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HUNTERS AND GATHERERS IN THE INDUSTRIALISED WORLD

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ABSTRACT *Russische Jäger-Fischer-Händler zogen während des 18. und in der ersten Hälfte des 19. Jahrhunderts zur Jagd von Meeressäuge- und Pelztieren nach Svalbard und blieben ihrer Heimat oft über ein Jahr fern. Sie standen unter hohem ökonomischen Erfolgsdruck und mussten unter den extremen Verhältnissen der Arktis überleben. Welche Strategien der Ernährungssicherung können wir am Beispiel dieser Händler erkennen? In welchem Verhältnis betrieben sie die Jagd einerseits zur Sicherung der Subsistenz und andererseits zum Verkauf? Im Artikel werden die Erkenntnisse aus unterschiedlichen Disziplinen zusammengeführt und vor dem Hintergrund der Frage analysiert, welche Rolle subsistenzorientierte und kommerzielle Jagd in der Arktis spielte.*

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MAYO BUENAFE-ZE, TESSA MINTER, WILMA G. TELAN
Against Mining and the Need for Mining: Conundrums of the Agta from the Northeastern Philippines

ABSTRACT *Extractive industries promise to bring prosperity to indigenous communities in order to obtain their consent to operate. While many of these promises are left unfulfilled, mining operations adversely impact these communities' natural and social environments. We document how the Philippine Agta resist mining, but also attempt to reclaim the benefits they were promised by the mining company. By elaborating the complexities of implementing compensation mechanisms, we also bring to light their problematic underlying logic. Drawing on the concept of equivalence (Li 2011), this leads us to question the validity of the assumption that long-term environmental and social impacts can be compensated for by short-term material benefits.*

KEYWORDS *Mining compensation, hunter-gatherers, indigenous peoples' rights, Agta, Philippines*

1. 'Daga ket biag' (land is life)

This phrase was famously declared by Macli'ing Dulag, a *papangat* (village elder or peacemaker) of the Butbut village from Kalinga province in Northern Luzon, Philippines, who helped lead the Bontok and Kalinga peoples to oppose the building of a dam along the Chico River on their ancestral lands in 1975 (Salvador-Amores 2011). He expounded on the adamant belief of most indigenous peoples – that one cannot own something that would outlive you (i.e. land), and that one must defend the land as one would defend one's own life (Morales 2012). Indigenous peoples' relationship to land is inextricably linked to their livelihood, customs, and

beliefs; and this relationship often is not one that is based on a definition of individual ownership – where land is used as a utilitarian commodity, an economic investment, and can be sold off at will. For many indigenous peoples, land does not belong to one individual or corporation; land is to be shared and cared for by generations. To take away the land which indigenous peoples have historically lived on is also to dispossess indigenous peoples of their livelihood, integrity, and sense of identity (Dungdung 2015: 43; Olanya 2013; UN Permanent Forum on Indigenous Peoples 2007; Ballard/ Banks 2003).

In this context, mining operations regularly become the subject of contestation and conflict. Being in constant need of exploring new, large tracts of land for untapped mineral resources, the mining industry increasingly depends on frontier zones that are very often inhabited by indigenous communities (Holden et al. 2011; Holden/Ingelson 2007; Filer/Macintyre 2006; Ballard/Banks 2003; Li 2011, 2013). Gadrian Hoosan, a Garrawa aboriginal from Australia, stated in an opinion article in *The Guardian* that he mobilises his community to protect their land, which is under attack from mining companies. These companies destroy their sacred sites and food sources in order to frack the land and mine it. He asserts that the pollution from mining has already impacted their food sources and that they now need to travel 20-30 kilometers to fish. “I believe that land is the most important thing for indigenous people. We need the land for the young generation coming up behind us. We feel pressure coming on our land and so we need to put our foot down. The government and mining companies need to know that we are going to fight to protect it, for future generations both black and white” (Hoosan 2014).

Much of the conflict surrounding mining operations concerns questions of resource access, ownership and benefit sharing. Perhaps the most complex aspect of this contestation is that it is not limited to conflict between local residents on the one hand and mining companies and their allies on the other hand. Instead, these conflicts are typically also played out within resident populations, often resulting in lasting strife and social disruption (Macintyre/Foale 2007; Luning 2012).

Most studies on mining and indigenous peoples in the Philippines focus on the peoples of Mindanao and the Cordilleras, who have on several accounts united against extractive industry projects (see Holden et al. 2011

for an overview). A recent example concerns the refusal of the Lumad (the collective term for indigenous peoples of Mindanao) to allow logging and mining corporations to operate on their land. This has caused them to be branded as anti-government rebels by the military and para-military groups, resulting in the killing of several Lumad school teachers and community leaders (Manlupig 2015)¹.

We provide a case study of how the much less vocal Agta, who are among the Philippines’ last hunter-gatherers, attempt to deal with nickel and chromite mining operations in their ancestral lands. We document the chaotic dealings of the mining industry and government agents with the Agta of Dinapigue (Isabela Province, see map 1), as well as the various ways in which the Agta in turn have attempted to demand clarity and obtain benefits from a situation that has gone beyond their control.

Our present study continues earlier ethnographic work on how logging and mining companies obtained the consent of the Dinapigue Agta to operate on their ancestral lands from 2003-2011. This previous study focused on how the Free and Prior and Informed Consent (FPIC) process unfolded and concluded that consent was manipulated, mainly by excluding the Agta who lived closest to the concession areas from the decision-making process. Moreover, the paper demonstrated that the compensation packages that resulted from the FPIC process were culturally inappropriate and weakly operationalised (Minter et al. 2012).

