

AGRIBUSINESS INCLUDING DEL MONTE PHILIPPINES' GROWERS IMPLICATED IN VIOLENT ATTACKS AGAINST INDIGENOUS GROUPS

**MAJOR EXPORTER OF PINEAPPLES TO THE
US IS CARRYING OUT BUSINESS AT ALL
COSTS**

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Bukidnon is known as the Philippines' 'food basket' – a fertile region with swathes of fruit plantations. But in some cases, business is being done on land which indigenous peoples claim was stolen and swindled from them, and is now being used by local ranchers who have entered into partnerships with well-known brands.

Indigenous leaders standing up for their rights have suffered threats, harassment and criminalisation. In 2017 Renato Anglao was shot dead after demanding local rancher and current mayor Pablo Lorenzo III return their land, which Lorenzo's company – the Montalvan Ranch – was using for agribusiness plantations. Nobody has been prosecuted for the killing.

Del Monte is one of the world's biggest and best-known fruit producing brands, known for its famously sunny, family-friendly advertising. But this case reveals that until 2019 Del Monte Philippines had a business agreement with Pablo Lorenzo to grow pineapples for them. For many years, they also employed him as a consultant, and renewed their contracts with him even after evidence of violence associated with his ranches came to light. Effectively, they failed to do adequate due diligence before and during entering into contracts with him and his company. Del Monte Philippines is a major exporter of pineapples to Del Monte Foods Inc in the United States.¹

As demonstrated by the allegations of corruption and violence around a nearby

plantation run by global food giant Dole, this story is, tragically, far from an exception: it shows how international companies are still not doing adequate due diligence to avoid conflicts in their supply chains – particularly in countries like the Philippines, where laws protecting land and indigenous rights are often not enforced. In spite of President Duterte's promises to protect citizens from the abuses of vested interests, 'business at all costs' continues as usual.

On 3 February 2017 Renato Anglao, together with his wife and five-year-old son, were travelling home by motorcycle after buying school supplies in Quezon town, Bukidnon.² Three unidentified gunmen, on another motorcycle, drew close to the family and shot Renato in the head. He was pronounced dead on arrival at the local hospital.³ His wife suffered a minor injury and his child was unharmed.⁴

Renato was the Secretary General of the Tribal Indigenous Oppressed Group Association (TINDOGA),⁵ which claims rights to some of the ancestral lands of the Manobo Pulanguihon – an indigenous group in the province of Bukidnon,⁶ the 'food basket' of northern Mindanao.⁷ But despite its agricultural riches, Bukidnon is one of the country's poorest provinces and home to many indigenous groups.⁸

Large swathes of what was once indigenous-owned land in Bukidnon have given way to industrial plantations of sugarcane, pineapples and bananas,⁹ exacerbating the

impact of historic land disputes that have led to indigenous people being threatened, intimidated and killed.¹⁰ Some such plantations are on indigenous land, which has previously been ‘grabbed’ and is now being used to produce fruit for Del Monte Philippines by a local landowner – a story that unfolds in the pages that follow.

A modern-day tragedy born of historic land grabs

According to the government’s National Commission on Indigenous Peoples (NCIP), TINDOGA’s ancestral land was borrowed for cattle grazing in 1921 by Bukidnon’s first governor Don ‘Manolo’ Fortich. But when it wasn’t returned after 30 years as promised, it effectively became stolen land.¹¹ The Fortich clan, of Spanish descent, went on to dominate Bukidnon’s politics and have entire towns named after them.¹²

In 2011, TINDOGA attempted to reclaim its land by building houses on it.¹³ By then the land was being used by a company called Montalvan Ranch,¹⁴ even though the company’s permit had expired two years earlier.¹⁵ TINDOGA was driven off the land by armed men at the behest of the Montalvan Ranch.¹⁶ Community representatives told Global Witness that they have since been shot at, received death threats and had 17 of their houses burnt down by gunmen allegedly hired by the head of the company, Pablo Lorenzo III.¹⁷ It would appear no government protection was ever offered to these clearly at-risk indigenous defenders, and the threat was allowed to escalate.

After years of protest camps, rallies and petitioning officials, in 2014 the government finally ruled to return the land to TINDOGA. However, the ruling also included another

indigenous organisation that had claims on the land.¹⁸ A year later, that other organisation entered into an agreement to lease part of the land back to Montalvan Ranch.¹⁹ TINDOGA members, claiming the land as theirs, stepped up their protests. On 24 March 2015 – according to one survivor – the company’s guards opened fire on the community while they were on their way to the protest, killing one of their members, Mabini ‘Tata’ Baito, and injuring two more.²⁰ The NCIP has an office in Bukidnon but failed to resolve the dispute.

TINDOGA suspects that gunmen working for Pablo Lorenzo III were also behind the 2017 killing of Renato Anglao.²¹ Lorenzo is the president and chairman of Montalvan Ranch and General Manager and co-owner of the adjacent Kiantig Development Corporation.²² He is also mayor of Quezon,²³ the town where Renato was killed. Local indigenous leaders allege that, in November 2015, Renato was threatened by Lorenzo in person, who told him: if you don’t stop this you will “regret it”.²⁴ This came at a time when Renato was leading the community’s protests and just over a year before he was murdered.

Danger signals that Del Monte should have been aware of

The allegations against Pablo Lorenzo III should have been a major red flag for any reputable company. And with a history of land grabs and violence, Bukidnon is a region where extra care should be exercised - and thorough prior and ongoing due diligence done - by companies when establishing agreements with local landowners to grow crops on their behalf, in order to identify and mitigate any historic or new allegations of human rights violations.

