

Barefoot lawyers: Defending community resource rights in the Philippines

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Summary

The creation of Community Paralegal Teams (CPLTs) is hinged on the premise that laws are created to protect the rights of citizens and the public interest. Economic or social status should not be a hindrance to the enjoyment of such rights. However, in order for the law to be genuinely effective it must be understood by those whose rights it aims to protect. The CPLT tool trains local people in how to gather information and document evidence to build a legal case to defend their rights over land and natural resources. The work of these young, highly motivated and trained paralegal community members has resulted in many successful outcomes including, amongst others, the withdrawal of a mining company from community lands.

About LRC-KsK

The Legal Rights and Natural Resources Center/Kasama sa Kalikasan/Friends of the Earth-Philippines (LRC-KsK/FoE-Philippines) is a policy and legal research and advocacy institution. Its focus is on the recognition and protection of the rights of indigenous people and resource-dependent communities. The Center seeks to catalyse changes in laws and structures leading to community participation in policy development and the equitable use and conservation of natural resources (www.lrcksk.org).

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1. Introduction

Large scale developments such as mining or energy projects that operate in remote areas often result in the relocation of entire communities. These people may also have to give up one type of livelihood for another completely new one. The impact is life-changing. Unfortunately, these kinds of development projects are often implemented in rural areas without prior consultation or approval from local residents, sometimes even without that of local governments. There is little respect for or appreciation of the concept of community consent or of rights to 'free, prior and informed consent' (FPIC) of communities.

The Community Paralegal Team (CPLT) tool supports remotely located people that are struggling to have their rights recognised in the face of large scale development projects. Because of their location and limited resources, these communities have little or no access to legal support within the Philippines. In addition, very few civil society organisations (CSOs) provide free legal services to indigenous peoples in remote rural areas.

The CPLTs enable people's organisations to undertake basic but crucial prerequisite fact-finding and data-gathering work to build legal cases. This information enables them to assert their rights through formal complaints mechanisms. These can either be nationally legislated grievance systems such as administrative and judicial complaints processes, or in their absence, international complaints procedures such as those under the United Nations system. This may support communities asserting their rights in a formal case or communities undertaking an advocacy campaign to institute legal and policy reforms at the local and national levels. The CPLT tool also facilitates continued information dissemination on community rights and entitlements. This tool has been used extensively to address the land tenure issues faced by indigenous peoples in the Philippines.

This paper explains the CPLT tool as implemented by the Legal Rights and Natural Resources Center/Kasama sa Kalikasan/Friends of the Earth Philippines (LRC-KsK/FoE-Philippines), first by setting out key steps and then by illustrating how it worked in practice. The final sections set out key lessons learned.

2. The CPLT concept

A CPLT programme develops a core team of local individuals who can facilitate the participation of other people from their community to act on an issue. They take the lead role in organising education and training activities on community rights. They explain the legal options available to their community and lead concerted legal action. CPLTs also research, study and document the potential impacts of a particular project on the welfare of the community. CPLTs support the work of both a formal legal team composed of lawyers belonging to a public interest law support group and campaigners who help bring community voices to national advocacy and legal reform campaigns.

The creation of CPLTs is hinged on the premise that laws are created to protect the rights of citizens and the public interest. In order for law to be genuinely effective in securing the rights of the most marginalised, vulnerable and oppressed in a given society, it must be understood by those whose rights are to be protected. Economic or social status should not be a hindrance to the enjoyment of such rights.

The CPLT approach also rests on the belief that lack of education should not be a hindrance to the understanding of rights and laws. Communities have the capacity to know their rights and defend them. It may be a steep learning curve for them to understand the law, but there are means by which it can be taught and understood. Knowledge of rights and an ability to exercise them are prerequisites for genuine empowerment.

The CPLT tool sees external support groups as facilitators. Genuine empowerment is achieved when ordinary citizens themselves enjoy their basic rights, assert such rights in the institutions created by government, and participate in decision-making and planning processes.

