

Assessment of the National Commission on Indigenous Peoples' (NCIP) Implementation of the Free, Prior and Informed Consent (FPIC) Principle in the Bag-o and Kankanaey Communities in Santol, La Union

The Indigenous Peoples Rights Act (IPRA) of 1997 recognizes the right of Indigenous Peoples (IPs) to self-determination. The study aims to assess the implementation of the universal principle of *Free, Prior and Informed Consent* (FPIC) by the *National Commission on Indigenous Peoples* (NCIP). The effectiveness or ineffectiveness of the implementation will be measured in accordance with the 2012 FPIC guidelines. This study shall further tackle the characterization of the definition of “consent” (or the local term, “*pammalubos*”) under the following categories of the participation of actors, consensus-building, and in giving assurance to the IPs by the respective project proponent, in this case, the COHECO.

Background

The problem regarding the ancestral domains of the IPs has been one of the issues faced by the government for decades. The Free, Prior, and Informed Consent (FPIC) principle which was widely recognized by different organizations and countries might just be the answer to these problems. The FPIC is defined in IPRA as the consensus of all members of the Indigenous Cultural Communities (ICCs)/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community (IPRA, 1997).

The research focuses on the issue of “the compliance or non-compliance of NCIP in practicing the principle of FPIC to the IPs of Santol, La Union over their ancestral lands.” The aim of the study was to determine whether or not the IPs are aware of the principle of FPIC and to determine the IPs’ own definition of consent. The study assessed the process undertaken by the NCIP in obtaining the FPIC of the IPs regarding their ancestral domains. The researchers chose the topic because there are only few literature that answer the issue on compliance of NCIP in practicing the FPIC to the different IPs. Furthermore, there are a lot of on-going issues that concern the awareness of the IPs and the usage of their ancestral domains without their consent.

Problems and Limitations

The study was conducted in Lettac Sur and Mangan in Santol, La Union which is comprised of both the Kankanaey and Bag-o indigenous groups. The study aims to have a more vivid understanding of the experiences of the Bag-o and the Kankanaey in terms of the practice of 2012 FPIC Guidelines with regard to handling their ancestral domains. Problems in approaching the IP communities was foreseen to be a problem, as some IP communities may not be comfortable to be in contact with outsiders, hence, assistance from the Municipality of Santol, La Union, was obtained in order to reassure the respective IP communities of the credibility of the intentions of the researchers with regard to their responses. Language barrier was also a problem for the group as the key informant needs to relay the messages to the IPs for them to fully understand the instructions from the researchers.

Another limitation encountered by the researchers is the fact that the participants for the

FGDs were pre-selected by the tribe leaders. Lastly, one of the stakeholders in this research, the COHECO. Even though they the researchers tried to be in contact with them, COHECO was not responsive no matter how persistent efforts were in getting information for the purpose of this academic research.

NCIP, IPRA, and FPIC

The IPRA mandates that the NCIP shall practice FPIC in its dealings with the IPs, especially with regard to their ancestral domains. Based on the literature presented above, the implementation of FPIC in the Philippines is questionable. Each IP group has a different definition of consent depending on their culture and tradition. Present literature also defines FPIC as “Free” (the agreement of the community to a particular project without any external manipulation, interference and coercion), “Prior” (implies that consent is to be sought sufficiently in advance of any authorization or commencement of activities and respect is shown to time requirements of indigenous consultation/consensus processes), and “Informed” (implies that information is provided that covers a range of aspects, including the nature, size, pace, reversibility and scope of any proposed project or activity) consent that should be obtained from the IPs whenever a facility or a development project will either be built or developed within their ancestral domains. Therefore, it must be in accordance to the IPs’ definition of consent depending on their culture and tradition.

When it comes to the implementation of the said principle, there has been several contradicting studies in the Philippines. One of the most recent studies by Calde, et al. found out that there were more cases that were reported as having no violations compared to those who indicated that there have been some procedural lapses in the implementation of the said principle. Another study stated that FPIC has provided the IPs an avenue to be able to voice out their opinions when it comes to the projects that may affect their community. In contradiction to these findings, the Oxfam American Briefing Paper has indicated the weaknesses of the 43 implementation of the said principle, including the systemic weaknesses. Aside from that, the absence of monitoring and evaluation procedures in the implementation of the FPIC after the First Precondition Certifications that were issued is considered one of the main issues in the said implementation. However, it must be taken into consideration that the implementation of FPIC

depends mainly on how the IPs define consent and what factors should be included for the NCIP to say that they have already obtained their consent.

The NCIP adjusts the implementation of this principle depending on the definition of each IP group, but the manner of how it is conducted in the actual implementation is still yet to be proven. In conclusion, different studies yielded different findings and conclusions when it comes to the matter at hand, which is the implementation of the FPIC principle in the country. These studies used a quantitative method and used a sample size to be able to gather the data needed in order to arrive at these conclusions. Through these studies, the researchers were provided with a general framework on the FPIC principle which is being implemented in the country as a whole, and contributed to the knowledge that though majority of the programs built within the ancestral domains of the IPs were given the certificate to do so, still, there might be some flaws that were observed in the procedure of obtaining their consent, hence the awarding of the certificates may also be flawed, which will be the focus of this study.