However, Global Witness has obtained documents showing that Lorenzo has worked as a consultant for Del Monte Philippines since 2008.²⁵ What's more, he is also the general manager and co-owner of the Kiantig Development Corporation²⁶ – a company that operates on land adjacent to the Montalvan Ranch²⁷ and which had a Crop Producer and Growership Agreement with Del Monte Philippines to grow pineapples for the corporation from August 2008 until March 2019.²⁸ Del Monte Philippines continued to do business with Lorenzo even after allegations of violence against indigenous communities which staked claim to his land was made public in national media, as well as via NGO press releases and community protests.²⁹

A NCIP resolution found that the land Kiantig operates on, along with the land used by the Montalvan Ranch, was one of four parcels of land stolen from indigenous people by Don Manolo Fortich in 1921.³⁰ Seven of Kiantig's current directors have the surname Fortich.³¹ In 2016, another indigenous organisation – QUEMTRAS – demanded the cancellation of all contracts held by the government and companies on its land, because it claims that the officials overseeing these contracts were bribed by 'foreign investors'.³² It also believes that the community never agreed their land could be used for fruit plantations.³³

The government itself had already suggested that there was reason for concern. The state body in charge of resolving ancestral land disputes, the NCIP, has backed the legal claims of the indigenous communities to the land held by Lorenzo's Montalvan and Kiantig companies.³⁴ In a 2012 resolution, the NCIP also stated that the agreements between the ranchers and the indigenous communities are "fraught with violations

especially so that some of these areas are now under lease with big companies for pineapple plantations instead of being utilized for agro-forest purposes".³⁵ In November 2016, a government investigation was launched into QUEMTRAS' claims that 'foreign investors' operating on the land were bribing Department for Environment and Natural Resources (DENR) officials overseeing the lease agreements.³⁶ Global Witness is unaware of who these investors might be. In a letter to Global Witness, Del Monte Philippines said that they are „not aware of any such bribery” and “did not deal with the DENR with respect to the [Kiantig] land”.

Global Witness wrote to Del Monte Philippines, which claimed it had checked that Kiantig did have the correct permissions to allow growership agreements for agricultural plantations on the land before they entered into their arrangement,³⁷ something which the community disputes.³⁸

Del Monte Philippines' due diligence *prior* entering into a growership agreement with Kiantig should have raised serious questions about historical disputes regarding indigenous rights to the land in question. However, Del Monte Philippines told Global Witness that they „do not have knowledge of the alleged historical dispute about the [Kiantig] land”.

Ongoing due diligence should have alerted the company to allegations of violence associated with their consultant and Kiantig head Pablo Lorenzo. However, Del Monte Philippines told Global Witness that they do “not have knowledge of the serious allegations” and “did not know about” Renato Anglao's murder. They state that they “had no factual or legal basis to terminate our growership agreement” with Kiantig, and

that they “had decided not to renew [Lorenzo’s] consultancy when we learned that he held public office”. The company told Global Witness that “We are certain that if the [violent] incident[s] and allegation [that Pablo Lorenzo was associated with Renato’s murder] were brought to our company’s attention, we would have investigated the same and taken any necessary steps”.

Del Monte Philippines confirmed that it sells tinned pineapples to Del Monte Foods in the US.³⁹ However, the Filipino company insists none of the tinned pineapples that came from Kiantig ranch made their way to the US.⁴⁰ Del Monte Foods confirmed all its pineapples are from the Philippines and said it sourced them from the port town of Bugo.⁴¹ Bugo is about 90km from the Kiantig plantation.

Regardless of where the Bukidnon fruit ended up, the fact remains that the US firm is doing business with Del Monte Philippines, a local company operating in a dangerous environment, employing a local grower tainted by serious accusations, and buying fruit grown on disputed indigenous land, the claimants to which have been attacked and even murdered. Del Monte Foods has a responsibility to ensure that its suppliers uphold human rights and environmental standards, and should investigate any accusations of illegalities, wrongdoing or inadequate due diligence associated with their suppliers’ operations.

Dole: another household name linked to violence and fraud

In July 2019, Global Witness exposed how the operations of global food giant Dole Philippines in Bukidnon show how demand for products we consume every day is driving

violations against indigenous peoples and their leaders in the Philippines.

In 2016 and 2017, Dole Philippines exported bananas and banana products worth US\$647 million. Its main export markets are China, Japan and South Korea.⁴² Its operations also have significant international backing, with investment – via the Japanese Itochi Corporation – from the Japanese Development Bank and US investment bank JP Morgan Chase among others.⁴³

Yet this international profile belies a distinctly murky local reputation. Global Witness understands that a local businessman called Romulo T. De Leon III – who owns one of the largest gun-making factories in the Philippines⁴⁴ – is sub-leasing some of a local indigenous community’s ancestral lands to Dole Philippines to grow bananas. Evidence and testimony collected by Global Witness raises serious questions about the legality of this deal.⁴⁵

Since at least 2006, a local government taskforce has been investigating claims by the indigenous community – which groups itself under the name of Kitanglad Alihuton Danao Inalad Manigay Ancestral Domain Title (KADIMADT) – that there were serious irregularities in the licensing process for the land that was subsequently leased to Dole Philippines.⁴⁶

The community says it never legally consented to De Leon’s current lease agreement to operate on its ancestral land, and alleges fraud was used to fake its consent. They told police that a local government official attempted to coerce community members into signing the agreement, and even threatened community members with imprisonment if they failed to sign it.⁴⁷ Local police agreed there were

grounds for investigation, yet no action appears to have been taken.⁴⁸

Defenders who have stood up for their rights have faced threats and attacks. On 1 August 2016, according to a human rights group, 73-year-old Estrella Bertudez, a member of the indigenous community, was confronted by two security guards from the De Leon ranch and told her to leave her land or something might happen to her.⁴⁹ Later that month her house, as well as those belonging to her community, were allegedly destroyed by armed security guards who three days later uprooted the community's crops, fired gunshots and threatened to kill several people.⁵⁰