In the current paper, we analyse what has happened since. While logging no longer takes place in Dinapigue, mining continues, and the negotiated compensation agreements have become an important aspect of interactions between mining companies and resident Agta. As is now becoming common practice in areas where extractive industries operate in indigenous territory, such compensation schemes are provided to mitigate the projects’ negative consequences (O’Faircheallaigh/Corbett 2005: 630). In the case of the Dinapigue open pit mine, these concern the pollution of water sources as well as the destruction of hunting and fishing grounds, settlement areas and burial grounds. In particular, we look into the implementation of the compensation agreements as mining licensees rapidly replace one another.

The compensation agreements that we describe rest on Li’s ‘logic of equivalence’. In this logic, the company’s mitigation plans are commen-

surate with the consequences of mining (Li 2011: 19; 2013: 62). Commensuration is “the comparison of different entities according to a common metric; two values or goods can be said to be commensurable if they can be measured in the same units, such as money” (Espeland 1998 in Li 2011: 62). In the eyes of mining companies, there are virtually no limits to the commensurability of the consequences of mining operations. Li describes how the mitigation of the damage to glaciers by the Pascua-Lama gold-mine at the Chile-Argentina border, was proposed by the idea of relocating the glaciers themselves. The plans were obstructed due to local and international protest which was based on arguments that went beyond the technical and economic realms, and included aesthetics (Li 2011: 66-70). In another case, the people living around the Peruvian Yanacocha Mine were given monetary compensation when mining operations affected their water supply in the Tupac Amaru canal. Over time however, it became clear that this compensation would not bring back the original quality and quantity of water in the canal. As it had now been treated, it was not ‘equivalent’ to the water as people had known it, and thus the community demanded additional compensation (Li 2013: 25).

Indeed, it is these affective dimensions of some consequences of mining that are not calculable and therefore incompatible with the logic of equivalence (Li 2011: 70). In this paper we will show that what is at stake for the Agta of Dinapigue goes beyond the commensurable. Given the severe and lasting damage to the socio-economic foundations of Agta society that mining in Dinapigue causes, we will argue that these long-term environmental and social impacts cannot be compensated by the material benefits that the compensation packages promise. This fundamental flaw of the compensation agreements, is however masked by their more visible shortcomings: the fact that the promises are not forthcoming.

2. Methods

Data for this paper were collected over 16 weeks of ethnographic fieldwork that was conducted in eight periods from 2013 to 2015 by the first and third authors, under supervision of the second author. Structured, semi-structured, and informal interviews were conducted in Tagalog and Ilokano

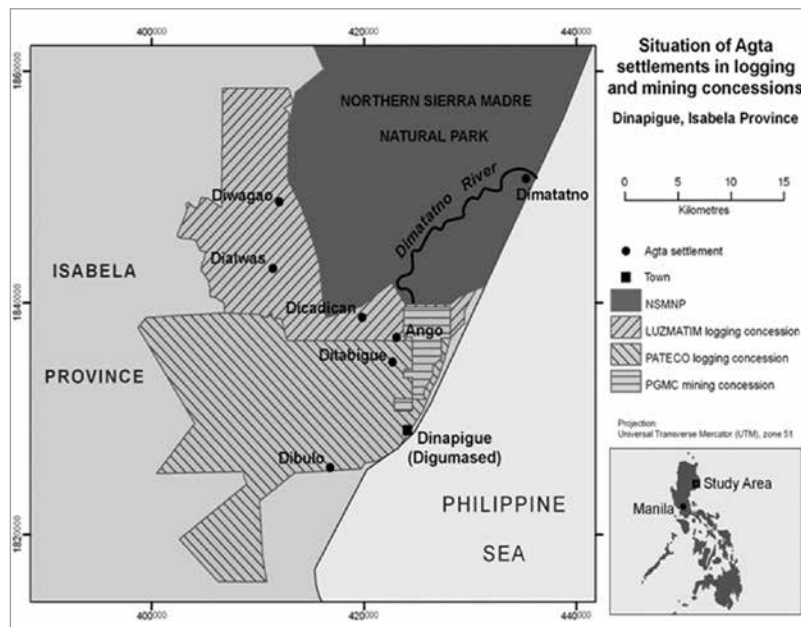
through the help of a local research assistant and two local guides. Data collection took place in Ayod, Digumased, and Dibulo, the three *barangays* (the smallest administrative units in the Philippines) where the Dinapigue Agta live. Additional data was collected at meetings between different stakeholders in the mining operation, and through analysis of these meetings’ minutes. Further primary and secondary data were collected through interviews, participant observation and archival research at the provincial office of the National Commission on Indigenous Peoples, the Local Government Unit of Dinapigue, the Mines and Geosciences Bureau and the GeoGen Mining Corporation. On several occasions, requests for information on mining operations were denied by the management of GeoGen Mining Corporation and by some employees of mandated government agencies. In line with the protocols of the National Commission of Indigenous Peoples (NCIP), the FPIC to conduct this research was officially obtained from the Dinapigue Agta on December 16, 2013 (IKSP Control No. IKSP-ISA-2013-0003). In addition, permission from the local authorities was obtained prior to each field visit.