Methodology

The current study used a qualitative description method in gathering and analyzing data relevant for the research. To be more specific, the researchers used a case study approach. The current research involves the project of the COHECO in Santol, La Union. The said project affects *Barangay Lettac Sur* and *Barangay Mangaan* in Santol, La Union. Researchers concluded that using this as a case study will aid in the further study of the implementation of FPIC guidelines by the NCIP by studying the patterns of behavior and effects of the guidelines to the affected IP communities.

Fieldwork Proper

The researchers allocated four days for the entirety of the data gathering in Sudipen, Santol, La Union. The group was divided into two teams, the first set of researchers was responsible for the initial FGD which involved the IP leaders of the seven *barangays* that were affected by the transmission lines and poles of the COHECO Project, as well as setting up the FGDs for *Barangay Lettac Sur* and *Barangay Mangaan*. The second set of researchers engaged the two communities and conducted the FGDs for the two *barangays* for two separate days.

On the first day of the fieldwork, the group was able to gather the different IP leaders of the *barangays* at the Tourism Center of Santol, La Union. There were seven IP leaders present during the initial interview. After the first FGD, the first set of researchers coordinated with the heads of *Barangay* Lettac Sur and Mangaan on the transportation, location of the *barangays* and the lodging of the second set of researchers.

The next FGD was conducted in *Barangay* Lettac Sur. The group conducted its FGD in the function area of the *barangay*. It was attended by 12 participants, one of them was an engineer for the COHECO project. Part of the participants would also be the IP leader of *Barangay* Lettac Sur. Most of the participants were fluent in speaking *Tagalog* which was beneficial for the researchers since it would be easier to transcribe the recordings of the FGD. The *barangay* was very responsive to the questions and at the end of the FGD.

For the last day in Santol, the researchers conducted an FGD in *Barangay* Mangaan. In the FGD, 13 participants were present. The data gathered for this FGD was more difficult to relate and transcribe since the chosen participants were not as fluent in conveying their messages and thoughts in *Tagalog*.

Data Gathering Techniques

The group selected FGDs and personal interviews as its data gathering instruments. An FGD facilitates a more in depth discussion and sharing of opinions compared to a survey. Thus, it is advisable that a homogenous group of people includes the focus group as in the case of *Barangay* Lettac Sur and *Barangay* Mangaan. The researchers also conducted personal interviews as another data gathering technique.

In the selection of the participants for the FGDs and interviews, the group used the purposive sampling method. Since the group was able to contact tribe leaders of the different *barangays* before conducting the FGDs, it was apt for the researchers to seek the aid of the leaders and the officials of the area to ensure that the participants who would take part in the FGDs were knowledgeable and literate to understand and comprehend the concept of FPIC and how it affects their community. Purposive sampling was the most appropriate technique in accomplishing the group's objective in searching for IPs that could understand the study.

Method of Analysis

Content analysis was used and a rating system devised by the researchers with criteria based on the concept of free, prior and informed while integrating it with the 2012 FPIC Guidelines set by the NCIP in order to analyze data gathered from the *barangays* of the IPs and the other stakeholders involved.

The researchers assessed the level of understanding of consent based on the perspective of the IPs as well as to draw valid information on whether or not IPs have freely given their consent to the proponents. Using content analysis, the researchers would be able to simplify the content of the data gathered in order to highlight meaningful statements that would involve the processes involved in giving FPIC by the IPs to the proponents.

The second method applied by the researchers involved the creation of a simplified rating system in order to assess if the type of consent given was truly “free,” “prior,” and “informed.” A rubric and a rating scale (called “fully anchored rating scale”) were combined in order to create a scoring system that would enable the researchers to establish a better relationship between the FPIC principle and the FPIC guidelines. In this case, the forms of consent such as “Free,” “Prior,” and “Informed” will serve as the set of criteria. On the other hand, a “fully anchored rating scale” is a type of rating scale where all the points on the scale are affixed with values (University of South Alabama, 2016), and in this case, the researchers used the following scales:

NA – Not Applicable, 1 – Dissatisfied, 2 – Neutral, 3 – Satisfied

The N/A rating was included because there can be a criteria that cannot be applied to its corresponding guideline. By analyzing the transcripts of the FGDs and interviews conducted, the researchers were able to categorize various statements as either “free,” “prior,” or “informed” while at the same time, evaluating if the guidelines were met for each statement. In this case, researchers set the criteria to assess the FPIC in terms of the guidelines based from the statements gathered from the FGDs and interviews.

Findings and Analysis

Content Analysis. During the first stage of the content analysis, listed were words that were thought to be necessary to in order to answer the research questions. The frequency of these words used during the FGDs were then counted and used as indicators for the analysis. These

indicators were then clustered into different categories, all-in-all giving a general description of the indicators. The team also used a context based definition of interpretation, such that the categorization of the words was backed up by the context on how these words are defined. Contexts in this sense will be the conceptual environment of the text, the situation in which it plays a role. (Krippendorf, 2004) Therefore, the team not only used the word itself but also utilized its synonyms, as well as those words which have the equivalent meaning.