3. Background: the origins of the CPLT tool

Paralegal teams are not new to the Philippines. In a country with low human development indices, comparable to Sub Saharan Africa in its more remote areas, basic public services including local government remain distant from many poor communities in rural Philippines. In addition, access to formal judicial processes is as elusive as it is expensive. This poverty has been exacerbated by weak governance, especially following more than a decade of Martial Rule dictatorship during the 1970s and early 1980s. This period of Martial Rule was characterised by a narrow space for democratic rights, a deluge of human rights violations and an era of impunity, where rights violations could find no redress in the ordinary course of law. Even with the lifting of Martial Law and the start of democratic reforms following the People Power Revolution of 1986, laws still generally favour the elite and primarily serve their interests. Current positive provisions in national law are a product of the citizens' struggle to reform oppressive laws, and are considered by some sectors as concessions by the elite made to temper the dissatisfaction of the oppressed.

Following the Revolution, public interest law groups trained paralegals to strengthen marginalised groups' understanding of the law and pave the way for possible legal interventions and wider spaces for democratic engagement. Often termed 'barefoot lawyers', paralegals helped lawyers prepare the supporting materials needed in cases of harassment and other violations of human rights, while at the same time providing support for communities by simplifying complex legal concepts, procedures and strategies.

This concept of paralegal work has therefore evolved through two decades of implementation, bringing paralegal work down to the community level and establishing CPLTs. CPLTs are established within existing people's organisations and are trained to provide on-the-ground documentation and research. They are also trained to popularise the nature and strategy of legal actions to other members and to the community in general. Their work supports future direct legal actions or community participation in policy formulation.

It must be noted that the CPLT tool is also used in combination with other community level capacity building activities. It is not a replacement for other methods of community organising. Instead, it is an additional tool in the tool box for pushing reform in the face of impunity, for filing formal complaints, and for widening spaces for democratic participation.

4. The CPLT tool explained

Paralegal teams belong to people's organisations – groups within communities that have decided to pursue concerted action. These teams defend community rights in relation to development projects, government policies and initiatives. The creation of CPLTs aims to empower communities. Enabling community members to explain to each other the issues and actions that will be taken is powerful. It strengthens ownership of the issue and increases confidence in discussing and engaging with corporations and government agencies. It strengthens advocacy, results in a more consolidated organisation, increases membership, and broadens general community support for taking action on a particular issue.

Community paralegal teams fill the gap when pressure mounts from different directions and support from external groups and government agencies is not yet in place. Collecting documentation on-the-ground ensures that crucial information is captured even before external support arrives.

There are three key requisites for the formation of a CPLT:

- There must be existing legal engagement. CPLTs are established mainly in communities that have made a decision to file a legal complaint or case in order to defend their rights.
- The community must be organised. This means the community has achieved a level of self-organisation where its members go beyond addressing individual household concerns and take on community-wide issues. This can be through existing traditional organisations at the *barangay* (village) level, or through a new organisation or network created to support advocacy and the legal case. One purpose of organisation is to ensure clear decision-making processes.
- There must be a team of committed individuals willing to be trained as paralegals. Paralegal work entails giving up some time from usual day to day activities to attend training and meetings, to assist in the education of other community members and to disseminate information on laws and on cases which have been or will be filed.

Once these three requisites are satisfied, the community goes through two crucial steps. The first is the development of a Community Legal Strategy; the second is the Community Paralegal Training Programme to enable dissemination and implementation of the Community Legal Strategy.

Community Legal Strategy

The Community Legal Strategy is developed by the community organisation with the support of the public interest lawyer or law group.¹ It is also helpful if other local support groups participate in this strategising. The strategy sessions include issue mapping, SWOT (Strengths-Weaknesses-Opportunities-Threats) analysis, problem tree analysis and identification of legal options. In the cases of Didipio and Labay-Ku (see below), the communities faced several problems and had more than one legal option. However, due to limited resources, not all of these could be pursued. In these circumstances it is important that the community and the public interest law group arrive at a common understanding of the legal intervention that would secure more rights for the community.

The Community Legal Strategy then becomes the basis for crafting a Community Paralegal Training Programme and the advocacy component of the strategy.

Community Paralegal Training Programme

The Community Paralegal Training Programme begins with the identification of the paralegal trainees. Leaders of the community organisation will evaluate their members to identify their CPLT candidates. The minimum requirement to become a trainee is the ability to read and write. Usually, it is the secondary and tertiary school-age youth members of the community who become part of the CPLT.