3. Study area

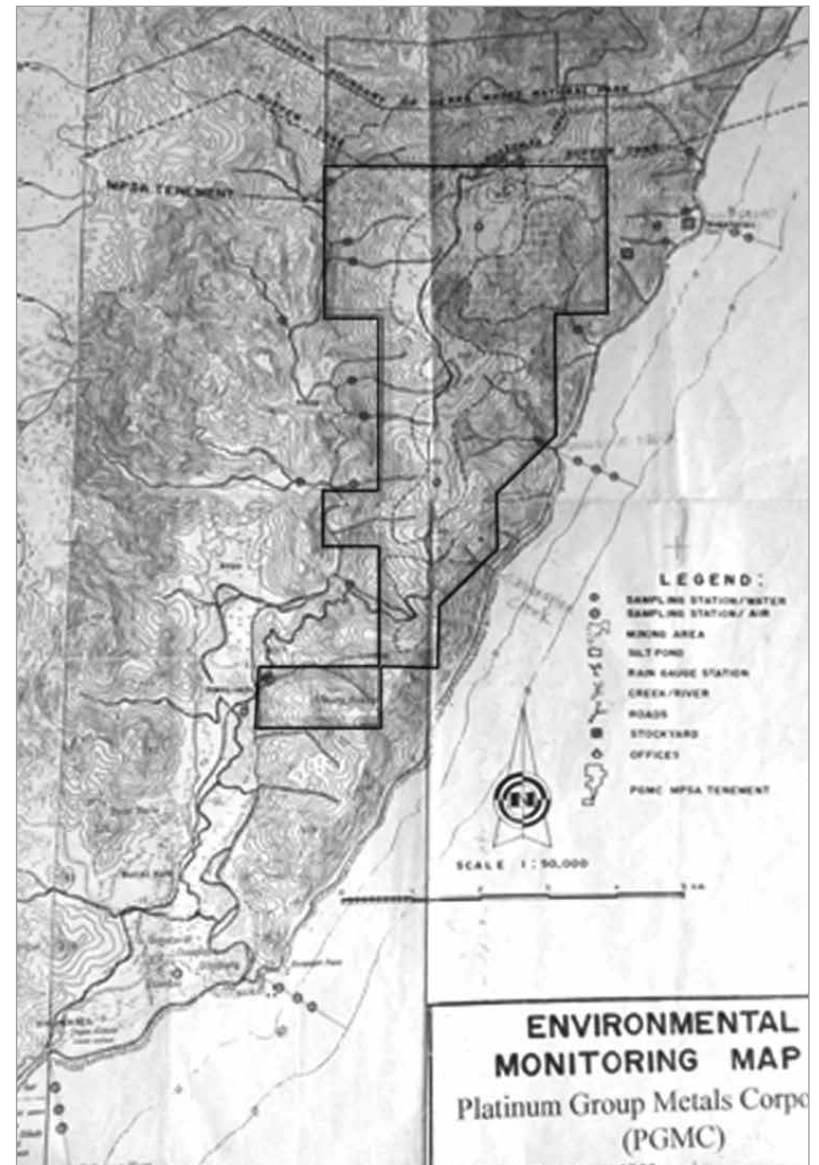
This study concerns the Agta population of Dinapigue, a small and remote town in southern Isabela province (see map 1). Being descendants of the Philippine archipelago’s first inhabitants, the Agta are widely recognised as the indigenous inhabitants of the Sierra Madre Mountain Range (Northeast Luzon). Their population totals around 10,000 people, consisting of 16 different language groups that inhabit the forests and coasts of the Sierra Madre Mountain Range (Headland 2003). The Agta of Isabela Province (population around 2,000 people) subsist on a combination of fishing, hunting, gathering, extensive farming, barter trade with neighbouring populations, and various forms of paid labour, including work for logging and mining companies. Especially over the past century, the Agta have become a small minority in their own living areas, as many company workers and farmers have settled in the Sierra Madre. While this has brought about significant social and environmental change, the Agta still maintain a distinct culture, identity, social organisation and mode of

subsistence that is strongly oriented towards the forests and coasts (Early/Headland 1998; Headland/Headland 1997; Griffin/Griffin 1985; Minter 2009, 2010, 2014).

Isabela is the Philippines' second largest province and has a population of nearly 1.6 million people (NSO 2015). The Philippines' largest protected area, the Northern Sierra Madre Natural Park, covers the eastern side of the province. It is home to many endemic and endangered bird, mammal, amphibian, reptile and marine species (Persoon/van Weerd 2006; Mallari et al. 2001). Logging, agricultural expansion, mining, road-building, intensive hunting and fishing, and tourism development in the Northern Sierra Madre drastically affect the flora and fauna inside and outside of the Park (van der Ploeg et al. 2011). Moreover, these developments have caused encroachment upon Agta ancestral lands that results in pollution, destruction, and degradation of food and water resources (Early/Headland 1998; Headland/Blood 2002; Minter 2010).



Graph 1: Study Area
Source: Minter et al. 2012



Graph 2: Mining Site²
Source: PGMC (2016)

Dinapigue has a population of around 5,000 people (NSO 2015), approximately 370 (7.4 per cent) of which are Agta residents (NCIP 2015). Of the total land area of Dinapigue (94,000 ha), roughly 2,400 ha is currently occupied by GeoGen Mining Corporation and before that by the Platinum Group Metals Corporation (PGMC) (see the horizontal-line area in map 1 and 2). The Dinapigue Agta's ancestral domain overlaps with both the mining concession and the Northern Sierra Madre Natural Park (Minter et al. 2012, 2014).