Nobody has been prosecuted for the attacks on KADIMADT, and yet its members have actually been criminalised for their struggle. In March 2015 three community members were arrested after De Leon accused them of forcible entry on to ranch land.⁵¹ While detained, they were also charged with gathering timber without a licence on De Leon premises.⁵² They are currently on bail awaiting trial.⁵³ A judicial order applied for by De Leon was also carried out in June 2018, demolishing around 200 of KADIMADT's homes.⁵⁴

Global Witness is calling on Dole to freeze operations on the land it leases until an agreement with affected indigenous communities has been properly and fairly negotiated. The company should also review all of the land it leases in the Bukidnon area to ensure that it isn't subject to land disputes, and that free, prior and informed consent has been granted by indigenous communities where necessary. And Dole's foreign investors should conduct rigorous checks along their supply chains to ensure

that their operations aren't linked to attacks against defenders and abuses of land rights.

Global Witness has made repeated attempts to contact both Dole Philippines and Romulo T. De Leon III, to give them a chance to respond to our allegations. At the time of publication, we have still not received a response.

The NCIP's mixed and inadequate response

The indigenous groups of QUEMTRAS, TINDOGA and indeed KADIMADT (an indigenous group which has been threatened and attacked for protesting against a questionable sub-lease deal with Dole on its land) have raised concerns about the use of their land and the violence perpetrated against them. That the NCIP took years to respond adequately to the communities' complaints and its own misgivings about the contracts on the ancestral land, raises serious questions about the Commission's ability to stand up to powerful business interests.

Kiantig Development Corporation's Forest and Land Grazing Lease Agreement, issued by the Department of Environment and Natural Resources on ancestral land, expired in December 2018. Yet it continued to use the land to grow pineapples for Del Monte Philippines for a further three months, arguing this was necessary to purchase the remaining fruits to be harvested by that time.⁵⁵ In February 2019, some governmental institutions finally stepped in to do their job, helping 480 families from the indigenous Manobo community assert their rights and begin the process of reclaiming their ancestral land from ranchers. Accompanied by military officials and the Philippines

National Police, an NCIP-led taskforce went with the community to deliver an eviction notice to Kiantig.⁵⁶

Global Witness asked Del Monte Philippines to explain what actions they had taken to ensure that the indigenous community were fully informed of and agreed to the extension of their growership agreement with Kiantig into 2019. Their response was that “our Company did not know who these claimants were and who exactly to inform. The indigenous community did not communicate with us regarding its supposed claim on the area.”

The case for change

It is Global Witness’s view that local ranchers operating on disputed land are willing to allow violence and intimidation to be used, in order to retain control of the land and lucrative contracts with overseas investors. They demonstrate that the Philippines government is still failing to resolve land disputes, guarantee indigenous rights or protect defenders.

But in particular, they suggest that Del Monte Philippines has acted recklessly and irresponsibly in continuing to do business with Pablo Lorenzo – both as a consultant and as a grower of their pineapples – after he and his private security guards were subject to serious allegations of land grabs and violence against community members and indigenous defenders, including Renato Anglao, who was murdered.

The company should have spotted the evidence of land disputes and allegations of violence linked to its business partner and supplier. Given the complaints of the local indigenous communities, the region’s history of land grabs and violence, and the well-

documented criticisms of the government’s institutions and processes designed to uphold indigenous rights in the country. The government should have made extra efforts to guarantee their safety and their rights, as required by international and Filipino law.

Global Witness believes that Del Monte Philippines’ response to our enquiries is emblematic of an inadequate approach to due diligence. Their admission that they were unaware of the claimants to the Kiantig land, the complaints of historic land grabs and of local violence – and their excuse that the indigenous groups affected failed to contact Del Monte - misses the point that it is incumbent upon the company to act responsibly, identify potential human rights violations and take steps to mitigate them. This responsibility becomes accentuated when operating in a country and a region where government institutions are routinely accused of failing to protect rights and uphold the law, and where the ability of communities to speak out and approach companies is undermined by precisely the kinds of threats and attacks which Del Monte Philippines ought to have been aware of.

Del Monte Philippines’ failure to terminate or carefully review its contracts with Pablo Lorenzo raises serious questions about the company’s commitment to respecting the rights of local indigenous communities. Given the importance of the company in Bukidnon, this raises the prospect that similar problems may exist across the region and strengthens the case for a full review of the company’s operations there. This should ensure that its business partners and suppliers are not involved in violent disputes with local communities, and that peaceful and respectful resolutions are sought which

protect the rights of any community potentially affected by its operations.

Foreign buyers of fruit from Del Monte Philippines and similar companies, like the US-based Del Monte Foods, also have a responsibility to ensure that their suppliers uphold human rights and environmental standards in their supply chains. Whilst Del Monte Foods boasts of its cosy relationships with family farms in the US, there are clear questions to be answered regarding apparent inadequacies in Del Monte Philippines' due diligence, and what that means in terms of the company's association with human rights abuses against indigenous people and attacks against land and environmental defenders.

Recent government support for families displaced by Kiantig Development Corporation is cause for hope, but it came too late to prevent years of conflict. The perpetrators of this violence remain free, leaving TINDOGA and QUEMTRAS vulnerable to further attacks.

President Duterte has promised to tackle the abuse of indigenous peoples by big business and powerful landowners, but has so far done little to live up to that promise. A radical change in priorities is necessary in the second half of his term in office.

Given these findings, Global Witness recommends that:

- The **Philippines government** guarantees the security of all members of TINDOGA and QUEMTRAS, and that the perpetrators of Renato Anglao's murder, as well as those behind it, are prosecuted.