The number of CPLT members trained by a CSO support group largely depends on the number of trainable volunteers present in the community who are willing to undertake this task. The ideal number sought by the public interest law groups is that sufficient to be able to cover the affected *barangays* (villages).

The selected CPLT candidates then attend training delivered by the public interest law group or by a civil society organisation on a range of topics: 1) the law and paralegal work; 2) the Philippines legal system; 3) land rights and laws governing natural resources; 4) basic human rights; 5) the indigenous peoples rights Act; 6) advocacy and campaigns; 7) gender; and 8) basic human rights documentation/incident reporting work. The discussion of community issues and their Community Legal Strategy is embedded in the teaching of the above concepts. This training programme is usually completed within a one-year period. In between training sessions, the CPLT participants are involved in case documentation and document gathering required for the complaint to be filed.

CPLTs also ensure that the advocacy and campaign targets of the Community Legal Strategy are met. They provide education and information so that other members of the community are aware of how the issue is progressing and understand what is happening in a case if it has been filed.

1. In this case, this is lawyers from LRC-KsK.

Financial support to the CPLTs

CPLTs often work in several *sitios* (localities) and *barangays* (villages) and this means hours of long walks between them. Disseminating campaign information and collecting data to support a case, means CPLTs can be away from their homes and not available to contribute to household production. During harvest or planting seasons, this can be difficult for their families because it means one less pair of hands to help in the fields.

As a result, the CSO support groups and public interest law groups seek a modest amount of funding to support the CPLTs. In some cases, funds were raised to provide the amount of PHP 1,000 (approx. USD 24) a month for each CPLT member to help them support their families.

The provision of a modest allowance worked well in the beginning. It eased the pressure on the CPLT families in terms of economic needs, and the tasks of the CPLTs were accomplished in time. However, it created an expectation that all CPLT work should be paid. It affected the voluntary nature of the work. Another challenge is that CPLTs who graduate from high school come under pressure to go on to further studies and to leave their CPLT tasks.

Monitoring and evaluation of the CPLT programme

The development of CPLTs is monitored by the public interest law group supporting the community and this is done on a quarterly basis. They monitor the capacity of the paralegals to document cases and the number of information, education and communication discussion sessions conducted. Feedback is also gathered from CPLTs on any challenges they encountered in their discussions and in documentation. A common request from the paralegals is support to help them improve their computer literacy. When the Community Legal Strategy is assessed at the end of the year by the people's organisation and the public interest law group, the CPLT programme is also assessed. So evaluation of the CPLT programme is on an annual basis.

5. The CPLT in action: asserting community rights where access to justice is remote

5.1 CPLT formation in mining affected areas

When the 1995 Mining Act of the Philippines was passed, it opened up large tracts of arable agricultural land and verdant forest ecosystems to large scale exploration of minerals. The law allowed 100 per cent foreign ownership of mining concessions under Financial or Technical Assistance Agreements (FTAA) covering up to 32,400 hectares on shore, and 81,000 hectares off shore. This law was initially challenged on the basis of its constitutionality,² but the Philippine Supreme Court resolved it in favour of economic considerations. What followed was an onslaught of mining applications covering ancestral domains and forest ecosystems. These operations stood to severely affect main waterways and consequently existing agricultural production in downstream communities.

At the same time, the Philippines is one of the first countries in Asia which has acknowledged the collective rights of ownership of indigenous cultural communities over their ancestral domain. This is recognised in the Philippine Constitution and implemented through the Indigenous Peoples Rights Act passed in 1997, two years after the Mining Act. It allows for the awarding of Certificates of Ancestral Domain Titles (CADTs) and Certificates of Ancestral Land Titles to indigenous communities in recognition of their prior collective rights over these ancestral lands and domains. It also fully recognises the rights of indigenous peoples to free, prior and informed consent (FPIC) for development projects on their lands.

Mining operations have put serious pressure on the livelihoods of small farming communities, on indigenous ancestral lands and even on forest ecosystems which support agricultural production and cultural practices. Mining concessions are granted for up to 25 years of operation, extendible for another 25 years. But the glaring reality is that, even when these lands are made ready for re-vegetation after 50 years, the option to return within a generation remains unrealistic. If all mining applications were allowed to operate, some eight million indigenous people in the uplands would be disenfranchised and several million more rural farmers in the downstream communities would be affected by the pollution of the water resources.