4. The Philippine mining boom and indigenous rights

The Philippines has over the past two decades followed an aggressive mining-led development strategy, facilitated by the 1995 Mining Act, which offers a range of incentives to promote foreign investment in mining. Indeed, the country is seen as a 'gold mine' by the extractive industries sector (e.g. IndoPhil Resources 2016). However, while this has resulted in a surging increase in foreign mining presence in the country (Holden et al. 2011), the mining and quarrying sector only averagely contributes 1.1 per cent to the Gross Domestic Product and adds a mere 0.9 per cent to the Gross National Income of the Philippines (Bangko Central ng Pilipians 2016). Moreover, as we will show, mining generally fails to improve the lives of people inhabiting mining sites.

The intensification of mineral exploration and extraction has resulted in increased conflict between mining companies and indigenous peoples, for the simple reason that mining and indigenous presence very often coincide. This is because most mineral deposits are found in the same mountainous areas to which indigenous peoples historically retreated to resist and evade colonisation (Holden/Ingelson 2007; Holden et al. 2011: 146).

The confrontation between mining companies' and indigenous peoples' interests is paralleled by the opposing aims of the Mining Act (1995) and the Indigenous Peoples' Rights Act or IPRA (1997). These two laws promote unrestricted mining access and grant indigenous peoples with priority rights over their ancestral domains, respectively (Holden et al. 2011: 150-51). Under the Indigenous Peoples' Rights Act, parties who are not members of the indigenous community concerned can only utilise the

natural resources found within the ancestral domains after obtaining this community's Free and Prior Informed Consent (FPIC) (IPRA, sections 57 and 59) (Official Gazette 1997). The National Commission of Indigenous Peoples (NCIP) is mandated to implement the IPRA, and this includes overseeing the FPIC process for which the NCIP have created their own guidelines.

Despite fears of the mining sector that the enactment of the IPRA would be a blow to the mining industry, mining operations have continued to take place in ancestral domains throughout the country (Holden et al. 2011: 151). Although under the IPRA indigenous communities have the legal option of denying consent for mining operations, this rarely happens. The case of the Lumad, as well as our earlier work on this issue (Minter et al. 2012), suggests that refusing access may well have violent consequences. Thus, so far, mining companies have negotiated access through agreements with indigenous communities. This paper is an in-depth analysis of the complexities and consequences of compensation mechanisms resulting from the agreements between PGMC/Geogen and the Agta from Dinapigue (see map 1). The compensation mechanisms are elaborated in the next two paragraphs, after which we turn to a more general discussion of the impacts and underlying logic of compensation packages.

5. Complexities and consequences of compensation in mining

It was only when the Dinapigue Agta sent a letter of complaint to the National Commission on Indigenous Peoples (NCIP) provincial office in Ilagan, Isabela on January 10, 2012 that the NCIP paid attention to GeoGen's questionable FPIC. The letter stated that the Dinapigue Agta were informing the NCIP that they were "temporarily yet strictly opposing mining operations [of GeoGen] in their place" due to a lack of transparency and consultation with the community regarding operations and management (NCIP 2012). Additionally, the information that GeoGen disclosed with the Agta was not explained in a comprehensible manner. The benefits the Agta were promised through the FPIC of Platinum Group Metals Corporation³ (PGMC), such as priority employment, scholarships, and access to areas and resources in the mining site, were not upheld by

GeoGen. According to the NCIP report of 2012 and Agta informants, new operating agreements between GeoGen and its subcontractors facilitated entrance of other mining companies within the Agta's ancestral domain. This happened without the Agta's FPIC. As a result, multiple areas in the mining site are simultaneously being operated on by a range of contractors and sub-contractors under the pretense of one agreement⁴ with a mining company that is no longer in operation (PGMC).

This act of transferring the agreements and rights from Platinum Group Metals Corporation (PGMC) to GeoGen is illegal in the eyes of the Indigenous Peoples' Rights Act and the FPIC guidelines of the National Commission on Indigenous Peoples. The contracts between PGMC and GeoGen (as well as other contractors and sub-contractors they hired to operate in the same area) were processed without notifying the Agta in Dinapigue or the NCIP. Table 1 indicates the benefits the Dinapigue Agta were promised by PGMC in their memorandum of agreement during the FPIC process in 2006. The second column lists what the Dinapigue Agta were or were not receiving from GeoGen in 2013, and the third column shows the demands⁵ that the Agta wish to be included in a new memorandum of agreement with GeoGen.

Benefits promised (in 2006 PGMC MOA)	Practices of GeoGen (2013)	Demands to GeoGen (ongoing)
Monthly financial assistance of PhP 30,000 (USD 622) distributed to each household	Monthly financial assistance worth PhP 60,000 (USD 1,245) divided among Agta sites; and one sack of rice per household every 3 months	No more financial assistance, all monetary benefits incorporated into royalty payments
Royalties: 1 per cent incentive given to Agta for every shipment of ore	Agta are not notified and calculations of royalties are not explained (lack of transparency). The bank card for the account is held by the NCIP, and Agta's requests to access the funds are sometimes denied and often questioned.	Royalties at a 5 per cent rate, held in a Trust Account by authorised Agta

Benefits promised (in 2006 PGMC MOA)	Practices of GeoGen (2013)	Demands to GeoGen (ongoing)
Educational assistance	Scholarships only given at college level (most Agta students attend primary and secondary levels)	Agta scholarships at all levels; Skills training; Assistance for Ancestral Domain Sustainable Development Protection Plan (ADSDPP)
Priority employment to Agta; with 13 month bonus and separation pay	Not given priority employment; seasonal contracts; salaries often overdue; no 13 month bonus or separation pay is given	Mining company must keep census and profiles of Agta employees; Agta can use company vehicles in cases of emergency
Development projects and social services	No establishment of projects and services provided	Investment plans for Livelihood and Social Development
Permission from Agta is required before entering critical areas in Ancestral Domain	Not always followed, and instances of damages to Ancestral Domain and burial grounds	Impose mining ban in critically damaged and culturally sensitive areas
Agta have access to premises	Agta access is subject to terms of mining officials on site	Retain provisions for access to premises following customary laws
Monitoring and evaluation of mining waste	Monitoring done sporadically	Retain and strictly enforce monitoring on (at least) a quarterly basis

