

# Boundaries and Pathways: Indigenous Identities, Ancestral Domain, and Forest Use in Palawan, the Philippines

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Indigenous people, their allies, and states have increasingly centered their struggles over rights and resources on the issue of boundaries -- boundaries of territory and boundaries of identity.<sup>1</sup> Boundaries can be seen as representing social relationships, which as such, establish distinctions among categories of people; they may do so on *spatial*, or territorial, grounds (this place is ours, not yours), or in terms of *social* groups (this is “us”, not “you”). The establishment or reinforcement of these boundaries is frequently the political solution sought by indigenous groups and also the way governments frame their policies. In recent years advocates have asserted that these policies serve the additional (if not primary) purpose of guaranteeing environmental protection over land thus demarcated to designated indigenous stewards. This study finds, however, that in the case of one such policy and one Philippine indigenous community, such “boundaries” proved less decisive than “pathways”, i.e., boundary-crossing relationships. If boundaries represent social relations of inclusion and exclusion from group membership and access to resources, pathways indicate social relations of access and exchange. This study seeks to understand how local responses to changing macro political-economic factors, in particular migration, markets, and state interventions, transform these boundary and pathway relations, and thereby resource use patterns and the environment they shape.

The case study that forms the heart of this study is set in Kayasan, an “indigenous cultural community” of Batak and Tagbanua people living amidst the rain forests on the Philippine island province of Palawan. Here, as elsewhere, growing numbers of migrants are encroaching upon the territory of “tribal” residents, whose livelihood has historically been based on shifting cultivation, hunting, gathering and trade in forest products.<sup>2</sup> They

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<sup>1</sup> This paper is drawn from McDermott (2000), the author’s Ph.D. dissertation, which can be consulted for more extensive argumentation and evidence.

<sup>2</sup> There are two major commercial forest products harvested in Kayasan today: rattan and almaciga resin. The former are woody, climbing palms (mostly *Calamus spp.*) from which cane products are derived. The latter is also known as Manila copal, from *Agathis celebica* (Koord.)Bl. (also referred to as *Agathis philippinensis* Warb. (Callo

have attempted to defend these boundaries against migrant penetration, in part by making alliances with non-governmental organizations to invite the further incursion of state control. In particular, this community sought and obtained a government -issued Certificate of Ancestral Domain Claim (CADC). This recently established tenurial instrument grants indigenous communities conditional rights over land and resources. The beneficiaries must map the boundaries of their claim and demonstrate they have lived within them since “time immemorial.” Thus, indigenous residents are changing the meaning of boundaries by engaging in the politics of identity, in order, among other things, to formalize the formerly fluid boundaries of their territory.

The policy on ancestral domains shares certain foundational premises with many other policies not only concerning indigenous peoples but “community-based resource management” more broadly. These policies either assume the pre-existence or else aim to institute many of the features associated with long-lasting common property regimes (e.g., Ostrom 1990): clear territorial boundaries controlled by a community of bounded membership that manages resources according to rules governing access, use, and rule-formation.

In fact, what transpired in Kayasan demonstrates that, at least in this instance, territorial boundaries were not historically fixed, singular, linear, or impermeable, and are not congruent with boundaries of membership in a resident community of place. In contrast, access to resources rests on a broader and more diffuse basis of membership in a social identity -- for which in this case a territorial link could be said to apply, but on a much larger *scale*. Of even greater significance, the events which followed the award of the CADC demonstrated that pathways may be more important than fences. Thus, if boundary relations change, but other, cross-cutting social relationships of power and control do not, then the latter may prove decisive for patterns of resource access and use and their environmental and social consequences. Critically, in Kayasan debt relations are punching holes in the state-certified territorial and cultural boundaries, through which migrants are pouring in and commodified forest products and profits are flowing out. Hence, while boundaries mediate the effect of translocal factors of change on resource use practices, boundary-based instruments fail to address other social relations of access to resources, in particular to financial and political capital. However, the process of struggle itself, together with the pathways of alliance with non-governmental organizations it has developed, are strengthening the boundaries of indigenous identity and with it the capacity to defend territorial boundaries, exploit commercial pathways, and, potentially, to build coalitions to pursue deeper structural reform.

### ***Theoretical Orientation***

At its broadest level, the purpose of this study is to understand how rural localities resist, adapt, and contribute to changing political-economic processes, and how these responses shape natural resource use and thereby the local environment. The scope and objectives of the investigation thus place it among others employing a political ecology approach. Within this broad framework, my theoretical orientation identifies social relations of resource access and control as the key factors mediating local responses to political and economic pressure and opportunities. I classify these relations into two categories: boundaries (or relations of inclusion and exclusion) and pathways (or

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1995) and *Agathis dammara* (Lambert) L. C. Rich (Connelly 1985)). In addition, honey, wild boar, wild fruits, and orchids are sometimes sold.

transboundary relations of access and exchange). This perspective reveals important tensions along two conceptual dimensions -- which policy-makers generally miss. First, a focus on boundaries neglects the salience of cross-cutting pathway relationships. Second is the tension between spatial and (other) social boundary relations, i.e., between territory and identity. The emergence of “identity” as a key relationship adds complexity to the argument, for while resource access and control are also implicated in identity-formation, identity (like all social relations) is about more than that. These issues prove critical to understanding the dynamics of the case at hand: struggles over “ancestral” (invoking identity) “domain” (claiming territory) in the Philippine rain forest in the context of cross-boundary pressure for land settlement, extractive trade, and political advantage.

I argue that, in general, the degree of local success in enforcing boundaries is related to the balance between external pressures and opportunities, perceptions of their legitimacy, the strength of local identity and capacities, and the extent to which pathways of access, exchange, alliance and influence reinforce or undermine these factors. In the case of the forest-dwelling community of Kayasan and its ancestral domain claim, we find that pressures from migration, the market, and the state, in the presence of opportunities provided by state policies and NGO alliances, catalyzed the local assertion of boundaries to regulate access to land and resources. The strategic assertion of an emerging pan-tribal identity undergirded the legitimacy of exclusionary claims to resources within territorial boundaries. At the same time, as I will contend, this identity strengthened local capacities for boundary control and negotiation that developed in the process of struggle. However, enforcing boundaries alone is not sufficient to transform local conditions. Government policy, extralocal alliances, and/or local capacity must also address gaps and asymmetries in pathways of resource access, exchange, and influence in order to enable local control of access to natural resources, the conditions of their use and, thus their environmental distribution, diversity, and quality.