This situation has pitted small rural farmers and indigenous communities against large corporations that have a wealth of resources to challenge the existing land rights and claims of these communities. This is far from a fair fight.

2. The Philippine Constitution only allows up to 40 per cent equity of foreign ownership of businesses operating in the country and the FTAA that was given to mining corporations became an exemption without the proper procedure of amending the Constitution.

Case study: Didipio, Nueva Vizcaya and the Didipio Copper Gold Mine Project

Barangay Didipio is a remote upland village nestled in the Mamparang Mountain range of Nueva Vizcaya province, inhabited by around 2,000 indigenous peoples from the Ifugao, Kalanguya, Kan-Kanaey and Ibaloi tribes. In general people eke out their living planting rice, citrus, squash, ginger, cabbage and other vegetables. The Didipio women fetch their household water from the natural springs. The Dinauyan River still flows strongly and is the major source of irrigation for their rice paddies.

Around 20 years ago, applications to mine the mountains of Kasibu were submitted. Because Didipio is largely a farming community, they opposed these plans. In 2002, with the assistance of LRC-KsK, the Didipio Community formed their first set of CPLTs to support the people's organisation 'Didipio Earth Savers Multi-purpose Association' (DESAMA) and crafted their legal strategy.

Because the local council had signed a Memorandum of Agreement allowing mining without consulting the community, the first legal step involved challenging the local village council through the mechanism for a 'people's initiative'. The 'peoples' initiative' process is a constitutional right under Philippine law that gives the citizenry the opportunity to initiate the creation of laws. It may also serve as a remedy that can be utilised when the constituents of a particular community believe that the current plans of their elected leaders are not congruent with the needs of the community, or when these leaders have refused to listen and accede to the popular demand or sentiments of their constituents.

The CPLT with the help of their network of support organisations designed a strategy and action plan. This included fulfilling the legal requirements for a people's initiative, such as obtaining the minimum amount of votes from the community to be submitted to the Commission on Elections together with the petition to conduct the people's initiative process. It involved obtaining a copy of the voters list, identifying the legitimate registered voters of the community, and conducting an education campaign on the initiative process and its relevance.

When DESAMA shifted tactics from undertaking the initiative process to influencing the 2003 *barangay* (local) elections, the CPLT led the campaign in support of the DESAMA candidates and their anti-mining cause. A majority of the candidates who had clear positions against the mining project won in the elections, and the disputed Memorandum of Agreement was nullified.

However, even with this major election victory, the pressure from mining did not let up. In 2006, the FTAA for the Didipio Copper Gold Mine Project was transferred to the Australian-owned OceanaGold mining company from the Climax Arimco Mining Corporation. The FTAA concession is for more than 17,000 hectares covering 32 *barangays* (villages) in the provinces of Nueva Vizcaya and Quirino. Didipio Barangay is the direct impact site of the mining operations. If the mine goes ahead, the Dinauyan River will be diverted to the Camgat and Surong creeks and the original river bed will become the site of the tailings impoundment dam. 2,000 families were

The experience of Jenny, a 19-year-old paralegal

With the several cases faced by the community, DESAMA, together with their support groups, created a CPLT. Jenny is a 19-year-old student from Didipio studying in downtown Bayombong in the province of Nueva Vizcaya. Jenny has been attending paralegal training whenever her schedule permits. She also represents DESAMA at conferences.

Jenny's contribution together with two other students from Didipio is to visit government offices to gather documents and follow-up on cases pending at the courts. She also serves as the link between the support groups and the leaders of DESAMA. Jenny is actively involved in the school paper and writes stories of what has been happening in their community. Consequently, she was able to gather a group of students to support the struggle in their community.

At conferences she met people from other communities struggling with similar problems. This inspired her to study further to get a higher education and she hopes to finish her college degree and pursue a law degree. She says 'I wanted to take up law education and hopefully when I graduate law school and pass the bar I will be able to render services to my family and the rest of our community who have been looked upon as illiterate and uneducated by the mining company and the politicians.'

pressured to sell their land to the local subsidiary of the foreign mining corporation, OceanaGold Philippines Inc (OGPI). Those who were refusing to sell their homes and vacate their land reportedly had their houses forcibly demolished in 2008 by the Department of Environment and Natural Resources, the Philippine National Police and the local mining company OGPI.