Table 1: Provision of benefits to the Dinapigue Agta by GeoGen Corporation
Source: own elaboration

The above table neatly illustrates Li's logic of equivalence (2013). It is built on the assumption that whatever negative impacts of mining the Agta will experience, can and will be compensated for by providing an alternative that is equivalent to what is lost. The alternative mostly comes in monetary form: the loss in livelihoods due to destruction of hunting and fishing grounds is to be mitigated through cash allowances and jobs. In addition, there are some mitigation measures that, one could argue, are

meant to compensate the Agta's loss of control over their ancestral domain: this concerns the Agta's right to access the mining premises and to demand the monitoring of mining waste.

However, there are clear limitations and complexities to compensating the Agta for mining damages. First of all, some Agta note that the even distribution of the cash allowance of 60,000 pesos (USD 1,245) between each of the three Agta sites is inappropriate given the variable⁶ number of Agta households residing in Anggo/Decadecan, Digumased and Dibulo. According to data gathered in June 2015, there are a total of about 52 Agta households in Dinapigue. In theory, each household should receive about PHP 1,154 (about USD 24) per month from the 60,000 pesos cash allowance. But in reality, it is distributed as 20,000 pesos to each of the three Agta sites via elected Agta leaders. These leaders are often blamed for mismanagement of funds, and internal conflict ensues when funds are seemingly prioritised for the leaders' families. Furthermore, the payment process is complicated by the fact that many Agta families from Anggo/Decadecan have recently moved into Digumased. The use of the compensation money varies per household, but it tends to be spent on food, household supplies, educational needs, and consumer items such as cigarettes and alcohol. Several key informants have stated that the cash allowance has helped them afford certain daily needs, but that it still needs to be supplemented with other income to make ends meet; this income comes from sources such as wages from mining or farm labour, as well as other financial subsidiary government programmes.

Secondly, what the Agta can use their royalties for is prescribed by the National Commission on Indigenous Peoples' FPIC guidelines (Sec. 58-64), which state that 20 per cent of the royalties is cash to be distributed to each household, and 80 per cent is to be used for emergency concerns. However, this is not necessarily what the Agta themselves would have decided had they been given the opportunity. Furthermore, although the authorised Agta on the trust accounts are present at the moment of withdrawal, NCIP staff still provision how much money they can use. In 2014, two daughters of an Agta chief from Dibulo had passed away and their relatives relayed how difficult it was to withdraw money from the emergency funds because the NCIP's director held on to the bank card and would not let the bereaved Agta access the funds right away. The NCIP

claim that their provisioning of how funds are to be allotted to the Agta is necessary because, in their experience, the Agta are not good with money on their own. This paternalistic logic is a breach of the Agta's right to self-determination, by a government agency that is mandated to protect indigenous rights, not to control how these rights are to be claimed.

When we asked the Agta which promised benefits from mining they were looking forward to the most, they immediately responded that they most desired both the social services such as scholarships and health care provisioning, as well as the material benefits, i.e. housing, a cooperative store, a *Barangay* Hall for each of the Agta sites, tractors (*kuliglig*), and fishing boats. When we asked why this was so, many Agta described how they are increasingly prioritising formal education for their children, looking into diversifying their livelihood options, and that they consider health and access to medicine imperative for survival. Many Agta parents said that their children needed to know how to live in both worlds. Josefa Vitriolo (Digumased), an Agta mother of seven children in her fifties, stated that she wants her children to know "our [Agta] ways and the outsiders' ways. ... so our children will have more ways to know how to survive" (July 2014). Bronzel Infel (Ditapigue), who is in his late forties and father of five children, and David "Jun" Ebasco, about 50 years old and father of seven children, both believed that learning skills in school, like counting and reading, is needed so outsiders do not take advantage of them "because we are [seen as] just Agta" (July 2014).

However, the Agta are well aware that the anticipated benefits have not materialised and this is where the logic of equivalence falls short. In the first quarter of 2014, the NCIP visited the Dinapigue Agta in Ditapigue and told them that discussions with GeoGen lawyers to draft the new memorandum of agreement were still ongoing. Also, the NCIP inquired whether the Agta still wanted mining to continue on their ancestral domain, for the situation had changed again: Smart and Plan Inc. had come in as a new sub-contractor of GeoGen. At first, most Agta present in the meeting said 'no to mining', having been frustrated with the inconsistencies and lack of follow-through of the mining companies' promises of jobs and other benefits. But Pilingan Sangbay, an Agta elder from Dibulo of around 60 years old, spoke up and stated that even if they did not want mining, they had no other choice of labour that would help them pay for their daily needs

and for sending their children to school. Many Agta agreed and subtly acknowledged their dependency on mining and the benefits it promised, regardless of whether these were forthcoming. The NCIP showed the Agta an updated draft of the new memorandum of agreement and instructed them to wait for further updates. At the moment of writing, the case is still pending.