- The **Philippines government** guarantees an independent investigation into the

alleged illegalities involving these ranches, as well as into the role of Mayor Pablo Lorenzo in alleged land grabs and threats against defenders, ensuring the victims receive compensation and redress.

- **Del Monte Philippines** conducts a full review of its existing and planned business partners and suppliers, to ensure that any potential human rights violations and land disputes are identified, avoided and mitigated.

- Any **agribusiness companies** planning operations in Bukidnon conduct thorough and ongoing due diligence into their operations, business partners and suppliers to identify, avoid and mitigate potential human rights violations and environmental harm.

- **Del Monte Foods (US)** and other companies sourcing fruit from the Philippines ensure that the companies they buy from adhere to international law and best practice, and are not associated with human rights abuses.

Free, prior and informed consent in the Philippines

Business projects in the Philippines often get the green light without the full, free, prior and informed consent (FPIC) of those communities affected – contravening both international and Filipino law on citizen participation and consent.⁵⁷

With swathes of natural resources found in ancestral lands,⁵⁸ indigenous people are suffering the most, in spite of the 1997 Indigenous People's Rights Act (IPRA or RA

8371), which recognises indigenous peoples' ancient possession of their ancestral domain.⁵⁹ While IPRA is imperfect and subject to legitimate criticism, its Section 59 does protect the right of indigenous people to self-determination, of which free, prior and informed consent (FPIC) is an expression.⁶⁰ With the objective of helping the government to implement the law, official guidelines have since been developed on carrying out FPIC and how Memorandums of Agreement (MOAs) can be agreed between indigenous groups and companies.⁶¹

A 2013 expert policy brief commissioned by the German government found violations of FPIC in 61.5 per cent of the cases studied, and violations at the post-FPIC and MOA signing phase in half of the cases.⁶² The report outlined a litany of violations including: the deliberate exclusion of project opponents from FPIC processes, manipulation of voting procedures, the signing of MOAs by communities without knowing their content, and the commencing of business operations before the community has consented.⁶³ The authors concluded that “for the most part, indigenous communities have been short-changed”.⁶⁴

Global Witness's investigation, and information provided by both governmental and civil society sources in the Philippines, shows that President Duterte has so far failed to overcome the problems identified in the German government's report, and that the situation today remains dire:

Both indigenous and other communities routinely complain that projects are imposed upon them without their consent.⁶⁵

Guidelines on FPIC and MOAs are consistently ignored by both government and business representatives.⁶⁶

The fact that land titling and FPIC processes are often paid for by companies, without proper safeguards, leaves them open to bias and corruption.⁶⁷

Royalty payment arrangements between companies and local communities are often opaque and communities sometimes feel the payments they receive are incommensurate to the value of projects.⁶⁸

MOAs are transferred from one company to another without community consent.⁶⁹

Company operations on indigenous territory often appear to contravene existing agreements regarding the use of their land.⁷⁰

ENDNOTES

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'Motion for Reconsideration – Rancho Montalvan, Inc vs Santiago Agdahan, et al', 10 July 2015.

¹⁹ 'Memorandum of Agreement between Montalvan Ranch, National Commission on Indigenous Peoples and Bae Dolores Anglao, Bae Maria Anglao Ampoan, Bae Purita L. Zapata and Bae Lolita L. Anlimpao', 6 January 2015.

²⁰ 'Urgent Alert: 1 killed, 2 others wounded as Montalvan Ranch guards shoot Lumads in Bukidnon', Indigenous Peoples Human Rights Defenders Network, 25 March 2015, <https://iphndefenders.net/urgent-alert-1-killed-2-others-wounded-as-montalvan-ranch-guards-shoot-lumads-in-bukidnon/> (accessed: 30 January 2019);

'Killings continue amidst BS Aquino's crisis', Karapatan, 27 March 2015, <https://www.karapatan.org/Killings+continue+amidst+BS+Aquino's+crisis> (accessed: 30 January 2019);

Global Witness interview with TINDOGA witness to killing of Mabini Baito, 4 October 2017;

Global Witness interview with Datu Jomorito Guaynon, head of the Kalumbay Regional Lumad Organisation, 2 October 2017;

'Lumad shot dead in Bukidnon "bungkalan"', Bulatlat, 24 March 2015, <https://www.bulatlat.com/2015/03/24/lumad-shot-dead-in-bukidnon-bungkalan/> (accessed: 23 July 2019).

²¹ Global Witness interview with TINDOGA and Datu Jomorito Guaynon, head of the Kalumbay Regional Lumad Organisation, 2 October 2017.

²² 'General information sheet for Rancho Montalvan Inc, Philippines Securities and Exchange Commission', 4 June 2015. 'General Information Sheet Kiantig Development Corporation', Securities and Exchange Commission, p.4, 16 July 2015.

²³ Pablo Lorenzo III was elected as the Mayor of Quezon the last 22 May 2019. '#PHVOTE 2019: LOCAL RACES - QUEZON' Rappler, 22 May 2019, <https://ph.rappler.com/elections/2019/local/regi-on/NORTHERN-MINDANAO/BUKIDNON/QUEZON> (accessed: 19 July 2019); 'Quezon welcomes new medical staff' Municipality of Quezon Facebook website, 3 July 2019, <https://www.facebook.com/MunicipalityOfQuezonBukidnon/> (accessed: 25 July 2019).

²⁴ Global Witness interview with Datu Jomorito Guaynon, head of the Kalumbay Regional Lumad Organisation, 2 October 2017.

²⁵ Del Monte Philippines confirmed their employment of Pablo Lorenzo in a letter to Global Witness in May 2019.

Del Monte Philippines Incorporation response to Global Witness enquiry, 17 May 2019; 'Sworn Statement of Assets, Liabilities and Net Worth for Pablo Lorenzo III', 31 December 2017.