## ***Conceptual Tools***

### **Boundaries**

The circumstances which drew me to the case study site screamed “boundaries”! When I arrived there, the people of Kayasan were seeking to take advantage of a new policy of the Philippine government which promised to grant limited rights to its “indigenous” citizens by means of demarcating boundaries on maps and landscapes. By making claims to bounded territories dependent on the assertion of membership in bounded “indigenous cultural communities,” this policy immediately highlighted the simultaneously spatial, social, and symbolic nature of such boundaries and raised the critical issue of identity. The definition of indigenous rights in territorial terms points to the interrelation, the disjunctures, and the resulting tension between boundaries of territory and identity. My search to understand why this ancestral domain policy at least initially failed to enable locally-desired change led me to develop the idea of “pathways,” or boundary-crossing relationships of access and exchange.

Having identified boundaries as important, one is led to ask: What *kinds* of boundaries are involved? How do they arise? What do they contain? What do they exclude and fail to exclude and how? What leads people to define and/or defend boundaries? Under what conditions do they do so successfully? What do boundaries *mean* (how are they interpreted)? How and whom do they empower and disempower?

I find a range of possible answers. Boundaries on landscapes may be visible to all, as in the cases of fences. Or, they may be visible to only a few, as when marked by features of landscapes the significance of which is known only to an in-group. Such boundaries may exist only as observed in practice, or they may persist in narrative and memory, even if unreflected in practice. Spatial boundaries might even be invisible to everyone, as with geometric coordinates not yet located on the ground. Territorial boundaries may be linear and precise, or diffuse and discontinuous. Boundaries delineating social groups may be public or private, formal or informal, open and inclusive or closed and exclusive, comprehensive or situational. Both territorial and social-group boundaries may vary from singular to multiple, discrete to overlapping, permanent to fluid and unstable, vague and ambiguous to clear. The land, resources, and people they contain may be heterogeneous or homogenous.

Boundaries of territories or of social groups may arise through a gradual evolution in practice or may be introduced at one moment; they may be *de facto* or *de jure*; they may be imposed by an external power or a local faction in power, or may be adopted by agreement or vote. Boundaries may be maintained by custom, ritual, consensus and/or coercion. They may be more or less permeable -- by design or by effect. They may be intended to exclude all or only certain people, uses, exchange or ideas, at all or only certain times. Boundaries may be established and defended to counter threats or competition, to preserve advantages, and/or to consolidate and maintain distinctiveness. Their success will depend on degree of isolation, homogeneity, social cohesion and capacity, and the relative strength of internal, supportive vs. external, destructive forces. Boundaries may mean different things to the included/enclosed and the excluded/external, or to different fractions within the bounded group. They may be entirely invisible to some and full of meaning and importance to others. They may empower insiders and disempower outsiders or *vice versa*.

Among these themes, the interrelation of spatial, social-group, and symbolic boundaries is particularly germane to this account. The case under study involves all three dimensions of boundaries... four, if time is also taken into account. In this case, a local group sought state guarantees of exclusive access to resources within a bounded local territory, on the basis of claims to a distinct social boundary (identity) in historical association with that territory. They expected that state recognition of the boundary (in the form of a "Certificate of Ancestral Domain Claim") would confer symbolic meaning that would mobilize state power to exclude competing claimants to these resources.

Claims to identity (membership within social group boundaries) and territory (area within geographic boundaries) can thus be mutually constitutive. Access or lack of access across territorial boundaries is often determined by social group membership. The self-identification of members and the distinctiveness of social groups may be tied to historical association with a bounded territory. In a given instance, territorial and social-group boundaries may be homologous (as the ancestral domain policy asserts); more likely (as much blood recently shed attests), the people occupying the same space may not all belong to the same social group, and group members may not all be encompassed within that space.

### Territorialization

Something is territorialized when it is located on the landscape -- for the first time or in a new way. In addition, territorialization involves a superior power (usually the state) "excluding or including people within particular geographic boundaries, and... controlling

what people do and their access to natural resources within those boundaries” (Vandergeest and Peluso 1995). While local people may resist or accommodate the state’s territorializing moves, in some cases, citizens may seek them out, as when they demand state guarantees for land rights (*ibid*). The latter circumstance characterizes this case study: the Certificate of Ancestral Domain Claim is a strategy of state-designed territorialization which was actively sought after by certain local groups.

Boundary control is the key to the state’s territorialization strategy: “[b]y controlling access to a territory through boundary restrictions, the content of a territory can be manipulated and its character designed” (Taylor 1994: 151). Certain boundaries thus become state-authorized modalities of resource control. Territorialization involves classification by area, communication of and by boundaries, and enforcement (Thongchai 1994: 16, Vandergeest and Peluso 1995). The boundaries may be differentially permeable. They may be designed to exclude certain kinds of movement and access (or pathways) and permit others; alternatively, ineffective or deliberately selective enforcement may in practice allow certain kinds of leakage.

Boundaries become formal, relatively linear, and usually singular when they are recognized, sanctioned, or enforced by non-local parties, usually states. When this happens, social relations change and with them the meaning of boundaries, as they become relatively fixed in location and less, or more selectively, permeable. It becomes an empirical question in each instance how this is achieved and enforced, and what are the particular channels of resource access (pathways) which are cut off by the boundaries and which remain open, and to whom. With respect to these movements, note that the practical repercussions of boundary formalization may not in fact conform to the formal representation of the boundary. What may be institutionalized in practice may reflect the violation of the formal boundary as much as its observance (e.g., flows of illegal labor across international borders).

