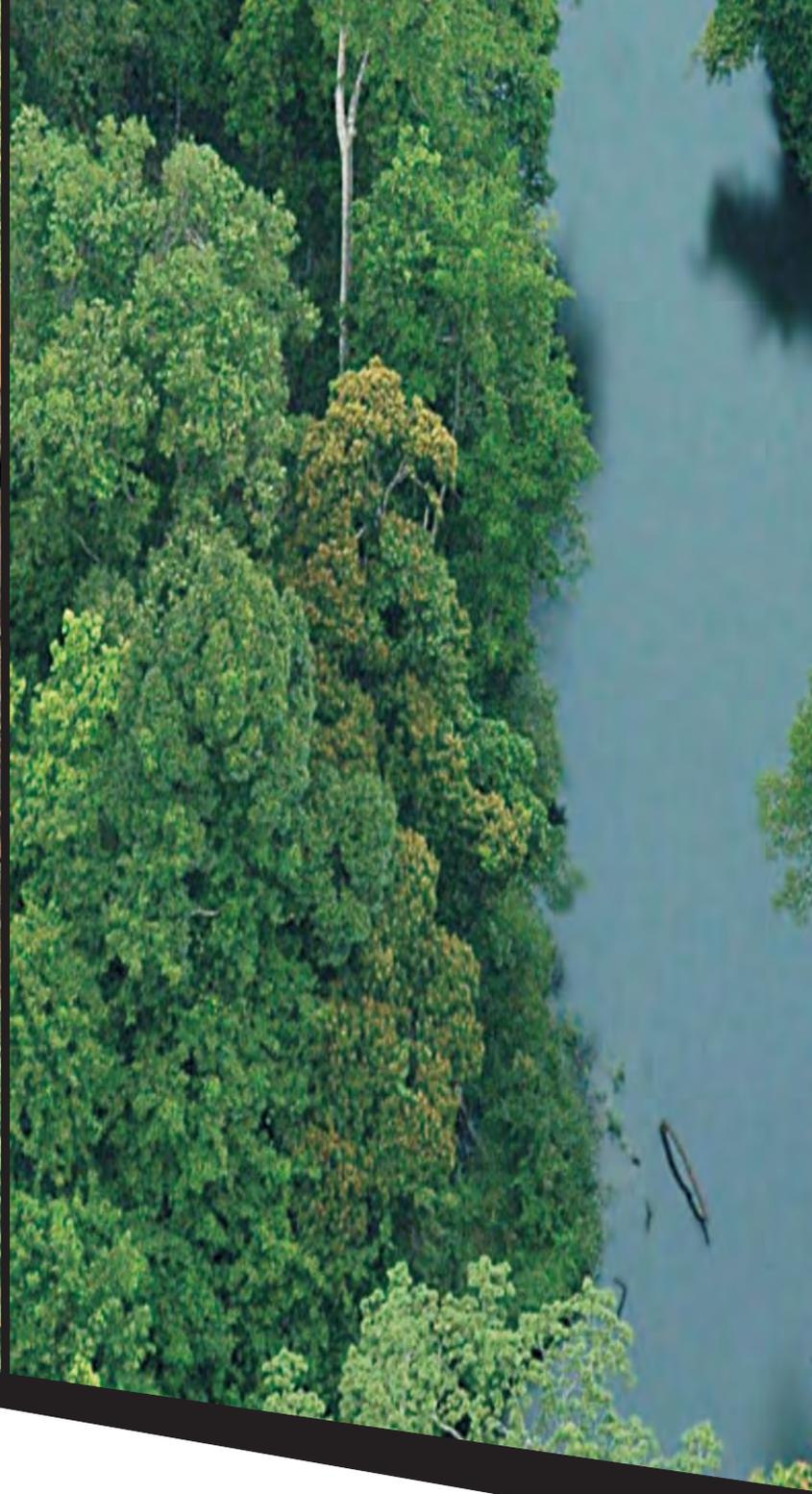
Name of Office : United States Agency for International Development - Washington
Type of Office : Donor
Office Address : 1300 Pennsylvania Avenue, Washington, DC 20010, USA
Tel # : 1-202-712-4906
Fax # : 1-202-216-3171
Email : mmelnyk@usaid.gov
Website : www.usaid.gov.ph
Expertise : Research

Name of Office : Vicariate Social Action Center
Type of Office : NGO
Office Address : Bishop's Residence, Jolo, Sulu
Tel # : 0919538130
Expertise : Apostolic Vicariate

Name of Office : Voluntary Service Overseas
Type of Office : NGO
Office Address : 20 South Lawin Avenue, Philam Homes, Quezon City
Tel # : (02)927-3304
Fax # : (02)426-2761
Email : ronet_santos@yahoo.com
Expertise : Volunteers in Development

Name of Office : World Bank-Manila
Type of Office : Donor
Office Address : 23rd Place, Taipan Place, Ortigas Center, Pasig City
Tel # : (02) 917-3077

Name of Office : World Agro-Forestry Centre (ICRAF)
Type of Office : NGO
Office Address : Jl, CIFOR, Situ Gede, Sindang Barang, Bogor, Indonesia
Tel # : (062251) 625415
Fax # : (062251) 625416
Email : CFAY@cgiar.org
Expertise : Negotiation/Mediation; and Research



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