Table 1. Frequency of the Use of the Indicators, Grouped into Categories Categories

Categories							
Consensus-building		Local Synonyms		Actors		Assurance	
<i>Word</i>	<i>Frequency</i>	<i>Word</i>	<i>Frequency</i>	<i>Word</i>	<i>Frequency</i>	<i>Word</i>	<i>Frequency</i>
Majority	3	<i>Pahintulot</i> (Consent)	17	COHECO	11	Benefits	6
Representation	1	<i>Pammalubos</i> (Consent)	1	IP Leaders	2	Safety	3
Decision-making	2	“ <i>Payag</i> ” (Agrees)	8	Land Owners	8	“Agreement”	1
Negotiations	2						
Meetings	11						
Consultation	4						
<i>Lahat</i> (Everyone)	23						
<i>Kasunduan</i> (Agreement)	8						

Through this analysis, it can be known that the IP communities do not have a certain definition of consent. However, they have provided different components as to what consent means, these have been further interpreted by the researchers as the four (4) components

mentioned above. In that case, as to what consent is for them, it means that there should be consensus-building which includes everyone who is part of the community. The members of the IP community shall also provide their own local translation of the word consent. Aside from that, the COHECO (the proponent and also one of the actors) shall also play a significant role in providing the members of the IP community with complete information about the project, along with the other actors, namely, the NCIP, and the tribe leaders. Lastly, an agreement shall be settled as one that would be beneficial also for the IPs, and also takes into consideration the safety and the long-term sustainability of the project.

Rating Scale

In this part of the analysis, the researchers will answer the second research question (“How is FPIC as a principle integrated in the 2012 FPIC guidelines?”) of the study. After the FGDs and the interview were conducted, the researchers devised a scoring criteria or rubrics in order to measure how the forms of consent (Free, Prior and Informed – which for the purpose of this particular part of the paper will be referred to as “F,” “P,” and “I” respectively) were integrated in the 2012 FPIC Guidelines. To further substantiate the scoring system as well as the “grade” that will be given to each of the guidelines, the researchers will be using the personal accounts and statements made by the IPs during FGDs, verifying it with the answers provided by NCIP during the interview.

In determining what score to give each guideline under each forms of consent, it is necessary to consider the meaning of free, prior and informed consent that was already defined in the Review of Related Literature:

Free implies that there is no coercion, intimidation or manipulation.

Prior implies that consent is to be sought sufficiently in advance of any authorization or commencement of activities and respect is shown to time requirements of indigenous consultation/consensus processes.

Informed implies that information is provided covering a range of aspects, including the nature, size, pace, reversibility and scope of any proposed project or activity; the purpose of the project as well as its duration; locality and areas affected; a preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks; personnel likely to be involved in the execution of the project; and procedures the project may entail.

(OHCHR, 2013, p. 2)

The following table will also help the researchers determine what grade would be given in the cross tabulation of the FPIC Principle and the 2012 FPIC Guidelines.

Table 2. Quantifying the Scale Rating Scale

Rating Scale	Free	Prior	Informed
3 – Satisfied	The IPs were able to vote yes or no whenever a decision has to be made	No structure was built without obtaining the consent of the IPs “sufficiently in advance” (one or more year prior the construction of the project)	The IPs have perfect information about the scope of the project and its entirety.
2 – neutral	The IPs were allowed to vote but they might have been coerced, manipulated, or intimidated subtly (e.g., Money as means of bribery)	A structure is yet to be made but the consent of the IPs were only obtained a month prior the construction of the project	There were lapses when it comes to information dissemination. The IPs might have misunderstood the agreement.
1 – dissatisfied	The IPs were coerced, intimidated and manipulated to give their consent	An activity commenced and a structure was built without consultation or consensus among the IPs	The scope of the project was not laid out to the IPs. There were no efforts made to explain the entirety of the project.
NA – Not Applicable	The guideline is not applicable to any of the forms of consent		

The table below shows the cross tabulation of the FPIC guidelines in the first column with the FPIC principle in the first row. Each item was assessed in accordance to the quantifiers in the

table above:

Table 3. Cross Tabulation of the 2012 FPIC Guidelines

2012 FPIC Guidelines	Free	Prior	Informed	Total
1. Application for CP.	NA	3	NA	3/1 = 3
2. Attendance of the applicant(s) and representative(s) of the ancestral domains to the Pre-FBI Conference.	NA	3	3	6/2 = 3
3. Applicant must pay an FBI Fee.	NA	3	NA	3/1 = 3
4. Attendance to the General Assembly conducted by the FPIC Team.	3	3	2	8/3 = 2.66
5. Preparation, review and signing of the MoA and FPIC report.	3	3	2	8/3 = 2.66

NA – Not Applicable, 1 – Dissatisfied, 2 – Neutral, 3 – Satisfied

The researchers gave the ratings grounded on how well the NCIP satisfies the guidelines based on each criteria. For the first guideline – this was rated F – N/A, P – 3, and I – N/A (please see Table 3). In an interview conducted with Ms. Delia Lagmoy (Community Affairs Officer 1, NCIP Sudipen Service Center), she explained the measures that the NCIP have taken in order to ensure that the IPs understand the principle of FPIC, she said that: “...IP leaders/elders were provided with the copy of IPRA, IEC on programs of the office during seminars, meetings and other speaking engagements.” Although the IP Communities cannot vouch for this process and did not give direct statements regarding this matter, we can assume that this step was followed by the COHECO through the NCIP since they have conducted direct consultations with the communities. For the second guideline – it was rated as “F” – N/A, “P” – 3, and “I” – 3. In relation to this, Ms. Delia Lagmoy was asked on how the agency ensures representation of the stakeholders during consultations; so that the all information regarding the project will be disseminated properly. She answered: “In the case of COHECO, the process of the FPIC were being taken from the beginning, all undertakings were done in the community, during implementation 2 IP elders/leaders were selected by the community to part as member of the FPIC team.”