Mapping is a key technology for the formalization of boundaries. Indeed, ever since the era of European exploration and colonization, maps have served as key instruments for the extension of state power. Maps have helped realize states’ territorializing aims by formalizing boundaries (Anderson 1991 [1983], Thongchai 1995, Vandergeest and Peluso 1995). Scott (1998: 1) has argued that maps (together with the census, forest policy, and other technologies of state power) have aided the states’ efforts at sedentarizing and controlling “the people who move around,” such as the shifting cultivators and forest peoples featured in this investigation. Maps achieve this end not just by codifying (or ignoring) knowledge about spatial practices, for once generated, a map backed by state power shapes, or even creates, “spatial reality”, by serving as “a model for, rather than a model of, what it purport[s] to represent” (Thongchai 1995:130). In particular, because “boundary lines are indispensable” for a modern map to exist, the map presupposes their existence (*ibid*: 56).

Peluso (1995: 383) has shown that while maps have long been employed by states as tools to increase control over natural resources by excluding people, local people have responded by “counter-mapping” efforts of their own. However, by delineating their claims on maps, they often represent them as singular, fixed, and territorial, rather than reflecting their customary basis in more fluid relationships of access to resources (usually as opposed to the land itself) (*ibid*: 388, 400). This process of mapping and thereby simplifying and transforming “customary” claims to resources, is occurring in the Philippines through the medium of the Certificate of Ancestral Domain Claim (a hybrid of locally-initiated “counter-mapping” and state-dominated boundary-formalization). As in

the cases Peluso documents, the case study initiative involves the use of advanced mapping technology (the Global Positioning System), which shifts power relations in other ways by necessitating financial and technical assistance from outside groups (NGOs). Moreover, the consequences of using this GPS technology provide a particularly graphic example of how flexible, multi-dimensional, relational and locally-referenced boundaries are transfigured in form and made formal, rigid, permanent, visible, and surveillable as a result of their fixation on a global spatial grid. Thus, in the process of resistance, in some respects the project of territorialization is further advanced.

### Identity

“Identity” did not originally feature as a theme in this research. I found that it emerged as a key element in understanding the ways in which local people represented themselves and their situation, made claims to resources, struck up alliances with external groups, and, arguably, persisted in currently “uneconomic” forms of livelihood. Moreover, given that this study deals with the land rights of “indigenous people,” questions of identity are necessarily brought to the fore. My purpose here is not to develop or critique theories of identity as such, but rather to explore connections between identity, territory, claims to resources, and the politics of indigeneity. Some theoretical groundwork is helpful in defining terms and setting the stage for research investigating “who does, and who does not, articulate their identity in ‘indigenous people’ terms, when, where, how, why and with what effects” (Li 2000).

I define identity as the relation of association determined by a claim to common membership in a social group whose boundaries are established through a process of ascription by group members and others.<sup>3</sup> In concrete terms, the boundaries of identity, or claims to social group membership, are delimited in a given context by how the members, and those with whom they interact, categorize themselves. Where and on what basis do they draw boundaries between “us” and “them”? Identity describes a set of social relations, relations which are developed and expressed through social practice, relative to context, and therefore always “in process.” These features suggest that one individual may participate in multiple identities (i.e., affiliate with different groups) in different situations and these that these identities will shift over time.

The view of ethnic identity as a given, primordial essence is particularly associated with the “tribe,” the quintessential bounded, timeless community. If this view is rejected in favor of the idea of identity as a differentiated, unstable historical construction, the question of agency (and “authenticity”) remains. Who is doing the constructing? Impersonal political and economic forces? The imagination of colonial powers or modern-day environmentalists? Or do individuals or groups make strategic choices to clothe themselves in particular ethnic garb, in order, for example to make resource claims based on indigenous status? Or is some combination of these factors at play, some intermediate possibility? How is indigenous identity (re)produced? As is true for the Philippines, there

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<sup>3</sup> Note that people may identify with groups which exclude them. The boundaries of membership, or belonging, may therefore be contested. Note also that use of identity emphasizes its *collective* rather than personal nature. If identity refers to *self*-perception, ascription (Barth 1969: 14), affiliation (Hollinger 1995: 7), or representation (Gupta and Ferguson 1997: 12, Hall 1989: 49), it logically must address the “sameness and continuity of the self across time and space” as well as sameness among aggregates of people (Rouse 1995: 357-8). For present purposes I have chosen to explore the group-based meaning, leaving aside the questions of why a particular individual associates with a particular group, or “the processes by which a sense of self-construction is shared with others” (Watts 1992: 123).

is abundant evidence for the ways in which the historical experience of certain rural groups under different colonial encounters marked them as “tribal,” such as physical isolation, relatively late contact by missionaries and state agents, unequal provision of services, and various state policies. These policies include the classification of populations in terms of invented census categories, the bestowal of differential rights based on these categories (e.g., for land ownership), the establishment of reservations, the negotiation of treaties, (re)settlement, the promotion of discourses of “backwardness,” and the criminalization of livelihood practices (e.g., shifting cultivation). These moves by colonial administrations were often designed to clear natural resource-rich areas in order to enable “development,” or resource extraction by corporations or other outsiders. Colonial states segregated other areas for the exclusive use of those making “allegedly primordial claims to particular territories” (Peluso and Harwell 2000), thus explicitly linking identity and territory.

Indigenous groups, however, have not just been passive subjects of dispossession and state manipulation. State-recognized and self-defined groups have, on the basis of their indigenous credentials, made demands on the state ranging from reparations for past wrongs to self-determination to exclusive access to territories and natural resources (see Barnes 1995, Howitt 1996, Wilmsen 1996, Peluso and Harwell 2001). In so doing, many groups are relying on categories into which states had classified them for particular purposes, often employing them for unintended ends of their own. Many of their battles are waged strategically, involving broad, even global, political alliances and media campaigns. Indeed, within the last decade or so NGOs and some academics have allied with indigenous groups to become “a new force in forging local identity,” joining environmental protection with democracy (or at least “participatory development”) as the goals of an international social movement for indigenous peoples’ rights (Peluso and Harwell 2001; see, e.g., Bebbington 1996, Parnwell 1996). Various accounts document instances in which the claims advanced by groups within this movement are based on “primordial discourses” that make problematic assertions about histories (Sharp 1996: 196), or are promoted by groups that have only recently presented themselves as “indigenous” (Li 2000).