6. Compensation packages and power imbalances

Leny Galope, a 54 year old mother and grandmother from Dibulo, told us in May 2015, that even though her husband worked for the mining company, she had seen first-hand how the operations had destroyed their forests, mountains, and rivers, and diminished the wildlife that they fish and hunt – and that no monetary amount could bring these places back to what they had once been. This statement suggests that the damage the Agta experience goes beyond the commensurable (Li 2011: 62): there is no way to compensate it through material alternatives. Yet, Mrs. Galope continued to say that, according to the Agta traditions, because the mining companies had taken resources away from their ancestral lands, these companies are required to “pay back” that which they had taken away. This reminds us of Li’s Peruvian example described above, where the poor quality of the alternative water supply offered by the mining company to make up for the original water supply’s loss, resulted in demands for additional compensation (Li 2013: 25).

Certainly, the Dinapigue Agta are neither plainly passive nor submissive to the coercion and manipulation of the mining companies and the NCIP. With mounting frustration over these parties’ failure to uphold their end of the agreements, the Dinapigue Agta have at times mobilised to resist mining and logging and to demand compensation, without the help of the NCIP. In the fall of 2008, some Agta from Dibulo and Digu-mased joined other Dinapigue residents to barricade the only road leading out of their town in order to force PGMC to pay them their overdue salaries. After several weeks of collective resistance they were given what was due, and the town celebrated (Minter et al. 2012: 1248). But not all of their battles have been victorious.

A Kafkaesque situation arose in the first quarter of 2013, when the mining spokesperson of Smart and Plan Inc. (the operating sub-contractor of GeoGen at the time) conducted a community meeting with the Agta without informing the NCIP. Several Agta elders as well as the indigenous peoples’ coordinator of the local government relayed to us that during these meetings, the mining personnel gave the Agta copies of shipment reports, delivery, and revenues in order to justify the company’s claim that the Agta owed money to the mining company to pay for the benefits they had been receiving before and during the off-season (i.e. cash allowance and rice supply). The mining spokesperson stated that the Agta still had unpaid debts because these benefits could not be taken from their royalties,⁷ because there were no royalties, as the company had not yet been able to deliver a shipment of ‘quality’ ore to sell to the buyer. The Agta elders that we spoke with said that they ended up replying ‘yes’ to the explanations of the mining spokesperson, even if they were unsure what he meant. This prompted the Agta to inform the NCIP about this specific breach of the FPIC process and requested the NCIP to help them clarify what the mining spokesperson had stated, in the hope that the NCIP would help the Agta claim their promised benefits. When we asked the NCIP employees to explain what happened afterwards, they said they could not specifically address this situation, and only made a note of it in their reports and in the case file of GeoGen. According to the Agta informants in 2013, they had still not received their royalties for 2012.

Another alarming situation arose when, from November 2013 until the first quarter of 2014, no Agta were called to work in the mining site. This, according to the local government appointed indigenous coordinator, resulted in an Agta “financial struggle to survive” (Pers. Com. Jovita Mondala July 2014). When the Dinapigue Agta confronted the resident mining manager and engineer to demand that they could return to work, the mining manager informed the Agta to just wait to be called for employment, because they were still rehabilitating the site and roads after the rainy season. The delay in Agta priority employment lasted until late July 2014, causing the Agta to be jobless for almost a year. This dependency on a promise has left about 40 Agta mining employees whose families rely on their salary for subsistence in a highly vulnerable position. It is events like these that highlight the conundrum of the Agta: they oppose, even

detest, mining both because of the destruction it brings to the resources that their livelihood and culture used to be based on, and because of the unfulfilled promises of compensation and benefits. Yet, paradoxically, as destruction proceeds, the need for compensation and benefits heightens, and thus the need for mining intensifies.

It is increasingly apparent to the Agta that they cannot rely on the NCIP's aid to address the inconsistencies of the mining company's dealings. The Dinapigue Agta thus also utilise their customary laws as a means of resistance and to reclaim their compensation. This is often in the form of blocking certain areas with *gay gay*, a traditional fence made of rattan string which has pieces of red cloth tied to it. The *gay gay* is meant to work like a barrier to keep people out of a specific area. While *gay gay* are usually put up for spiritual reasons after a relative has died and have historically been used to signify territorial boundaries to neighbouring Agta groups (Minter 2010: 286), in Dinapigue they are also used as a political resource. "If we don't put a *gay gay*, they [the mining company] will not give us what they promised." Though our Agta informants laughed as they said this to us in July 2014, they were serious about how they utilise the *gay gay* to assert their rights and instigate pressure on the mining company to fulfill their promises. In September 2014, three Agta women elders helped us note five active *gay gay*. Two of these were set up along the causeway of the mining site, the coastal area where mining ore is offloaded from trucks and, via a motorboat, transferred onto a barge. Another *gay gay* was present near Area 1 of the mining site (Nangayuman Falls), and we observed two further *gay gay* in two different rivers adjacent to the mining site (Annabud River and Dipanubugen River). Of these five *gay gay*, two were used as a burial marker, while the other three were used to prevent further encroachment of mining. Entering the *gay gay* area required miners to seek permission from Agta elders, by stating their purpose (e.g. to gather drinking water or wood) and offering some kind of payment, such as cash, coffee, sugar, rice, clothing, or tobacco. If the Agta elders found out that the *gay gay* area was to be quarried, mined, or bulldozed, they would however prevent all trespassing.

While trespassing had previously occurred frequently⁸, since our most recent fieldwork in July 2015, many of the Dinapigue Agta relayed that the *gay gay* boundaries and burial sites in the mining site were respected

by mining employees more consistently than before. However, two Agta college students who had previously been receiving scholarships from the mining company reported that their funds were withdrawn in June 2013, following their involvement in placing a *gay gay* in the mining site in April/May 2013.