²⁶ 'General Information Sheet Kiantig Development Corporation', Securities and Exchange Commission, p.4, 16 July 2015.

²⁷ 'Resolution En Banc No. 155-2012-AD', National Commission on Indigenous Peoples, p.10, 12 July 2012.

²⁸ Del Monte Philippines Incorporation response to Global Witness enquiry, 17 May 2019.

²⁹ DMPI confirmed that the Crop Producer and Growership Agreement with KDC was effective from August 2008 until July 2018, and was extended until March 2019 to allow DMPI to purchase the remaining fruits to be harvested by that time.

Del Monte Philippines Incorporation response to Global Witness enquiry, 17 May 2019.

The violence against defenders on Pablo Lorenzo's Montealvan Ranch occurred between 2011 and 2017 as evidenced above.

³⁰ Kiantig was formerly known as the Cesar Fortich Ranch and is one of four parcels of land, including the Montalvan Ranch, which the National Commission on Indigenous Peoples found was stolen from indigenous Manobo groups by Manolo Fortich.

'Certificate of Filing of Amended Articles of Incorporation - Kiantig Development Corporation' Securities and Exchange Commission, p.1, 3 November 2015.

'Resolution En Banc No. 155-2012-AD', National Commission on Indigenous Peoples, pps.8-10, 12 July 2012.

³¹ 'General Information Sheet Kiantig Development Corporation', Securities and Exchange Commission, p.1, 16 July 2015; 'Certificate of Filing of Amended Articles of Incorporation for Kiantig Development Corporation', Securities and Exchange Commission, p.6, 3 November 2015.

³² 'Request of the Manobo Pulangi-on Tribe Quezon Bukidnon for Investigation of the Ancestral Land covered by Cesar Fortich Ranch 'Kiantig' San Jose, Quezon, Bukidnon', Memorandum from the Assistant Secretary of Field Operations-Mindanao of the Department of

Environment and Natural Resources (DENR), 16 November 2016.

³³ Global Witness interview with QUEMTRAS, 3 October 2017.

³⁴ The NCIP referred to four parcels of land which were stolen by Manolo Fortich in 1921, including parcels operated by Kiantig (then Cesar Fortich ranch) and Montalvan Ranch.

'Resolution En Banc No. 155-2012-AD', National Commission on Indigenous Peoples, p.10, 12 July 2012.

³⁵ 'Resolution En Banc No. 155-2012-AD', National Commission on Indigenous Peoples, p.10, 12 July 2012.

³⁶ QUEMTRAS, the Manobo Pulangiuhon Tribe in Quezon, claims officials from the Department of Environment and Natural Resources (DENR) are receiving bribes from foreign investors operating in 900 ha of their ancestral land which is currently being used by Kiantig.

'Request of the Manobo Pulangi-on Tribe Quezon Bukidnon for Investigation of the Ancestral Land covered by Cesar Fortich Ranch "Kiantig" San Jose, Quezon, Bukidnon', Memorandum from the Assistant Secretary of Field Operations-Mindanao of the Department of Environment and Natural Resources (DENR), 16 November 2016.

³⁷ Del Monte Philippines Incorporation response to Global Witness enquiry, 17 May 2019.

³⁸ Global Witness interview with QUEMTRAS, 3 October 2017.

³⁹ Del Monte Philippines Incorporation response to Global Witness enquiry, 17 May 2019.

⁴⁰ Ibid.

⁴¹ Del Monte Foods response to Global Witness, 1 April 2019.

⁴² Based on official customs data from the Philippines government.

⁴³ Dole Philippines is owned by Dole Asia Holdings Pte. Ltd.

For more information on Dole see:

'Dole Philippines Inc. Financial Statement – independent auditors' report', Security and Exchange Commission, 20 May 2016; 'Dole Philippines Inc. General Information sheet', Security and Exchange Commission, 27 May 2016;

'Our Company Our Story', Dole Asia, <https://www.doleasia.com/our-company/our-story> (accessed: 7 February 2019);
'Dole', Food Industry Asia, <https://foodindustry.asia/site/fiaa/templates/general.aspx?pageid=901&cc=gb> (accessed: 7 February 2019);

Dole Asia Holdings Pte. Ltd. is wholly owned by the Japanese Itochu Corporation.

For more information on Itochu Corporation:

'Our Company, Our Story', Dole Asia, <https://www.doleasia.com/our-company/our-story> (accessed: 18 June 2019);
'Major Subsidiaries and Associated Companies', Annual Report 2018 for the Itochu Corporation, p.2, https://www.itochu.co.jp/en/files/ar2018E_12.pdf (accessed: 18 June 2019);

Itochu set up Dole International Holdings (23 October 2012) prior to acquiring Dole Asia (which now sits under Dole International Holdings). Japan's Itochu has investment from – among others – the Japanese Development Bank, US investment bank JP Morgan Chase and CP Worldwide Investment Company from Hong Kong.

For more information on the purchase of Dole Food Company by the Itochu Corporation see:

'Acquisition of Asian fresh produce business and worldwide packaged foods business of Dole, world's largest producer and marketer of fresh fruits and vegetables', Itochu Corporation, 25 December 2012, <https://www.itochu.co.jp/en/news/press/2012/1212251.html> (accessed: 18 June 2019);
Itochu Corporation Annual Report, 2018, <https://www.itochu.co.jp/en/files/ar2018E.pdf> (accessed: 18 June 2019).

For the investments and Itochu Corporation see:

'Notice of the 95th Ordinary General Meeting of Shareholders', Itochu Corporation, 30 May 2019, p. 41, https://www.itochu.co.jp/en/files/95_shoshu_eng.pdf (accessed: 18 June 2019);
'Notice of the 95th Ordinary General Meeting of Shareholders', Itochu Corporation, 30 May 2019, p. 42,

https://www.itochu.co.jp/en/files/95_shoshu_eng.pdf (accessed: 18 June 2019);

'Notice of the 95th Ordinary General Meeting of Shareholders', Itochu Corporation, 30 May 2019, p. 42

https://www.itochu.co.jp/en/files/95_shoshu_eng.pdf (accessed: 18 June 2019).