In order to counter assertions that in such cases the mobilization of an “indigenous” identity is entirely instrumental and voluntary, it is not necessary, nor even helpful, to interrogate the authenticity of the particular claims being made.<sup>4</sup> Rather, the actual grounds of an indigenous, or any other, identity are formed, its boundaries are delineated, through engagement and struggle. Li (2000), drawing on Stuart Hall, “highlights the performative aspect of identity, the way in which all identities have to be seen as contingent and provisional accomplishments.” Identity doesn’t pre-exist social practices (the “performance”) and power relations, it emerges through their exercise. Identity is situational and, as such, responds to threat and opportunity; thus, rhetorical strategies and political alliances are part of what constitutes identity. The question then becomes when does indigeneity become a viable political identity and how does it emerge? Rather than consider indigeneity as a card to be played in “identity politics,” then, it is more meaningful to think of a “cultural politics of identity” in which identity is in part formed through the process of struggle in world of unequal power relations. Thus, identity politics produces

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<sup>4</sup> The point of course, is not to accept all claims at face value and refuse to research sensitive topics or weigh empirical evidence. I am merely suggesting that establishing or disproving “authenticity” is not a meaningful goal in itself. Moreover, legitimacy need not rest on authenticity. (More on this below.)

social difference, as much as the existence of identities, forms of social difference, inspires identity politics.

### **Pathways**

While the Philippine policy on ancestral domains inspired my initial concentration on “boundaries” research soon began to reveal that such a focus was insufficient to explain the outcomes I was observing. Why was this boundary-based instrument evidently failing to live up to its promise of excluding outsiders and providing for a locally-controlled, sustainable, forest-based economy and environment? What forms of social relations of access and control, the key explanatory factors I had identified, was I overlooking? What emerged as I sought answers to these questions was the concept of “pathways,” or boundary-crossing social relationships through which people participate in exchanges and gain access to resources. It soon became clear that boundary and pathway relations are not independent; rather, they exist in a dialectical relationship, each shaping the other. Boundaries can be seen as means of blocking particular pathways, or of selectively controlling the nature or rate of flows. It may be necessary to keep certain pathways open in order to gain access to the resources necessary to maintain boundaries against other cross-currents. Engaging in pathway relationships can modify the definition of “us” vs. “them,” and thus the location of social boundaries. Moreover, membership in a social group or location within territorial boundaries, rather than pathway relationships, may under some circumstances provide the grounds for legitimate or feasible access to resources.

In order to apply the concept of pathways, a number of case-specific questions must be addressed. What different kinds of pathways are involved? How did they arise, how are they maintained, and what causes them to dissipate? What boundaries can and can't they breach? Under what conditions do pathways reinforce or undermine boundaries?

Pathway relationships may be primarily one-way or two-way: defining the two poles of an exchange across social or territorial boundaries, or providing the means and/or legitimation enabling resource access (i.e., acquisition or use). They may be equitable or as relationships of power they may be controlled from one side or the other. Pathway relationships generally arise when one party is able to persuade or compel another to extract, exchange, or receive permission to obtain resources or assistance. Pathways are maintained, given their continued utility to at least one party, through repeated use, custom, investment, lack of options or compulsion. In addition, as typically multi-stranded social relationships, pathways may be maintained by symbolic or affective ties that are as significant as material interests. Pathways break down when they fail to deliver access (e.g., due to the loss of utility or exhaustion of resources), at least one party's interests are no longer served, power shifts enable one party to resist the other, trust is undermined, or alternative pathways prove more attractive. Pathways may permeate boundaries when they are permitted (e.g., boundaries may be intended to exclude settlement and not trade), or when the interests motivating them are either more persuasive or more forceful than the interests or capacities of the parties maintaining the boundaries to continue to do so. Alternatively, resources obtained through pathways may be employed in building up boundary defenses against attempted incursions along other pathways (e.g., political alliances may aid in efforts to exclude outsiders).

Defining pathways in relation to boundaries clarifies the nature of both. While always paired in particular instances, boundaries and pathways are driven by apparently

different motives. Through boundaries, people aim to include *x* and exclude *y*, to block pathway *a* and admit pathway *b*; they express motivations of consolidation and/or defense. Boundaries, like pathways, may be actively or passively maintained. They can appear to prevail because they are effectively enforced, or because they are unchallenged. Alternatively, a formal boundary (e.g., a line on a state-sanctioned map) can appear invisible in practice because it is overwhelmed by external pressures or because no one cares to enforce it. In contrast, through pathways people aim at access, movement, exchange, expansion. Pathways may enable substantial cross-boundary flows because of their intrinsic force or effectiveness, or because the lack of intent, interest, or capacity on the part of the boundary-maintaining parties.

My concept of pathways does not refer to relationships or exchanges within social group boundaries<sup>5</sup>; rather, it specifies associations across social or territorial divisions. Among the most important of these pathway relations are strategic alliances with externally-located groups, patron-client linkages, connections with agents of the state, and other forms of influence. “External” groups may seek out or be sought by “local” (intra-boundary) groups with complementary interests in order to form alliances; these pathway relationships endow the local group with new sources of influence. Examples of this sort of pathway include the relationships between non-governmental organizations and local communities in which certain local interests gain support through the NGOs’ abilities to raise funds, provide technical assistance, popularize causes, attract a network of additional supporters, and influence state officials and policies.

While alliances link groups and are generally voluntary, patronage ties are personal, inevitably asymmetrical, and sometimes coercive. Through pathways of alliance, patronage, and connections with the state, people can gain direct access to (or means of control over) resources. Relationships of influence may also provide indirect routes of access and control. By “influence” I mean the capacity to modify another’s behavior or perceptions either through persuasion, negotiation (exchange), or compulsion (power).<sup>6</sup> Thus, for example, local leaders’ connections with state agents reinforce their authority, and hence their local influence, by explicit or implicit legitimation of their position, and/or the potential to call on coercive police power. NGOs, trade associations, and the like wield their influence with higher levels of government to pass policies favorable to their interests. Influence may act at multiple levels to modify the implementation or enforcement of official policies in such a way as to furnish preferential access to or facilitate exchange of resources.