The two IP elders/leaders that were being referred to by NCIP was the IPs’ representative

to the FPIC team only, which was also nominated by the community. This does not mean that only those two IPs were given the opportunity to vote. To verify the statement made by NCIP that all undertakings were done in the beginning, the IPs accounted that the guideline indeed was made prior (“P”), any construction was made and that they were well informed (“I”) about the entire project.

For the third guideline – which was rated “F” – NA, “P” – 3, “I” – NA. This shows that the only relevant criteria that can be confirmed to this particular guideline would be prior (“P”), which was satisfied by the COHECO since they would not be able to proceed to the next parts of their project if this was not satisfied.

The fourth guideline – conducted by the FPIC Team which was rated by the researchers as “F” – 3, “P” – 3, “I” – 2. The researchers believe that the three criteria were incorporated well to the guidelines especially for free (“F”) and prior (“P”). In line with this guideline, Ms. Delia Lagmoy stated that: *“The office makes sure that all stakeholders were invited during consultations; it is always the community decides on what manner they will go to be represented, and again they were guided with their culture.”* Via the account of one of the IP respondents, it can be understood that the whole community was summoned in order for them to vote “yes” or to vote “no” and not only the IP leaders. It also implies that for the IPs, the criteria “F” which is free can be measured if they were given the freedom to vote for or against the project.

However, only a grade of 2 was given for the criteria of informed (I) because from the FGD conducted which includes the tribe leaders, they were consistently mentioning IEC – these were consultations conducted by NCIP in explaining the project to the tribe leaders. This, however, was never mentioned by the IPs. It can be inferred from such that the IEC materials were only used for the tribe leaders and not for the entire community. But the IP leaders are required to attend the IEC. From there, the IP leaders will say if they think the project will be beneficial or not, and give their explanations on its advantage and disadvantage).

Lastly, the fifth guideline – which was rated “F” – 3, “P” – 3, and “I” – 2. Just like the previous guideline, in terms of free (“F”) and prior (“P”), this last guideline was also given a satisfactory grade except for informed (“I”). According to NCIP, they see to it that everything that is written on the MoA are in accordance to what has been agreed upon by the IPs and the proponents. The role of NCIP does not stop after the MoA has already been signed because they

should also monitor the project as it progresses to guarantee that everything that is written in the MoA are being followed.

The IPs also had negotiations with the proponent in terms of what are the other benefits that they could get from the project which must be included in the MoA. This facilitated a dialogue between the proponent and the IPs to ensure that concerns raised by both parties are negotiated to reach a consensus before the MoA signing, thus satisfying the criteria free (“F”) and prior (“P”). However, when it comes to the informed (“I”) criteria, the researchers only gave NCIP a grade of 2 because there seemed to be a misinformation on the part of the IPs and the COHECO. There were some respondents who accounted that the payment of PhP 10,000 is to be made monthly however, some of the respondents said that it is an annual payment.

In order to substantiate the researcher’s assessment, an interpretation has to be made. By calculating the mean of each values assigned per criterion, we can establish the relationship of the principle of FPIC to the 2012 FPIC Guidelines using again the rating scale that the researchers have devised (Refer to the “total” column in Table 3). The first three guidelines obtained a mean value of 3 – this corresponds to *satisfied* according to the rating scale. The fourth and fifth guidelines obtained a mean value of 2.66 – this value cannot be found in the rating scale however, the mean can be rounded up to three significant digits “to avoid an appearance of pseudo-precision” (Gertsman, 2006), rounding the mean value of 2.66, we now have a mean value of 3 – which corresponds to *satisfied*. In general, the 2012 FPIC guidelines were able to satisfy or encompass the principle of FPIC based on the testimonies made by the IPs.

Conclusion

Based on data gathered, the IPs do not have a precise definition of consent. Instead, the IPs provided various components of their own understanding of consent. As interpreted, these components were further categorized into consensus-building, local synonyms, actors, and assurance. The categorization was necessary to narrow down the components identified by the IPs. For the IPs, consensus-building means that everyone should be involved in the process of acquiring their consent, wherein consent is translated into local term, “*pahintulot*” (consent). The COHECO as an actor plays the most important role while the assurance is determined by the memorandum of agreement in the entire process.