The CPLT in Didipio assisted the leaders of DESAMA in documenting the human rights violations committed during the demolition even before the public interest law groups arrived in the area. Crucial information that needed to be gathered for filing a complaint with the Commission on Human Rights was preserved with the early intervention of the CPLT.

Case study: rural women and children protecting their land and survival against Anglo American Mining Company and Manila Mining Company, Anislagan, Placer, Surigao del Norte

Barangay Anislagan is an upland farming village in Placer, Surigao del Norte at the Eastern seaboard of Mindanao, Philippines. The majority of its people are farmers, who eke out their living through planting coconut, corn, rice and other vegetable crops. The land is fertile and water resource pristine. It is the site of many fresh water aquifers as can be seen from the lakes, rivers and springs which define the landscape. These waters flow down to lower lying *barangays* (villages) for drinking and agricultural purposes. Sale from their harvests have allowed local people to survive and to send their children to school.

However, the village of Anislagan sits on mineral-rich land. The government has identified it as a priority mine site because of its first-class nickel and gold minerals. The small rural community have repeatedly opposed attempts by the government and mining companies to extract what they consider their gold. Areas adjacent have been impacted by mining since the 1980s and most severely from the collapse of a tailings pond in 1995 which led to numerous deaths and the destruction of property. Water resources were turned to muddy water and the process of securing community acceptance divided local people.

In 2007, Kalayaan Copper Gold Resources (KCGR), a joint venture between Britain's Anglo American and the Manila Mining Company (a subsidiary of Lepanto) was awarded an exploration permit over approximately 300 hectares. The community fear water contamination, social division, the destruction of their beautiful surroundings, and of their rich and abundant water resources upon which they depend. They also believe it is the women who will bear the brunt of the loss as they are the ones who depend upon clean water sources for cooking, washing, drinking and farming. The community resisted and as a result faced an onslaught of legal and extra-legal pressure, with approximately 23 cases filed against community members who actively opposed the mining operations. Eventually all the cases were dismissed due to lack of merit. The community organisation ABAKATAF (Anislagan Bantay Kalkisan Task Force) decided to address their problems head on and together with the Cagayan de Oro Team of the LRC-KsK, the ABAKATAF formed their CPLT. The CPLT process enabled them to write a community petition against the mining operations. They were also able to successfully campaign during the local elections, with anti-mining candidates winning enormously. Afterwards, they passed a *barangay* council resolution to prevent mining. Emboldened by their desire to defend their rights to livelihood and survival, the community took direct action to oppose mining companies. The women of the village developed a strategy to ring the church bells on sighting mining equipment, which would signal the demand that vehicles be stopped and a call to women and children to form human barricades on the village roads by which the equipment is taken up the mountain.

In November 2008, Anglo American and its local partner issued a press release stipulating its plan to withdraw due to the strong opposition from local government and the community.

5.2 CPLT in indigenous ancestral domains affected by rancheros (large ranch owners)

The Indigenous People's Rights Act of 1997 in the Philippines was a landmark piece of social justice legislation advancing recognition of collective rights of indigenous peoples. Yet certain aspects of it render the positive intent of the law moot. Section 56 of the Act recognises the property rights of current occupants of ancestral domains vested prior to the passage of Act rendering many ancestral domains a patchwork quilt of conflicting and overlapping claims. Indigenous communities who

hoped for a chance at regaining a strong foothold in their native lands still struggle to assert their full rights when faced with competing claims from government agencies or wealthy landowners.

Such is the case of the Aeta communities in Capas, Tarlac. They belong to the Ayta Mag-Antsi tribe and they trace their roots to their ancestral lands in Tarlac since the Spanish occupation. Following displacement from Mount Pinatubo in 1991, some families left their resettlement area to return to their homelands. They faced a number of challenges in asserting their ancestral rights. Much of their farmland had been converted into pasture for cows and goats owned by various individuals from the lowlands. These areas had been fenced off and were no longer accessible to them. Aytas are not a warring tribe, but are hunters and gatherers and so did not challenge the situation. But cultivation proved incompatible, as their crops were damaged by the livestock and the animals were a danger to the Aeta children. They also faced harassment by armed security guards hired by rancheros. Some members of the Aeta community became labourers in the pasturelands, creating rifts and differences in the community.