Hong Kong-based investment arm of the Thai Conglomerate Charoen Pokphand Group. According to its 2017 Annual Report, the CP Group and Itochu have a number of complex corporate entanglements – both invest in each other, sit of each other's boards and operate joint ventures.

'About CP', Charoen Pokphand Group, 2019, <http://www.cpgroupglobal.com/about> (accessed: 10 July 2019).

⁴⁴ 'Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, Philippine National Police of Impasugong Municipal Police Station', 20 July 2006;

'Field Base Investigation Report Re: Renewal De Leon Ranch', National Commission on Indigenous Peoples Region 10, 20 July 2004;

'Philippine gunmakers take aim at production line', Reuters, 29 July 2012, <https://www.reuters.com/article/us-philippines-guns/philippine-gun-makers-take-aim-from-the-backyard-to-the-production-line-idUSBRE86S00S20120729> (accessed: 8 February 2019);

'About Us', Shooter's Arms, 2018, www.shootersarms.com.ph/about-us (accessed: 10 July 2019);

Global Witness interview with KADIMADC, 2 October 2017.

⁴⁵ Part of KADIMADT's ancestral land in Impasugong, Bukidnon is under lease by the De Leon ranch.

National Commission on Indigenous Peoples Region 10, Field Base Investigation Report Re: Renewal De Leon Ranch, 20 July 2004;
Global Witness interview with KADIMADC, 2 October 2017.

KADIMADT want this agreement (between themselves and De Leon ranch) cancelled as they claim it was made illegally through coercion by government officials and manipulation of the

process to show supposed consent of the members of the community.
Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, articles 5, c, d, e and f, 20 July 2006; Global Witness interview with KADIMADC, 2 October 2017.

KADIMADT claim that the agreement itself is illegal as it violates the Philippines law on Free, Prior and Informed Consent.
Republic of the Philippines Congress, The Indigenous Peoples' Rights Act of 1997 - Republic Act No. 8371, Section 59, 29 October 1997. Available from:
<https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/> (accessed 8 February 2019).

Global Witness believe De Leon has been sub-leasing some of this land, since at least 2014, to the agribusiness giant Dole Philippines for a banana plantation. Global Witness has made repeated attempts to allow Dole Philippines to respond to this claim, but at the time of writing has still not received a response. KADIMADT told Global Witness that Dole Philippines has been sub-leasing around 100 ha of their land from De Leon for banana plantations since at least 2014. Global Witness has seen a reference to a contract between De Leon and Dole Philippines from 2014.

KADIMADC letter to National Commission on Indigenous Peoples requesting their intercession to ensure Dole Philippines conduct an FPIC process, 4 July 2016;
Bernabe P. Eliang granting of Special Power of Attorney to Romulo T De Leon to enter into contract with Dole Philippines, 27 May 2014; Global Witness interview with KADIMADC, 2 October 2017.

KADIMADT claim the lease between De Leon and Dole is illegal because of irregularities in the initial agreement for De Leon to use their land. They also assert that Dole ought to have sought their free, prior and informed consent for the land to be used for growing bananas.

KADIMADC letter to National Commission on Indigenous Peoples requesting their intercession to ensure Dole Philippines conduct an FPIC process, 4 July 2016;
Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, articles 5, c, d, e and f, 20 July 2006; Global Witness interview with KADIMADC, 2 October 2017.

KADIMADC's claims would make the agreement illegal as it would violate the Philippines law on Free, Prior and Informed Consent.
Republic of the Philippines Congress, The Indigenous Peoples' Rights Act of 1997 - Republic Act No. 8371, Section 59, 29 October 1997. Available from:
<https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/> (accessed 8 February 2019);

Under the original 1972 Pasture Lease Agreement (No. 3358) granted to Romulo De Leon III, articles 19a and 21, De Leon was not authorised to sub-lease the land, or use it for agricultural purposes. This expired and was subsequently renewed. It is unclear whether these articles were still valid at the time in which Dole Philippines entered into agreement with De Leon III.

Romulo De Leon III's Pasture Lease Agreement No. 3358, 1972;
Global Witness interview with KADIMADC, 2 October 2017;

⁴⁶ Global Witness' report 'Enemies of the State? How governments and business silence defenders', refers to KADIMADT by its former name, Kitanglad Alihuton Danao Inalad Manigay Ancestral Domain Claimant (KADIMADC). We have subsequently updated its name to reflect the current status of their ancestral land claim. 'Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III', Philippine National Police of Impasugong Municipal Police Station, 20 July 2006;
Global Witness interviews with source who worked on Task Force De Leon, October 2017 and February 2019;

⁴⁷ For more information on the threat of imprisonment, see Philippine National Police of Impasugong Municipal Police Station: 'Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III', articles 5, c, 20 July 2006;

It also stated that the official, together with a representative from the National Commission on Indigenous Peoples, forced them to sign an agreement at De Leon's lawyers' office, threatening not to reimburse their travel and food unless they did so. See articles 5e and 5f, *Ibid*.

The taskforce, which included police, also identified possible crimes including "coercion, threats, falsification or swindling" back in 2006 relating to the approval of De Leon's current lease agreement to operate on KADIMADC's ancestral land.

'Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III', article 12, 20 July 2006;

⁴⁸ 'Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III', Philippine National Police of Impasugong Municipal Police Station, article 12, 20 July 2006.

⁴⁹ 'Fact Sheet on KADIMADC', Task Force Detainees of the Philippines, 6 October 2016; Global Witness interview with KADIMADC, 2 October 2017.