Trade relationships are another important form of pathway relations. One way of conceptualizing a trade pathway is as a “commodity chain” or a “series of relations [or]... interlinked exchanges through which a commodity and its constituents pass from extraction or harvesting through production to end use” (Ribot 1998: 307-8). Trade pathways are constituted by relationships of not only commodity exchange, but also access to capital and outstanding debt. The overlap between the various sorts of pathway relationships is significant: local producers (collectors) are often tied to middlemen in the trade through patron-client relations; patronage relationships are often cemented by debt bondage.

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<sup>5</sup>Intra-group relationships are many and various; they may figure as components of what I have characterized below as social capacity and cohesion (see section on “Local Dynamics” below). I wish to reserve pathways to refer exclusively to “cross-boundary” relationships.

<sup>6</sup> While pathways are often unequal power relationships, as a category they include reciprocal and mutually beneficial (or at least negotiated) relationships, not just relationships of domination.

In this case study we see how the pathways of trade in non-timber forest products and associated debt relations link indigenous collectors to a chain of middlemen, financiers, ultimately international buyers, and, thereby, the global political economy. Conceptually and practically linked to the social relationships which constitute pathways are the flows or movement they enable -- exchanges accomplished or resources acquired (i.e., the effects of access as practice, as *faits accomplis*). For example, trade relationships enable flows of commodities (forest products and consumer purchases), information (e.g., prices and buyers) and capital (including supplies (inputs), other investments, profit, credit, and debt). Allied at the next level of abstraction are the *processes* which promote pathway relationships, either by creating new ones or by enabling an increased volume or rate of movement along previously established channels. One of the key processes of this sort is commodification, which in Palawan is promoting an acceleration of trade in forest products, extending new pathways by creating a market in land, and transforming the local economy and social relationships.

The commodification of land promotes, but does not assure, its privatization. In theory, if land were to be completely commodified, it would take on private property form, with an individual owner free to sell at prices set in an open market. In many rural communities, however, practice blurs the theoretical distinction between private rights in land, “created by the guarantee that an individual can exclude others from the use or benefit of something”, and forms of communal property in which group members retain the right not to be excluded therefrom (MacPherson 1978: 5). On the one hand, while typically constrained by various kin-based claims and obligations, private rights to certain types of land may, as in Palawan, pre-exist commodification under “traditional” tenure systems. On the other hand, land can be commodified without being fully privatized, that is, without extinguishing all extra-market claims, ties, and modes of access. As we will find to be true in Kayasan, Berry (1993: 104) documents numerous African cases in which “the commercialization of land transactions has not led to the consolidation of land rights in forms of exclusive ... private property. Instead people’s ability to exercise claims to land remains closely linked to membership in social networks and participation in both formal and informal political processes.” Thus, far from being bounded isolates, most foraging and swiddening economies are dependent on, indeed partly constituted by, pathways of exchange and exploitation incorporating them in wider spheres of political economy.

### **Local social dynamics: cohesion and capacity**

I define social capacity as the ability of a social group to make collective decisions and carry out collective actions. As a dynamic feature of local social relations, forms of capacity are dependent on the nature of the social group in which it inheres, the objectives of their actions, and the context in which they operate. Social capacity, therefore, cannot be assessed without first specifying “capacity of whom, for what purposes, and under what conditions?” Much of the analysis of the present case focuses on structural features over which there is little local control, that is, on change in political-economic conditions, associated in particular with pathways of international trade, capital, and political influence. Local agency comes into play with respect to capacities for resistance, adaptation, and initiative. Specifically we are concerned with local capacities to establish and defend boundaries against external pressures and to pursue pathways of economic opportunity and political alliance. Mutable, these capacities reflect local histories; they may be forged (or lost) through struggle, or become irrelevant over time.

Examining social capacity clearly requires specifying the social purpose in question; the same qualities that facilitate action towards certain ends might undermine it in others. Although we may speculate about the characteristics of a group that enable it to act in a certain way, it is not necessary to identify them in order to account for capacity in action. I chose to limit social capacity to horizontal linkages, that is to features of the social group's internal relations. This definition, therefore, does not include cross-boundary networks, which I distinguish as "pathways," although they may well yield resources and experiences which help develop local capacity.

Horizontal ties can also be thought of as components of social cohesion. Cohesion refers to the density and strength of intra-group bonds, knit together by sanctions against deviance and perceptions of shared interests, values, commitments, and identity. Even where it may have internal strains or gaps, cohesion may be bolstered by external contexts of isolation and discrimination which reinforce social boundaries, or identity (Peterson 1991: 14). Although cohesion can serve as a component of social capacity, a highly cohesive group may nonetheless lack certain capacities. A cohesive social group will have clear social boundaries, but may not have the capacity, for example, to defend its territorial boundaries against certain forms of incursion. As Berry (1993: 166) notes, "the fact that a group of people share, even cultivate, a strong sense of collective identity does not mean they necessarily engage in collective action."

Nonetheless, under some circumstances, identity can function as a component of social capacity. Identity, as a form of boundary relations, can also be a form of capacity. It can serve as a resource that can be mobilized to modify or resist undesired change and external forces impinging on its boundaries or impeding its pathways. In addition, identity can provide the keys to pursuing collective opportunities and pathways of resource access and strategic alliance. As Sajor and Resurreccion (1998: 238) found in case studies of two upland Philippine indigenous communities, "The construction and preservation of ethnic identity is a form by which claims on resources are defended or asserted... This emergent identity, in turn, has become a critical consolidating and mobilizing element in the local people's assertion against the encroacher in the encounter."