The oppressive '*Kasama or kasamak*' system is still present and thriving in the community of the Ayta Mag-Antsi. The system describes the mechanisms through which landlords provide loans to the Aetas in the form of farm inputs (seeds, pesticides, herbicides). In return the Aetas get a share from the profit upon harvesting. However, the arrangements strongly favour the landlord and before dividing the profits the Aetas must repay the loan. They are also obliged to sell the same produce to the landlords who may take advantage of arbitrary pricing. Until the Aeta have lands of their own, as well as independent livelihoods, they will continually be subject to this practice. The Ayta Mag-Antsi tribe are also marginalised politically. Aetas may constitute 90 per cent of the population, yet none are *barangay* (village) heads. Elected heads are in-migrants from the lowlands. Other concerns include:

- The Labay-Ku Aeta community hold a Certificate of Ancestral Domain Claim (CADC) issued prior to the Indigenous People's Rights Act, yet multiple layers of discrimination and political marginalisation leave them struggling to protect their lands, livelihoods and well-being and convert their claim to a title.
- Encroachment of 'illegal' pasturelands. There are about 40 pasturelands in the community covering an estimated land area of 4,000 hectares out of the total 11,766 hectares of ancestral land they wanted to secure.
- Overlaps with military reservations. Almost half of the ancestral domain being claimed by the Labay-Ku community is in conflict with the military reservation declared as such in the 1950s. The Armed Forces of the Philippines & Department of National Defence (AFP & DND) in 2006 stopped and disallowed the team from the National Commission on Indigenous Peoples (NCIP) and Labay-Ku from conducting the delineation process as part of the Certificate of Ancestral Domain Title (CADT) application slowing the process considerably.

- Militarisation is also a concern of the community. Labay-Ku community is constantly included in the regular military operations of the Armed Forces.

Marginalisation, poor livelihood opportunities and encroachment on their lands is reportedly impacting the health and incomes of the Aeta, especially the children and elderly.

The Holy Spirit Aeta Mission is a faith-based organisation of Franciscan missionary sisters which began their work in the Tarlac area in 1991, after the Pinatubo disaster, to help the Aetas recover from the devastating effects of the volcanic eruption. They helped link the Aetas to the Legal Rights and Natural Resources Center in addressing the issue of the rancheros, and in 2007 helped in the formation of the Labay-Ku Aeta CPLT.

The Labay-Ku Aeta CPLTs' primary task is to increase their understanding of the various issues the community faces. This includes identifying how to support the ancestral domain development plan in order to successfully ensure the titling process of their CADT, and documenting the human rights violations in their community.

Since its establishment, the Labay-Ku Aeta CPLT members are able to discuss the issues and challenges they face more confidently, and they are able to express their opinions more clearly. They have a deeper understanding of the correlation between the different challenges that they face, and the options that are available to them.

6. Key outcomes

The creation of CPLTs had very positive effects on the assertion of community rights, strengthening community advocacy and deepening the ownership and understanding by the communities of their legal cases. This likewise has a positive effect on governance as it creates an enabling environment for communities to assert rights through governmental institutions and mechanisms that capture, address and process citizen grievances.

In the cases cited, the communities were able to successfully prevent the displacement of families by the mining companies and the rights to due process were asserted. The CPLT legal programme and its work enabled the community to avert the possible displacement of their families.

Through these processes, legal cases became an arena not only for lawyers but tools which the community understood, supported and owned. The legal intervention became an opportunity for participation and capability building. It was observed that during and after community engagement, for example, the CPLTs were able to provide help in fact finding missions concerning violent and illegal demolitions and human rights violations by the mining company. They collated data, conducted interviews and served as translators between the local people and national and international support groups. They provided follow-up interviews and data gathering for the report submission to government agencies.