The NCIP provides the guidelines for the acquisition of consent from the IPs. However even if the guidelines were satisfied there is still no assurance of the IPs consent for the proponents. The decision would still rely on how the IPs understand the 2012 FPIC guidelines and on how consent was defined by them. In the case of the COHECO project, the researchers established in the rating scale that the principle of FPIC was well incorporated in the 2012 FPIC Guidelines. The consent of the IPs was obtained based on their own understanding and the 2012 FPIC guidelines was followed by the NCIP. Therefore we can conclude that the NCIP Region 1, Sudipen is effective in fulfilling its mandate to protect the welfare of the IPs through the implementation of the 2012 FPIC Guidelines in the COHECO project situated in *barangay* Lettac Sur and Mangan Santol, La Union.

Recommendations

In terms of policy, the IPRA and the NCIP Administrative Order No. 3 Series of 2012, namely, “The Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes of 2012” need no revisions because it is able to observe the contents and concepts of the FPIC principle. However, this particular finding was observed solely on the case of the COHECO Project with regard to the construction of transmission lines in Santol, La Union. The researchers recommend a monitoring and evaluation scheme for the NCIP to ensure that the policy stated above be effectively implemented. As there is no present body supervising the agency, this may require an overseer pursuant to the verification of the effectiveness of NCIP. Policies regarding developmental support of the IP communities shall be formulated to resolve the concerns of the IPs. The IPs should be given the opportunity to strengthen their culture as well as their traditions. Further studies on new cases of IP ancestral domain usage would help add to the database of existing contracts between IP communities and project proponents.

Case studies and research about the IP communities in the whole country are highly recommended for extensive knowledge. As a result, this shall also help in increasing awareness about other ancestral domains which may be affected by future projects set by the proponents. In theory, FPIC remains to be an effective and efficient tool in maintaining the rights of IPs in protecting land rights. The 2012 FPIC Guidelines shall be continuously implemented and followed along with the compliance of project proponents and the participation of the meetings of

the IPs (i.e., IECs). Increased awareness and active participation shall translate to a better implementation of the guidelines.

Bibliography

BOOKS

Balawag, Grace, Motin Borromeo, Regala, Ma. Elena. (2010). *Philippine Indigenous Peoples and Protected Areas*. Baguio city Philippines. Tebtebba Foundation

Bautista, V. (1998). *Research and Public Management*. Quezon City: UP Open University

Carino, Joji, Regapala Ma. Elena, & Chaves Raymond.(2010). *Asserting Land Rights*. Baguio city, Philippines. Tebtebba Foundation, Valley Printing Specialist.

Community-Based Monitoring System International Network. (2012).

Doyle, C. (2015). *Indigenous Peoples, Title to Territory, Rights and Resources: The Transformative role of Free Prior and Informed Consent*. Routledge. Retrieved from https://books.google.com.ph/books?id=spOLBQAAQBAJ&pg=PT377&lpg=PT377&dq=consent+and+point+of+view+indigenous+peoples&source=bl&ots=0Qa6TZgWfX&sig=tduMYF5k9qYWcVR_BMaKoLs6O4&hl=en&sa=X&ved=0CDsQ6AEwBmoVChMI_qTJ9tzEyAIVUUuOCh2v1QxA#v=onepage&q&f=false

JOURNALS

Arquiza, Y. (2007). *The Road to Empowerment - Strengthening the Indigenous Peoples' Rights Act: Volume 1*. Retrieved from International Labor Organization:

http://www.ilo.org/wcmsp5/groups/public/---ed_norm_normes/documents/publication/wcms_100819.pdf

Belton, K. A. (2010). From Cyberspace to Offline Communities: Indigenous Peoples and Global Connectivity. *Alternatives*, 35(3), 193-215. Retrieved from

<http://search.proquest.com/docview/848231551?accountid=47253>.

Bijoy C.R. (1993). Emergence of the Submerged: Indigenous People at UN. Available from

<http://www.jstor.org/stable/4399895>.

Butzier, S. R., & Stevenson, S. M. (2014). Indigenous peoples' rights to sacred sites and traditional cultural properties and the role of consultation and free, prior and informed

- consent. *Journal of Energy & Natural Resources Law*, 32(3), 297-334. Retrieved from <http://search.proquest.com/docview/1568734428?accountid=47253>.
- Cariño, J. (2005). Indigenous People's Right to Free, Prior, Informed Consent: Reflections on Concepts and Practice. <http://heinonline.org/HOL/Page?handle=hein.journals/ajicl22&div=9&sent=1&collection=journals>.
- Cariño, J.K. (2012). Country Technical Notes on Indigenous Peoples' Issues. Retrieved from: <http://www.ifad.org/english/indigenous/pub/documents/tnotes/philippines.pdf>.
- Chao, S. & Colchester M. (2012) Respecting free, prior and informed consent. Retrieved from: <http://www.fao.org/3/a-i3496e.pdf>.
- Dekdeken, S. K., & Carino, J. K. (2015). *The Indigenous World*. Retrieved from International Work Group for Indigenous Affairs: http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2015/Philippines_IW_2015_web.pdf
- Fidel, R. (1984). *The Case Study Method: A Case Study*. Graduate School of Library And Information Science: University of Washington. Seattle, Washington.
- Gallaudet University. (2010, April). Instructions: Developing a Scoring Criteria (Rubrics). Retrieved from Gallaudet University: Connect, Discover, Influence: [https://www.gallaudet.edu/office-of-academic-quality/assessment-office/assessment-of-student-learning-outcomes/the-hows-and-examples/developing-a-scoring-criteria-\(rubrics\).html#basic](https://www.gallaudet.edu/office-of-academic-quality/assessment-office/assessment-of-student-learning-outcomes/the-hows-and-examples/developing-a-scoring-criteria-(rubrics).html#basic)
- Gertsman, B. (2006). Summary Statistics. Retrieved from San Jose State University: <http://www.sjsu.edu/faculty/gerstman/StatPrimer/sumstats.pdf>
- Hanna P. & Vanclay F. (2013) Human rights, Indigenous peoples and the concept of Free, Prior and Informed Consent, Impact Assessment and Project Appraisal. <http://dx.doi.org/10.1080/14615517.2013.780373>.
- MacKay, Fergus (2004). Indigenous People's Right to Free Prior and Informed Consent and the World Bank's Extractive Industries Review. <http://heinonline.org/HOL/Page?handle=hein.journals/sdlp4&div=28&sent=1&collection=journals>.
- Malayang III, B. (2001). Tenure Rights and Ancestral Domains in the Philippines: A Study of the Roots of Conflict. *Bijdragen tot de Taal-, Land- en Volkenkunde*, 157(3), 661-676.