### ***Palawan's Changing Political and Economic Context***

Palawan lies in the extreme southwest of the Philippines, only a hundred or so kilometers from Borneo. Kayasan is located a few kilometers inland from the northwest coast of Palawan island, which, at 425 km in length, is by far the largest of the roughly 1,800 islands comprising the province (see *Map 1*). Despite its geographic isolation from centers of power and population, markets, migration, and the action of states have long incorporated Palawan's inhabitants into wider political and economic circuits of power and exchange. Its indigenous peoples have collected forest products for regional trade networks extending at least to South China, beginning somewhere between the tenth and twelfth centuries (Hutterer 1977, Kress 1977, Eder 1987). While the first Spanish mission-forts were established in the late seventeenth century, the colonial state limited its activities to making Christians (mostly on the minor northern islands) and battling Muslims. When the United States established its colonial authority at the turn of the century, Palawan island was 90% forested and inhabited by just over 10,000 people. Driven by wider political, economic and demographic forces, migration of land-poor Filipinos to Palawan boomed after World War II, bringing the population of the main island to well over 600,000 by the onset of this research in 1995. Logging and settlement had by the same time left under half the forest cover standing in what is still billed as "the last frontier" of the Philippines.

Despite limited direct presence, the ultimate impact of the Spanish colonial state on the people of Palawan was profound. Spanish rule brought about the ethnic and spatial bifurcation of the Philippine population into a Christianized, nominally westernized majority residing in the lowlands, and a “non-Christian,” backwards, tribal minority originating in (or having retreated to) the uplands; this conception and related legal and administrative mechanisms were sustained by the American and post-colonial regimes (Scott 1982; Hirtz 1998). Spain transformed most lowlanders and all uplanders into squatters when it introduced the Regalian Doctrine, a legal framework in which all land and resources that the Crown has not privately granted or sold remains under its dominion. While the validity of this interpretation has been challenged by some legal authorities (see Royo 1988; Gatmaytan 1992), it was adopted by the United States colonial administration and is today enshrined in the Philippine Constitution (1987)<sup>7</sup>. Under present law, all land over 18 percent slope is deemed “public forest land” to which access is legally granted only in the form of limited-term agreements or concessions. Thus, while the Constitution (Art. XII, sec. 5) recognizes the “rights of indigenous cultural communities to their ancestral lands,” until recently they were all numbered among the 24 million or so squatters on public forest lands.<sup>8</sup>

The first significant steps towards fulfilling this constitutional promise were taken with the issuance of the Department Administrative Order No. 2, series 1993 (hereafter DAO 2) by the Department of Environment and Natural Resources (DENR). This order established the Certificate of Ancestral Domain Claim (CADC). Although the state is constitutionally prohibited from granting *ownership* over public land and resources to any party, the DAO 2 stipulates a process through which an “indigenous cultural community” can delineate, document, and gain “recognition” of its “claim” to territory in the form of a certificate, or CADC.<sup>9</sup> In order to avail itself of the limited tenurial security offered for its “ancestral domain,” an applicant group must meet the standard and supply the proofs expected of an “indigenous cultural community,” based on the following definitions:

DAO 2 (art. I, sec. 3):

*Indigenous Cultural Communities* - a homogenous society [*sic*] identified by self-ascription and ascription by others, who have continuously lived as a community on communally bounded and defined territory, sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who, through resistance to the political, social and cultural inroads of colonization, became historically differentiated from the majority of Filipinos.

*Ancestral domain* - refers to all land and natural resources occupied or possessed by indigenous cultural communities ... in accordance with their customs and traditions since time immemorial...

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<sup>7</sup> In 1909 the U.S. Supreme Court ruled in *Cariño v. the Insular Government* that land occupied since “time immemorial” had never been legally public land. While this decision still stands, it was never implemented by either the American or Philippine governments (Royo 1988; Lynch and Talbot 1995).

<sup>8</sup> Cruz, cited in Lynch and Talbot 1995: 58.

<sup>9</sup> Unlike any of the preceding tenurial instruments created under Integrated Social Forestry programs, the CADC is not a lease, but rather is granted in perpetuity. Hence, if it were to carry with it exclusive resource exploitation rights, some legal minds argue, this would violate the principle of state ownership and control over all natural resources. These authorities contend this could only be accomplished by congressional legislation, to which the DAO2 as a mere (repealable) departmental order is inferior. Others argue further that the Constitution itself would have to be amended.

These statements reflect a conception that indigenous people are formed into communities, taken to mean homogenous groups with spatially, socially, and temporally fixed boundaries of membership and of location. In other words, the policy instituting the CADC presumes that the recipient communities share these features thought to pertain to persistent and successful common property regimes (Ostrom 1990).

In order to obtain an ancestral domain certificate, the applicant must submit to “proof of claims [which] include the testimony of elders and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial.”<sup>10</sup> The CADC grants communities the rights “to occupy, cultivate, and utilize the land and all natural resources found therein” (art. VII, sec. 1). Within their domain, they may prohibit new migrants from establishing new holdings, and previous arrivals from expanding extant ones. “Indigenous cultural communities” are also given “the right to negotiate the terms and conditions for the exploitation of natural resources in the area...”, although it was left unclear if this included authorization for commercial utilization. In fact, their objective in doing so, however, is given: “for the purpose of ensuring the observance of ... environmental protection... measures pursuant to national and customary laws.” Existing forest product concessions held by other parties within CADC areas will be allowed to expire without renewal (unless explicitly permitted by “the community”). In return, the CADC-holders agree to “establish and activate indigenous practices or culturally-founded strategies to protect, conserve and develop the natural resources ... restore, preserve and maintain a balanced ecology...” (art. VII, sec. 1). In other words, DENR grants beneficiary communities rights to protect and improve resources, rather than to exploit them.

### ***Boundaries of Territory and Identity: Kayasan (1880-1960)***

To what extent under historic conditions did Kayasan match the assumptions embodied in the Certificate of Ancestral Domain policy -- in particular the association of a bounded territory with a homogeneous, bounded community with the capacity for collective decision making regarding resource access, management, conflict resolution and the like?