This also led to better governance as government institutions were strengthened with greater appreciation accorded to positive provisions of the law. The CPLTs and the leaders of the people's organisations now have a greater understanding of how to spot, utilise and take advantage of aspects of the law which allow for the assertion of community rights, sometimes amidst a clear legal bias for those already in power.

This confidence in governance mechanisms also strengthens the rule of law in a society. The CPLTs engaged village officials and petitioned the Commission on Elections to conduct a people's initiative in their community where the people's organisation wanted to impress on the government that the mining project was unacceptable. They were able to recall the Memorandum of Agreement issued by former village officials with the mining company through this process.

The programme had a positive and long lasting impact on the organisational capacity of the community-based people's organisation. With the CPLT, the community was able to organise activities, communicate and coordinate with support groups with more confidence and based on their own efforts. The CPLT was also able to liaise with some government agencies, to obtain documents and make inquiries and verifications. The introduction of the internet to the CPLT helped and improved their confidence and built their skills.

7. Lessons learned and ways forwards

For the work of the CPLT to be really relevant it should focus on the general objectives of their people's organisation. Their work is distinct in character but should not be separated or alienated from the goals set for every planning period. Otherwise the tendency is to focus on compliance with existing legal parameters and rules which often do not recognise community rights.

Another lesson learned from this experience is that the most active members of the CPLT came from the youth. However, when they get married and have their own family, their participation starts to diminish. One proposal to enhance the programme is to look at the possibility of making the skilled and most active members professional paralegals. These kinds of paralegals would need to be supported financially because what they are doing is actually the work of a profession that has a significant value to wider population (not just the affected community) through the transformation of the legal system which is generally accessible only to the elite and powerful.

Based on the natural turnover of CPLT members, there may be a need to consider CPLT training as an ongoing and continuing task. Second tier CPLT members should be identified and trained as those previously trained become more senior. This would help to ensure that there is no gap or vacuum created when the trained CPLT member needs to move on.

It also appears that there are no hard and fast rules in establishing and developing a CPLT. It should be tailored to fit the needs of the strategic plan and activities of the people's organisation to which they belong. Aside from group training, there should be individual mentoring to guide each member's development.

Assessment and evaluation is key in developing the work of the CPLT. There should be two levels: one is the assessment of its particular tasks and assignments and the other an evaluation of its work in relation to the fulfilment of their contribution to the overall goals and objectives of the people's organisation to which they belong.

In terms of skill development, the CPLT should gain more experience in using the internet to widen their knowledge and maximise the opportunity to enhance their skills in documentation and research. They should be provided with more advanced training in using computers for efficient data gathering, research, report writing and documentation.

Finally, the provision of financial support for CPLT work ought to be an agreed need by the community organisation rather than initiated externally. CPLT members need sufficient allowances because the time they spend carrying out CPLT tasks takes them away from their own responsibilities to their families. However, remuneration also had a negative effect on the spirit of voluntarism within the organisation.

It created a notion or impression that all work done by each member should be compensated. To ensure that this is managed well, sufficient discussion among members of the community organisation needs to be undertaken and an agreement reached as to the type of compensation those undertaking CPLT tasks should be given. This process of discourse and agreement ensures that any possible doubt as to the rationale for that compensation is sufficiently aired and a consensus decision is reached.

Acronyms

ABAKATAF	Anislagan Bantay Kalikasan Task Force
AFP	Armed Forces of the Philippines
CADC	Certificate of Ancestral Domain Claim
CADT	Certificate of Ancestral Domain Title
CPLT	Community Paralegal Team
CSO	Civil Society Organisation
DESAMA	Didipio Earth Savers Multi-purpose Association
DND	Department of National Defence
FPIC	Free, Prior and Informed Consent
FTAA	Financial or Technical Assistance Agreement
IIED	International Institute for Environment and Development
KCGR	Kalayaan Copper Gold Resources
LABAY-KU	Lupon ng mga Katutubong Ayta para sa Bagong Adhikain Upang Yumabong ang Kabundukan at Umunlad and Bawat Isa
LRC-KsK/FoE	Natural Resources Center-Kasama sa Kalikasan/Friends of the Earth-Philippines
NCIP	National Commission on Indigenous Peoples
OGPI	OceanaGold Philippines Inc
PHP	Philippines Peso
USD	United States Dollar