Retrieved from <http://www.jstor.org/stable/27865768>

Mack N, Woodson C, MacQueen, K, Guest G, and Namey E. (2011). *Qualitative Research*

Methods: A Data Collector's Field Guide. Retrieved from

<http://www.fhi360.org/sites/default/files/media/documents/Qualitative%20Research>

[%20Methods%20-%20A%20Data%20Collector's%20Field%20Guide.pdf](http://www.fhi360.org/sites/default/files/media/documents/Qualitative%20Research%20Methods%20-%20A%20Data%20Collector's%20Field%20Guide.pdf)

MacKay, F. (2004). Indigenous People's Right to Free, Prior and Informed Consent and the World Bank's Extractive Industries Review. *Sustainable Development Law and Policy Vol IV*, 43-65.

Mendez-Shannon, E. (2010). We will always be in the shadows - a qualitative descriptive study of undocumented Latino immigrants surviving in the United States. PhD (Doctor of Philosophy) thesis, University of Iowa. Retrieved from <http://ir.uiowa.edu/etd/555>.

Molintas, J. M. (2004). *The Philippine Indigenous Peoples' Struggle for Land and Life: Challenging Legal Texts*. Retrieved from Arizona Journal of International & Comparative Law: <http://www.arizonajournal.org/ajicl/archive/AJICL2004/vol211/Molintas.pdf>

Prill-Brett, J. (1994). Indigenous Land Rights and Legal Pluralism among Philippine Highlanders. *Law and Society Review*, 28(3), 687-698. Retrieved from <http://www.jstor.org/stable/3054089>

Quane, H. (2005). The Rights of Indigenous Peoples and the Development Process. *Human Rights Quarterly*, 27(2), 652-682. Retrieved from <http://www.jstor.org/stable/20069800>

Rosenthal, J. P. (2006). Politics, Culture, and Governance in the Development of Prior Informed Consent in Indigenous Communities. *Current Anthropology*, 47(1), 119-142. <http://doi.org/10.1086/497670>.

Schell, C. (1992). *The Value of a Case Study as a Research Study*. Manchester Business School. Manchester, England.

Tamang, Parshuram (2005). *An Overview of the Principle of Free, Prior and Informed Consent and Indigenous Peoples in International and Domestic Law and Practices*. Unpublished. United Nations.

University of South Alabama. (2016). Chapter 6 Methods of Data Collection. Retrieved from University of South Alabama:

<http://www.southalabama.edu/coe/bset/johnson/lectures/lec6.htm>

US Department of Defense (2009). International Cooperative Research, Development and Acquisition, 31-32. Retrieved from

https://books.google.com.ph/books?id=b_uTCgAAQBAJ&pg=PA32&dq=definition+of+memorandum+of+agreement&hl=en&sa=X&redir_esc=y#v=onepage&q=definition%20of%20memorandum%20of%20agreement&f=false

Ward, T. (2011). The Right to Free, Prior, and Informed Consent: Indigenous Peoples'

Participation Rights within International Law. *Northwestern Journal of International Human Rights*, 10(2), 54-84. Retrieved from

http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1125&context=nji_hr

Wetzlmaier, M. (2012). *Cultural Impacts of Mining in Indigenous Peoples' Ancestral Domains in the Philippines*. *ASEAS- Austrian Journal of South-East Asian Studies*, 5(2), 335-344.

Retrieved from http://www.seas.at/aseas/5_2/ASEAS_5_2_A9.pdf

THESES/DISSERTATIONS

Co, R. (2008). *Free, Prior and Informed Consent (FPIC): does it give indigenous peoples more control over development of their lands in the Philippines?* Retrieved from Academia:

https://www.academia.edu/2801647/Free_Prior_and_Informed_Consent_FPIC_does_it_give_indigenous_peoples_more_control_over_development_of_their_lands_in_the_Philippines

Lehr, Amy K. & Smith, Grace. (unpublished). *Implementing a Corporate Free, Prior and Informed Consent Policy: Benefits and Challenges*. Retrieved from

http://s3.amazonaws.com/isuma.attachments/implementing_a_corporate_free_prior_and_informed_consent_policy_benefits_and_challenges_0710.pdf

OTHER ONLINE SOURCES

_____. n.d. *Conceptual Framework*. Tulane University. Retrieved from:

<http://www.tulane.edu/~sfps/conceptu.htm>.