I started my field research with a puzzle. As a requirement of the application for an Ancestral Domain Claim, the people of Kayasan were asked to demonstrate that since “time immemorial” their ancestors had occupied the land claimed, within boundaries which they were to designate by naming local landmarks and providing sketch maps. Although none of the elders giving sworn statements had been born in Kayasan and none of the current inhabitants were resident before the 1950s, the Batak and Tagbanua residents of Kayasan and neighboring communities were remarkably consistent in naming the boundary markers of this place, and in asserting the ancient history of its use by their forebears. Moreover, neither group made a public distinction between their claims, this despite the fact that Kayasan appears to fall within the outer reaches of the historic range of the Batak (a “Negrito” group of fewer than 400 individuals) and probably outside that of the Tagbanua (a more numerous, settled, and agriculturally-based people). What I found was that, under the conditions of low population density prevailing before 1960, the people of Kayasan recognized both cultural markers delineating ethnolinguistic groups and smaller

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<sup>10</sup> These documents may include: “sketch maps, pictures of old improvements, burial grounds, sacred places, traditional land marks, and communal forest and hunting grounds; as well as written accounts of the community’s history, customs, political institutions, place names in local dialect, anthropological data, and genealogical surveys” (DAO 2, Art. III, sec. 5).

bands and territorial markers in landscape features, in particular the ridges bounding watersheds. However, neither set of markers constituted boundaries in the sense of representing social relations of exclusion which limit movement or resource use. The legitimacy of claims to access to land and forest resources appears to rest on a nested series of identities, ranging from family relationship to the more diffuse idioms of kinship expressed in expanding ethnic identities. Today the Batak found the legitimacy of access to resources within Kayasan on the grounds of a new, pan-tribal form of identity that has expanded to incorporate the Tagbanua, or in principle all indigenous people (*katutubo*), defined in opposition to migrants.<sup>11</sup>

The contrast between the meaning of boundaries for the Batak and the formal legal and cadastral notion inherent in the government's Certificate of Ancestral Domain Claim helps account for the extent to which the Kayasan claim, if rigorously tested, falls short of governmental CADC standards. First, where the CADC prompts us to look for fixed boundaries, we find pathways -- along which flow people and traded resources. Second, the claim that the boundaries mapped by the Kayasan CADC demarcate an ancestral domain occupied by one, delimited group of people since time immemorial is clearly an "invention of tradition" (Hobsbawm and Ranger 1983).<sup>12</sup> Yet, the sense of historic association with and entitlement to Kayasan terrain and resources is clearly deeply felt. In the minds of the Batak and Tagbanua, as I will argue, it is cultural, or ethnic, identity, which provides the basis for legitimate access to land and resources within Kayasan (or another historic territory) -- "just as long as they're Batak", or "*katutubo*". While, as I will argue, this identity has been evolving and expanding over time, even at its most restricted interpretation, i.e., as exclusively Batak, it encompassed people coming from a much wider territory than was ultimately certified as ancestral domain. Thus, another way of interpreting the disparity between the locally-understood socioterritorial boundaries and those demarcated for the CADC is as a mismatch of *scale* -- both geographical and temporal. Even the CADC definition of ancestral domain might have been said to apply if the territorial map were drawn large enough to include the entire Batak historic range of movement.

Both Batak and Tagbanua society have been described as "egalitarian" (Cadelina 1985: 35; Warner 1979: 35), a quality considered typical of bilateral cultures based on foraging and shifting cultivation.<sup>13</sup> Social cohesion, in terms of shared identity, norms, and interests, appears also to have been a feature of both Batak and Tagbanua social life.<sup>14</sup>

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<sup>11</sup> It is primarily on the basis of self-ascription (as *katutubo*) that I refer to the "indigenous people of Kayasan" without specifying tribal affiliation or without implying that each individual is "indigenous to" (in the dictionary sense of "native to, born in") that place. All the Batak and Tagbanua are certainly autochthonous to a wider area in northern or central Palawan. Just as they refer to all non-indigenes as "foreigners" (*dayuhan*) regardless of birthplace, I refer to the latter as "migrants."

<sup>12</sup> Note that while, the state's notion of "time immemorial" (DENR, DAO 2, Art. III, sec. 5) is intrinsically ahistorical, the basis of Batak and Tagbanua associations with landscapes is specific and historical. For example, since periodic movement across landscapes is not an unusual feature of indigenous life-cycles, a period of residence in a given watershed may constitute an equally legitimate basis of claims to resources and inclusion as would birth there.

<sup>13</sup> Given what might possibly be the bias of earlier anthropologists, there is little evidence to test just how "egalitarian" access to resources, status, and power were in pre-1960 Palawan. In a relative sense, however, a lack of significant social stratification can be safely assumed.

<sup>14</sup> Both Batak and Tagbanua current residents of Kayasan claim that they cannot recall a local case of conflict between them over land or resources (as opposed to marital and other kin relations). Although, in nearby areas, conflicts *between* Tagbanua and Batak over land or forest products (often not overtly expressed, since the latter yield

Although Fox delineates a “village,” or putative community level of organization among the Tagbanua, the quality of social cohesion was not focused on this social unit (Fox 1982 [1954]). Similarly, while Eder (1987: 30) refers to “each individual Batak’s powerful emotional attachment to the river valley in which he or she grew up,” the intimate knowledge of the terrain and resources, and the preference to marry within the area, he also documents the fluidity of the social groups forming and re-forming within watersheds and the not-infrequent travel or marriage across watershed boundaries. In other words, the sense of cohesion that existed did not correspond to membership in a socially or territorially bounded local community.

The case for the capacity for collective decision-making and action residing at a community (village or watershed) level is weaker yet. While effective at issuing decisions and sanctions, even the traditional leadership of the central Tagbanua was limited in its scope. Although much more developed than the forms that prevailed in the Kayasan area, neither the central Tagbanua nor the Batak system of leadership was bounded by a socioterritorial community. Rather, the reach of a leaders’ authority waxed and waned with time and fell off with distance, depending on the respect engendered by that particular individual. When it came to matters outside the purview of traditional leaders, there was no basis for them to act. While the Batak band leader exercised some authority over internal social conflicts and certain decisions regarding resource use, the fealty of his followers and spatial extent of his authority were in constant flux.