The use of *gay gay* to raise awareness of Agta concerns and contest extractive industries' operations has not been discussed in the literature on the Agta before, and may well be transforming into the Agta's own expression of indigenous resistance. It is important to note however, that as of yet, the use of the *gay gay* is not a mobilised effort of all Dinapigue Agta. Some individuals may use the *gay gay* to oppose certain actions of the mining company that others may not be opposed to, and vice versa. This reflects the Agta's internal contestations and the ambivalence with which they regard the long history of extractive industry presence in their territory, as will be elaborated in the next section.

7. Challenging the Assumptions of Compensation Mechanisms

Pegg (2006: 377ff.) shows how mining has little to do with poverty eradication, increasing local and national income, infrastructural developments, and education and health services. Such benefits seldom occur, and what arise more frequently are incidents of violence, displacement, environmental degradation, and damage to health and livelihoods, as consequences of mining. Indeed, we assert that mining in Dinapigue has left the Agta disempowered, despite their efforts of resistance and of seeking legal aid. While the compensation agreements offered by mining companies, through facilitation of the NCIP, were supposed to provide them with leverage, they have instead resulted in increased dependence.

The Dinapigue Agta, like most indigenous peoples who have historically engaged with extractive industries, know that mining is a tricky business. They are simultaneously attracted to the promise of material benefits, yet abhor the consequential damages to their natural and cultural environment. The overriding pragmatic sentiment is to "get what you can, while you still can", even if this causes conflict that consequentially affects social relations among the Agta. As has been noted for the indigenous peoples of

Australia and Papua New Guinea (O’Faircheallaigh/Corbett 2005; Macintyre/Foale 2007) and the *autochtones* of Burkina Faso (Luning 2012), rather than having an empowering effect, the promise of mining benefits more often leads to social fragmentation and disenfranchisement.

In addition to causing conflict within the Agta population, the promise of benefits risks aggravating the already existing tensions between Agta and other ethnic groups in Dinapigue, who are from Ilocano, Ifugao, Kankaney, Tagalog and Visayan descent. During the community consultative assembly in Dinapigue on September 2014, non-Agta residents and local authorities of Dinapigue vehemently questioned why they were not included in the consent process with the mining company, and clamoured as to why only the Agta were to be given specific benefits from the mining company when other residents of the town also work for the mining company and also endure the detrimental effects to the environment.

For many forest dwelling peoples living in remote areas, extractive industries represent the only realistic option to access cash and other material benefits (Dyer 2016). And the promises of compensation to be given to affected communities, in turn, are often used as evidence of a mining company’s commitment to corporate social responsibility (Li 2013: 30). Once established (however contentiously) the resulting agreements act as a ‘social license’ for the company to operate. Ideally, these agreements are used to resolve conflicts and curtail damages that the community and the environment would face prior, during and after operations. But as the Dinapigue Agta and GeoGen mining case has shown, the compensation agreements themselves can also become the source and perpetuator of further conflict, dependency and disempowerment.

GeoGen no longer wants to provide compensation to the Dinapigue Agta because they claim that their business is not making profits and can therefore not afford to provide benefits; yet, they still want to continue operating on Agta ancestral land. GeoGen is required by law to undergo the FPIC process through the NCIP if it wants to continue operations, but the company has so far been successful in avoiding the process entirely and the NCIP has stood by watching. Although the NCIP is legally mandated to carry out the tenets of the FPIC process and provide legal aid for the protection of the Agta’s rights, they fail to accomplish this mandate because of rigid bureaucratic processes, top-down authoritative control, the lack of

technically skilled staff, and poor leverage *vis-à-vis* more powerful government departments.

Due to these broken promises by the NCIP and mining companies, the Dinapigue Agta engage in other activities to reclaim their promised benefits and raise their concerns. Some Agta have utilised customary practices like the *gay gay* to barricade certain areas in the mining site in order to pressure the company, but this action does not equate to a unified consensus of all Agta resisting mining. One consequence of this strategy is that some local officials, out of respect for the customary laws of the Agta and their use of *gay gay*, are increasingly involving themselves in monitoring activities in the mining site. Some Agta are however skeptical about the real impact of this development as other officials are known to be involved in the mining business themselves.

However, perhaps of even greater concern than the strife, frustration and dependence that the broken promises generate, is the fact that this turmoil masks the fundamentally flawed assumptions that underlie the compensation packages. The Agta’s resort to putting up *gay gay* is not exclusively aimed at forcing payment of promised cash allowances or delivery of otherwise material benefits. Rather, it signals the desire for the reclamation of their rights to their ancestral domain and for their customary laws to be respected. Most of the Dinapigue Agta wish to impose a mining ban in critical areas within and surrounding the mining site that have undergone severe environmental degradation from the logging and mining concessions, as well as to prohibit the trespass into culturally sensitive areas such as burial sites. Because certain areas within and surrounding the mining site (e.g. pier and causeway, hunting grounds, fishing grounds, a sea turtle sanctuary, bonsai forest, various rivers, waterfalls, etc.) that the Agta previously used, have been drastically affected by mining through the years, many Agta demand a more thorough and consistent monitoring and evaluation system of silting ponds, waste management and water pollution. They also request to be informed before new drilling areas and roads are opened in the mining site, as these may result in deforestation and erosion. The Agta are willing to discuss how these areas should be monitored and accessed with concerned stakeholders, yet demand Agta priority access to these premises in order to oversee the protection and preservation of these areas. These types of demands are based on the importance of respecting

and recognising the Agta's culture and customary law, and their right to self-determination.