- _____. *Definition of Indigenous Peoples*. (2015, September 25). Retrieved from Netherlands Centre for Indigenous Peoples: <http://indigenuspeoples.nl/indigenous-peoples/definition-indigenous>
- _____. *Free, Prior and Informed Consent of Indigenous Peoples*. 2013. Retrieved September 15, 2015, from <http://www.ohchr.org/Documents/Issues/IPeoples/FreePriorandInformedConsent.pdf>
- _____. *Guidelines on Free, Prior and Informed Consent*. (2013). Retrieved September 15, 2015, from http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=8717&Itemid=53
- _____. *IBALOI*. (2015). Retrieved from Intercontinental cry: <https://intercontinentalcry.org/indigenouspeoples/ibaloi/>
- Alternative Law Groups Inc (ALG), et. al. (2009). *Submission to the Committee on the Elimination of all forms of Racial Discrimination: Philippines Indigenous Peoples ICERD Shadow Report for the consolidated fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth Philippine ICERD periodic reports*. Retrieved from United Nations Human Rights Office of the High Commissioner: http://www2.ohchr.org/english/bodies/cerd/docs/ngos/PIP_Philippines75.pdf
- Assessing Free and Prior Informed Consent (FPIC) implementation in the Philippines. (2013). *A policy brief*, 1-58. (2013). *Free Prior and Informed Consent in the Philippines: Regulations and Realities*. www.oxfamamerica.org: Oxfam America Briefing Paper.
- Brockington Dan & Schmidt-Soltau, Kai. (unpublished). *Protected Areas and Resettlement: What Scope for Voluntary Relocation*. Retrieved from http://ac.els-cdn.com/S0305750X07001441/1-s2.0-S0305750X07001441-main.pdf?_tid=b8f3ae36-5c0d-11e5-9925-00000aacb360&acdnat=1442365151_c88af361aae0ae75b5510954096d09d9
- Calde, N., Ciencia Jr., A., & Rovillos, R. (2013). *An assessment of the implementation of the Free and Prior Informed Consent (FPIC) in the Philippines*. Manila, Philippines: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.
- Cordillera Peoples Alliance. (2004). *Who we are?* Retrieved from Cordillera Peoples Alliance: In

Defense of Ancestral Domain and for Self Determination:

<http://www.cpaphils.org/about1.php>

Daytec-Yañgot, C. (n.d.). *FPIC: A Shield or Threat to Indigenous Peoples' Rights?*. Retrieved from Indigenous Peoples Foundation for Education and Environment: http://www.thaiips.org/Documents/FPIC_philippines.pdf.

Eliot & Associates. (2005). *Guidelines for Conducting a Focus Group*. Retrieved from <https://assessment.trinity.duke.edu/documents/How to Conduct a Focus Group.pdf>

Forster, M. The University of Chicago. (n.d.). *Hermeneutics*. Retrieved from Division of the Humanities, The Department of Philosophy: <http://philosophy.uchicago.edu/faculty/files/forster/HERM.pdf>

Gariguez, E. A. (2010). *Community Perspective on FPIC: Philippine Experience*. Retrieved from WorldBank: https://docs.google.com/spreadsheets/d/1fde4BKdQrEvokGVXnDzAmaeWI7_adMDFncKLUdGTgQ/edit#gid=0

Ermie, W, Sinclair R., and Jeffer B. (2004). *The Ethics of Research Involving Indigenous Peoples*. Indigenous Peoples' Health Research Centre. Retrieved from http://ahrnets.ca/files/2010/05/ethics_review_iphrc.pdf

Gallaudet University. (2010, April). Instructions: Developing a Scoring Criteria (Rubrics). Retrieved from Gallaudet University: Connect, Discover, Influence: [https://www.gallaudet.edu/office-of-academic-quality/assessment-office/assessment-of-student-learning-outcomes/the-hows-and-examples/developing-a-scoring-criteria-\(rubrics\).html#basic](https://www.gallaudet.edu/office-of-academic-quality/assessment-office/assessment-of-student-learning-outcomes/the-hows-and-examples/developing-a-scoring-criteria-(rubrics).html#basic)

German Cooperation (n.d). Enhancing National Policy Guidelines on Land Use and Development Planning for Indigenous Peoples (2011-2014). Retrieved from <http://coseram.caraga.dilg.gov.ph/about/achievements-success-stories/story-4/>

Kettle N. (2002). *Informed Consent: Its Origins, Purpose, Problems, and Limits*. University of South Florida. Retrieved from <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=2522&context=etd>

Kohnstamm J. (2011). Opinion 15/2011 on the definition of consent. Working Party. Retrieved from http://ec.europa.eu/justice/policies/privacy/docs/wpdocs/2011/wp187_en.pdf