⁵⁰ 'Fact Sheet on KADIMADC', Task Force Detainees of the Philippines, 6 October 2016.

⁵¹ 'Fact Sheet on Arrest and Detention of Sandinao et al', Task Force Detainees of the Philippines, 6 October 2016; 'Warrant of Arrest Criminal Case 26344-15', Regional Trial Court Malaybalay City, 6 February 2015.

⁵² 'Fact Sheet on Arrest and Detention of Sandinao et al', Task Force Detainees of the Philippines, 6 October 2016; 'Presidential Decree No 705: Revised Forestry Code of the Philippines', Section 68, Department of Environment and Natural Resources, <http://forestry.denr.gov.ph/pdf/pd705.pdf>

⁵³ Global Witness interview with KADIMADC, 2 October 2017.

⁵⁴ Regional Trial Court, Malaybalay City, Order for Demolition, 7 July 2017; Global Witness interview with Datu Salagapon et al, 7 February 2019; Global Witness interview with KADIMADC, 7 February 2019.

⁵⁵ 'Forest Land Grazing Lease Agreement No. 122', Department of Environment and Natural Resources Diliman, Quezon City, 2 February 1994;

Del Monte Philippines Incorporation response to Global Witness enquiry, 17 May 2019.

⁵⁶ 'Feature: Recovering ancestral lands – soon a reality' Philippine Information Agency, 26 February 2019, <https://pia.gov.ph/news/articles/1018798> (accessed: 17 July 2019).

⁵⁷ International law, guidance and practice protect the principle that all communities should be able to make free and informed choices about whether and how their land and natural resources are used and developed, with individuals having the right to say 'no' to business projects that affect their rights, their land or their environment.

'International Law on Free, Prior and Informed Consent' in 'Defenders of the Earth' Global Witness, July 2017, <https://www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/> (accessed: 5 April 2019);

The 1987 Constitution of the Philippines establishes the state duties to encourage non-governmental, community-based, or sectoral organisations that promote the welfare of the nation (Article II- Section 23) and to facilitate by law the establishment of adequate consultation mechanisms (Article XIII Section 16), as well as the right of the people and their organisations to effective and reasonable participation at all levels of social, political, and economic decision-making (Article XIII Section 16).

'The 1987 Constitution of the Republic of the Philippines', Republic of the Philippines, 1987, <https://www.officialgazette.gov.ph/constitutions/1987-constitution/> (accessed: 4 April 2019);

Republic Act No: 8371, also known as the Indigenous Peoples Rights Act (IPRA), was enacted in 1997 to protect the rights of the indigenous communities in the Philippines IPRA requires FPIC prior to the extraction of resources from indigenous ancestral domains and lands.

'Republic Act No: 8371: The Indigenous People's Rights Act, 1997', Republic of the Philippines, 1997, <http://extwprlegs1.fao.org/docs/pdf/phi13930.pdf> (accessed: 9 April 2019);

See also: 'Public participation in environmental governance in the Philippines: The challenge of consolidation in engaging the State', Land Use Policy review 52 501–510, 2016, https://www.academia.edu/22187521/Public_participation_in_environmental_governance_in_the_Philippines_The_challenge_of_consolidation_in_engaging_the_state (accessed: 4 April 2019).

The Philippines government's recognition of indigenous rights is also reiterated in Section 13 of the Republic Act No. 11038.

'Republic Act No: 11038: Act declaring protected areas and providing for their management, amending for this purpose Republic Act No 7586, otherwise known as the "National integrated protected areas system (NIPAS) act of 1992" and for other purposes', Official Gazette, 24 July 2017, <http://www.officialgazette.gov.ph/downloads/2018/06jun/20180622-RA-11038-RRD.pdf> (accessed: 9 April 2019).

⁵⁸ In the Philippines, indigenous communities make up an estimated 14 per cent of the population and, according to United Nations Development Programme, occupy approximately 17 per cent of the Philippines' landmass. 61 per cent of these indigenous communities are concentrated on the southern-most island of Mindanao, with 33 per cent situated in Northern Luzon. About 30 per cent of the land area of the country was determined to be geologically

prospective by the Philippine Mines and Geosciences Bureau.

'About the Philippines: Introduction', United Nations Development Programme, 2019, <http://www.ph.undp.org/content/philippines/en/home/countryinfo.html> (accessed: 10 July 2019);

'Fast Facts: Indigenous Peoples in the Philippines', United Nations Development Programme, 2019, http://www.ph.undp.org/content/philippines/en/home/library/democratic_governance/FastFacts-IPs.html (accessed: 10 July 2019);

'About the Philippines', Philippine History, 12 January 2019, <http://www.philippine-history.org/about-philippines.htm> (accessed: 10 July 2019).

⁵⁹ 'Republic Act No: 8371: The Indigenous People's Rights Act, 1997', Republic of the Philippines, 1997, <http://extwprlegs1.fao.org/docs/pdf/phi13930.pdf> (accessed: 9 April 2019).

⁶⁰ Section 59 of the IPRA law states that "no certification shall be issued by the NCIP without the free and prior informed and written consent of ICCs/IPs concerned". Under the IPRA, Free and Prior Informed Consent (FPIC) is defined as: "The consensus of all members of the ICC (Indigenous Cultural Communities) or IPs which is determined in accordance with their respective customary laws and practices that is free from any external manipulation, interference and coercion and obtained after fully disclosing the intent and scope of the plan/program/project/activity, in a language and process understandable to the community. The FPIC is given by the concerned ICCs/IPs upon the signing of the Memorandum of Agreement (MOA) containing the conditions/requirements, benefits as well as penalties of agreeing parties as basis for the consent."