Thus, aside from reflecting the failure of implementing indigenous rights, the Dinapigue case reflects blatant discord between the different 'logics of equivalence' of the mining companies concerned, the NCIP and the Agta. Ideally, the Free and Prior and Informed Consent (FPIC) process can mediate between stakeholders' disparate logics. However, assumptions of what types of benefits one should or should not be receiving are always open to contestation (Li 2013: 20). In reality, the Dinapigue Agta case highlights the fact that the compensation mechanisms and current bureaucratic FPIC process are not providing the Dinapigue Agta the promised restitution for the detrimental effects of mining, such as loss of land and identity and degradation of the natural environment.

8. Conclusions

As we have shown in this paper, the mechanisms set in place to provide compensation to the Dinapigue Agta for the mining operations that take place in their ancestral domain are contentious and complex and often a source of manipulation and conflict. There has been no consent of the Dinapigue Agta to allow GeoGen to operate, yet the company still does so under a Mineral Production Sharing Agreement that was transferred to them by Platinum Group Metals Corporation (PGMC) without conducting the Free, Prior and Informed Consent (FPIC) process required by the IPRA law. The National Commission on Indigenous Peoples (NCIP) is mandated to administer the FPIC process with mining companies, but is unable to fulfill this mandate for reasons of capacity, resources and political will. Because the Dinapigue Agta know that they cannot rely on the effective implementation of the NCIP's FPIC process, they are forced to resort to the compensation agreements that the mining company offers, and these promises are left unfulfilled.

As of May 2015, new mining companies, such as Good Earth Company and Earth Moving Company, were prospecting the Agta's ancestral domain. As was disclosed during a public community consultation meeting in Dinapigue on September 23, 2014, the latter proposes to mine

on Agta burial grounds. It is imperative for the Dinapigue Agta to have the legal provisioning, monitoring, and support from government and non-government allies to ensure that their rights to refuse these projects are respected; or, alternatively, if they allow mining to operate, that they will be able to demand compensation that meets their notion of equivalence and to receive what they have been promised. Their demands to access their ancestral domains in the face of mining prospectors and government agencies are based on the importance of respecting and recognising the culture, tradition, and primacy of customary laws of the Agta, as well as their right to self-determination.

In July 2014, an elderly Agta man from Anggo/Decadecan told us: "I know that one day, the mining company will leave, and what we have left after they have destroyed the mountain is what we have to live off, and what we have to live with." Mining companies, government agencies and other interest groups need to understand that for the Agta, and for many other indigenous communities, land and the resources it contains are not reducible to economic or utilitarian value. Not everything can be compensated.

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1 Following these events, the Lumad organized an indigenous peoples' caravan to Manila in late 2015 to seek actions on these killings, which according to the Lumad had happened in the name of militarisation and plunder by big mining and plantation companies (see manilakbayan.org 2015).

- 2 A screenshot of the Environmental Monitoring Map of Platinum Group Metals Corporation (PGMC); the highlighted area is the current mining site.
- 3 The process by which Platinum Group Metals Corporation (PGMC) obtained FPIC to operate in Dinapigue from the Agta in 2006 was wrought with controversy and manipulation (Minter et al. 2012). Despite this, PGMC received the necessary legal documents to begin open pit mining on the communally-owned land of various Agta communities in 2008. By January 2009, PGMC had sold and transferred its rights in Dinapigue to GeoGen Mining Corporation, which agreed to uphold the contractual obligations of PGMC (NCIP 2012).
- 4 The mining agreement and rights of PGMC are stipulated in Mineral Production Sharing Agreement (MPSA) No. 258-2007-II. It is this same agreement that was purchased by and transferred to GeoGen Mining Corporation, even though these agreements are non-transferrable according to the Indigenous Peoples Rights Act.
- 5 These new demands were presented by the NCIP staff during the community consultative assembly in September 2013 on behalf of the Agta.
- 6 At the start of fieldwork (March 2013) most Agta households stayed in Anggo and Decadecan, which were considered one Agta grouping; however in June 2015, 13 of these households had moved to Ditapigue, while 24 households stayed in Digu-mased and 15 households in Salulog (Barangay Dibulo).
- 7 The royalties of the Agta are currently based on revenues from 1 per cent of the shipment.
- 8 This is a violation of the rights of indigenous peoples to have their cultural sites respected and protected under the IPRA 1997: Ch. 6, Sec. 33.

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ABSTRACT *Industrieunternehmen versprechen indigenen Gemeinden Wohlstand, um von diesen die Zustimmung zur Gewinnung von Naturprodukten zu erlangen. Viele dieser Versprechen erweisen sich jedoch als leer, stattdessen wirkt sich der Bergbau nachteilig auf die natürliche und soziale Umwelt dieser Gemeinschaften aus. Wir dokumentieren, wie die Agta auf den*

Philippinen sich dem Bergbau widersetzen, aber gleichzeitig auch die Vorteile einfordern, die ihnen von der Bergbaugesellschaft versprochen worden waren. Außerdem analysieren wir die komplexen Verhältnisse, die bei der Einforderung von Kompensationen auftreten. Dabei gehen wir auch auf die Problematik der zugrundeliegenden Logik ein. Unter Bezug auf das Konzept der Equivalence (Li 2011) führt uns dies dazu, die Gültigkeit der Annahme, dass langfristige ökologische und soziale Auswirkungen durch kurzfristige materielle Vorteile ausgeglichen werden, in Frage zu stellen.

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