- Magno, C., & Gatmaytan, D. (2013). *Free Prior and Informed Consent in the Philippines: Regulations and Realities*. www.oxfamamerica.org: Oxfam America Briefing Paper.
- Krippendorff, K. (2004). *Content Analysis: An Introduction to Its Methodology*. University of Pennsylvania. SAGE Publications, Inc.
- Manchester Metropolitan University. (n.d.). *Data Analysis Figures*. Retrieved from Online Research Methods Source for Teachers and Trainers:
http://www.celt.mmu.ac.uk/researchmethods/Modules/Data_analysis/
- Mayo-Anda, G., Cagatulla, L., & La Viña, A. (2006). Is the Concept of “Free and Prior Informed Consent” Effective as a Legal and Governance Tool to Ensure Equity among Indigenous Peoples? (A Case Study on the Experience of the Tagbanua on Free Prior Informed Consent, Coron Island, Palawan, Philippines). *Survival of the Commons: Mounting Challenges and New Realities, the Eleventh Conference of the International Association for the Study of Common Property*, 1-26.
- Minde, H. Indigenous Peoples: Self-determination, Knowledge, Indigeneity (2008). Retrieved from
<https://books.google.com.ph/books?id=aVJyN5ZAHeUC&pg=PA237&dq=why+do+we+need+to+strengthen+the+indigenous+people&hl=en&sa=X&ved=0ahUKEwijnO--7OLMAhXBNY8KHZYEAATcQ6AEIGjAA#v=onepage&q=why%20do%20we%20need%20to%20strengthen%20the%20indigenous%20people&f=false>
- Palys, T. (2008). Purposive sampling. In L. M. Given (Ed.) *The Sage Encyclopedia of Qualitative Research Methods*. (Vol.2). Sage: Los Angeles, pp. 697-8. Retrieved from
<http://www.sfu.ca/~palys/Purposive%20sampling.pdf>
- Portalewska, A. *Free, Prior and Informed Consent: Protecting Indigenous Peoples' rights to self determination, participation, and decision-making*. Retrieved from
<http://www.culturalsurvival.org/publications/cultural-survival-quarterly/free-prior-and-informed-consent-protecting-indigenous#dexpcarousel>
- Schmitt. (2005). *Systematic Metaphor Analysis as a Method of Qualitative Research*. Retrieved from Nova Southeastern University: <http://www.nova.edu/ssss/QR/QR10-2/schmitt.pdf>
- Sosa, I. (2011). *License to Operate: Indigenous Relations and Free Prior and Informed*

- Consent in the Mining Industry*. Sustainalytics Retrieved from http://www.sustainalytics.com/sites/default/files/indigenouspeople_fpic_final.pdf
- Perspective*. United States Institute of Peace (USIP). Retrieved from <http://www.usip.org>
- Chambliss, D. and Schut R. (2010). *Making Sense of the Social World: Methods of Investigation*. Thousand Oaks, CA: PineForge Press. Retrieved from [usip.org/sites/default/files/sr151.pdf](http://www.usip.org/sites/default/files/sr151.pdf)
- Tebtebba. (n.d.). *Ethnographic Research Methods*. Retrieved from Tebtebba: Indigenous Peoples' International Centre for Policy Research and Education: <https://www.google.com.ph/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&cad=rja&uact=8&ved=0ahUKEwit-N-x65LLAhUEpJQKHWJMDu8QFgg7MAU&url=http%3A%2F%2Fwww.tebtebba.org%2Findex.php%2Fall-resources%2Fcategory%2F108-day-5%3Fdownload%3D805%3Aethnographic-research-me>
- The Canadian Institute of Research, Natural Sciences and Engineering Research Council of Canada, Social Sciences and Humanities Research Council of Canada. (2014). *Ethical Conduct for Research Involving Humans*. Retrieved from http://www.pre.ethics.gc.ca/pdf/eng/tcps2-2014/TCPS_2_FINAL_Web.pdf
- The University of Vermont. (n.d.). *Semiotic Terminology*. Retrieved from The University of Vermont: http://www.uvm.edu/~tstreete/semiotics_and_ads/terminology.html
- Tongco, M. (2007). Purposive Sampling as a Tool for Informant Selection. Retrieved from <https://www.google.com.ph/search?q=purposive+sampling+as+a+tool+for+informant+selection&oeq=Purposive+Sampling+as+a+Tool+for+Informant+Selection&aqs=chrome.69l69j7&sourceid=chrome&ie=UTF-8>
- Tuminez, Astrid (2005). *United States Institute of Peace: Ancestral Domain in Comparative*
- Suminguit, Vel J. and Burton, Erlinda (N.D) *A Study on Ancestral Domain Recognition and Management Within and Around*. ICRAF SE-Asia. Retrieved from <http://www.worldagroforestry.org/sea/Publications/files/workingpaper/WP0036-04.pdf>
- *(working paper No.18 by ICRAF SE-Asia)
- University of Manitoba. (n.d.). *Method and Theory in Cultural Anthropology*. Retrieved from University of Manitoba: _

<https://www.umanitoba.ca/faculties/arts/anthropology/courses/122/module1/methods.html>

Zvobgo, T. (2012) Free, Prior, and Informed Consent: Implications for Transnational Enterprises. *Sustainable Development Law & Policy*, 13(1), 37. Retrieved from <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1526&context=sdp>