'Republic Act No: 8371: The Indigenous People's Rights Act, 1997', Republic of the Philippines, 1997, <http://extwprlegs1.fao.org/docs/pdf/phi13930.pdf> (accessed: 9 April 2019);

'Assessing Free and Prior Informed Consent (FPIC) implementation in the Philippines; Climate-relevant Modernization of Forest Policy and Piloting of REDD in the Philippines',

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, April 2013, <https://www.giz.de/en/downloads/giz2013-en-assessing-free-and-prior-informed-consent-fpic-philipinen.pdf> (accessed: 5 April 2019).

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'Republic Act No: 8371: The Indigenous People's Rights Act, 1997', Republic of the Philippines, 1997, <http://extwprlegs1.fao.org/docs/pdf/phi13930.pdf> (accessed: 9 April 2019).

'NCIP Administrative Order No. 3, Series of 2002: The Revised Guidelines for FPIC and issuance of Certificate Precondition', National Commission on Indigenous Peoples, 2002, http://mgb.gov.ph/images/stories/NCIP_Dao3-2003.pdf (accessed: 9 April 2019);

'NCIP Administrative Order No. 01, Series of 2006: The Free and Prior Informed Consent Guidelines of 2006', National Commission on Indigenous Peoples, 2006, <http://ncipcar.ph/images/pdfs/ncip-ao-no-1-s-2006-fpic-guidelines.pdf> (accessed: 9 April 2019);

'NCIP Administrative Order No. 3, Series of 2012: The Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Process of 2012', National Commission on Indigenous Peoples, 2012, <https://wipolex.wipo.int/en/text/414690> (accessed: 9 April 2019).

'The Constitution of the Republic of the Philippines', Republic of the Philippines, 1987, <https://www.officialgazette.gov.ph/constitutions/1987-constitution/> (accessed: 9 April 2019).

⁶² 'Assessing Free and Prior Informed Consent (FPIC) implementation in the Philippines; Climate-relevant Modernization of Forest Policy and Piloting of REDD in the Philippines', Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, April 2013, <https://www.giz.de/en/downloads/giz2013-en-assessing-free-and-prior-informed-consent-fpic-philipinen.pdf> (accessed: 5 April 2019).

⁶³ Some of the irregularities and abuses documented in the report included: "FPIC proper is conducted outside the community, limiting

community participation and is oftentimes a premeditated design to exclude those who are perceived to be opposed to the project. Other noted violations are on: questionable selection and validation of leaders; management of funds by applicants; transfer of Certification Precondition without FPIC; and absence of consensus-building or the freedom period is not followed"; "signing conducted outside the NCIP provincial office; lack of qualification and/or validation of signatories; lack of knowledge of what was being signed/forgery; absence of NCIP officials during signing; the MOA was not presented to the community before signing; and the MOA does not reflect the true intention of parties"; "There are nine case reports that revealed that proponents already started their operations before seeking the consent of the communities, and there are cases where no FPIC was conducted."

'Assessing Free and Prior Informed Consent (FPIC) implementation in the Philippines; Climate-relevant Modernization of Forest Policy and Piloting of REDD in the Philippines', Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, April 2013, <https://www.giz.de/en/downloads/giz2013-en-assessing-free-and-prior-informed-consent-fpic-philipinen.pdf> (accessed: 5 April 2019).

⁶⁴ 'Assessing Free and Prior Informed Consent (FPIC) implementation in the Philippines; Climate-relevant Modernization of Forest Policy and Piloting of REDD in the Philippines', Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, April 2013, <https://www.giz.de/en/downloads/giz2013-en-assessing-free-and-prior-informed-consent-fpic-philipinen.pdf> (accessed: 5 April 2019).

⁶⁵ 'Request of the Manobo Pulangi-on Tribe Quezon Bukidnon for Investigation of the Ancestral Land covered by Cesar Fortich Ranch 'Kiantig' San Jose, Quezon, Bukidnon', Memorandum from the Assistant Secretary of Field Operations-Mindanao of the Department of Environment and Natural Resources (DENR), 16 November 2016; Global Witness interview with QUEMTRAS, 3 October 2017;

'Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III', articles 5, c, 20 July 2006; Global Witness interview with local NCIP official in Mindanao, 7 March 2017;

'Special written report RE: Shooting incident victimising Jimmy Palmera Saypan', Montevista Municipal Police Station, Compostela Valley, 12 October 2016;

Global Witness interview with Limay Concerned Citizens Inc. (LICCI), Vice President, Daisy-Linda Pedranza, 2019;

'At What Cost? Irresponsible business and the murder of land and environmental defenders in 2017', Global Witness, 2018.

⁶⁶ Independent, in-depth assessment of the FPIC and MOA processes around four specific mining projects in Mindanao, commissioned by a Filipino NGO and shared privately with Global Witness.

'Assessing Free and Prior Informed Consent (FPIC) implementation in the Philippines; Climate-relevant Modernization of Forest Policy and Piloting of REDD in the Philippines', Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, April 2013,

<https://www.giz.de/en/downloads/giz2013-en-assessing-free-and-prior-informed-consent-fpic-phillipinen.pdf> (accessed: 5 April 2019); See mining case study, page X

⁶⁷ Global Witness interview with Ferdie Cerna; Global Witness interview with Marlea Munoz

⁶⁸ Global Witness interview with local NCIP official in Mindanao.

Independent, in-depth assessment of the FPIC and MOA processes around four specific mining projects in Mindanao, commissioned by a Filipino NGO and shared privately with Global Witness.

⁶⁹ Independent, in-depth assessment of the FPIC and MOA processes around four specific mining projects in Mindanao, commissioned by a Filipino NGO and shared privately with Global Witness.

Global Witness interview with local NCIP official in Mindanao.

See case study X on mining in Compostela Valley

⁷⁰ See case study X on agribusiness in Bukidnon
See box on page X on Dole in Bukidnon.