Significantly for the exercise of local social capacity under potentially changed circumstances, while membership in a social group (family, band, tribe) entitled a Batak to resource access, there was no precedent for *excluding* access. Requests for food or land could not be denied fellow kin and no one was likely to be turned away (a social insurance policy against frequent lean periods) (Cadelina 1987). Anyone who shared an identity at some level (i.e., any Batak) expected to be granted “permission” to clear the forest or collect forest products. There was no “community” level, corresponding to a bounded territory, with a bounded membership, outside of which resource access was excluded. Moreover, there was no basis for applying social sanctions to regulate or restrain resource use, nor any precedent for being required to do so.

### ***Migration and Markets (1960-1995)***

After the first lowland migrant settler arrived around 1960, migration began to drive forest conversion and tribal displacement in Kayasan and environs; at the same time, growing market demand for forest products attracted increasing numbers of migrants who pushed up the rate of extraction. As a result, within the locality migrant and market pressures are bringing about the partial privatization and commodification of land, thereby transforming local tenurial institutions by formalizing the patterned ways of establishing internal boundaries. While market demand and migrant competition are accelerating the commodification of forest products, local access to trade pathways (beyond serving as extractive labor) is blocked by lack of access to capital and political resources (e.g., licenses). The resultant deepening of debt relations further speeds the outward flow of forest products and profits. These trends are stimulating economic differentiation within the community, largely but not exclusively along ethnic lines. Awareness on the part of Kayasan’s indigenes of their worsening economic position, coupled with more general

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to the former) have been reported for some years, it is doubtful they were a feature of life before 1960 in resource-abundant Kayasan.

pressures from migrant settlement, competition for forest resources, and social tensions, are catalyzing the formation of a pan-tribal, indigenous identity.<sup>15</sup>

### **Forest products: commodification intensifies**

Market pathways— that is, flows of forest products and bartered trade goods -- have been crossing the geographic boundaries of Kayasan, borne by the indigenous people, long before migrants did. Migrant settlers on Palawan only became involved as traders of forest products in the early twentieth century, a role which had been filled by itinerant Chinese and Muslim traders for many centuries previous. For the most part, the organization of extraction in the forest interior was managed by indigenes who received from these traders supplies and bartered goods which they dispensed to their fellows, from whom they later collected harvested forest products. While 1960 does not represent a particular moment of discontinuity in Kayasan with respect to this trade, two new developments became prominent around that time. First, migrants began to serve as middlemen between trader-buyers and collectors at the local, forest level. Second, growing numbers of migrants entered the area to collect forest products directly.

For much of the last century, the principal commercial forest products extracted from the Kayasan area have been almaciga and rattan.<sup>16</sup> The history of trade in these two products illustrates some of the ways in which externally-driven political and economic forces have shaped local conditions. Political arrangements underpin the market. The American administration established a system of concessions, or exclusive licenses for the trade and transport of timber and other forest products from public forest land (which comprises most of Palawan's land area and forest resources). While the first almaciga concessions in Palawan date back to at least 1920 (Brown 1990), the first concession for almaciga in the Kayasan area was established after World War II, followed in the 1970s by the first rattan concession.

By the 1980s, the numbers of migrant harvesters and middlemen were mounting, and the concessions also proliferated. By the 1990s there were four almaciga and two rattan concessions overlapping the Kayasan domain. All but one of the concessionaires reside in the provincial capital and operate through middlemen, who provide limited advances and pay harvesters only after they have transported the almaciga to the capital, received their own payment, and returned to the area (and then only if they have cash on hand).

Middlemen in the forest products trade supply harvesters with *konsumo*, or the provisions (such as rice, dried fish, kerosene, tobacco) they require to support themselves while on collecting expeditions in the forest interior. The value of his harvest is deducted from that of the *konsumo* and any other advances a collector has received.<sup>17</sup> Debts are carried over, and, if the balance is positive, the tapper may or may not receive cash,

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<sup>15</sup> This shared identity is reflected in, among other things, an increased rate of intermarriage. In 1995, out of Kayasans total population of 235 individuals, 36 were "Batak", 64 were "Tagbanua," and 38 were "Batak-Tagbanua." Of the remainder 81 were "migrants," and their offspring include 16 "Tagbanua-migrants."

<sup>16</sup> Honey, wild pig, and orchids, in order of decreasing significance, are the other forest products regularly sold for cash. A number of other wild products are occasionally sold, and a much greater diversity are collected for subsistence purposes (McDermott 1994).

<sup>17</sup> While a number of concessionaires, buyers, financiers, and, possibly, contractors (*agente*) in Palawan are female, the forest product collectors and field-based middlemen are all male.

depending on whether the middleman has any on hand. The middleman has no capital of his own, having obtained the supplies from someone else higher up on the trading chain.

Profits follow capital. The *kapitalista*, to use the local term, attempts to oblige those lower on the trading chain to bear most of the risk. Profits move up the chain, risk follows debt downwards. Without capital, there is no control. The whole chain of trade for forest products, is grossly under-capitalized. Many of the buyers and concessionaires are acting with borrowed capital. The indebted concessionaire cannot cease buying even if prices are poor, nor comply with harvesting restrictions, good management practices, or decent terms of work and pay, even if that was what he or she wished to do. Indigenous residents accuse migrant tappers, who are spurred on by their *kapatas*, of destructive harvesting practices that are killing the almaciga trees.. Under current conditions, some indigenous tappers -- pressed by debt, competition and uncertainty about the behavior of other harvesters -- are also engaged in unsustainable harvesting. These indigenes cannot control the rate of their own extraction, not to speak of the rate at which forest resources are flowing out across the geographic boundaries of their home territory.

One of the chief reasons for this difficulty in controlling trade across territorial boundaries is the fact that they are crossed by pathways of capital that had become essential not only to the trade, but to local livelihoods. The link between flows of forest products and flows of credit/debt is tight. The trade in forest products provides the indigenous residents of Kayasan with their major source of both credit and livelihood. Thus, while the trade in forest products is centuries old, the key development that transformed forest products from simply trade items to commodities was the increasing reliance of indigenous collectors on the trade to meet their subsistence needs. Compelled by debt (as well as drawn by market attractions and rising expectations), indigenous Kayasans began to dedicate more and more labor-time to forest product extraction, to the detriment of agricultural productivity and subsistence security.

### **Migration and ethnic difference**

While the indigenous people of Kayasan had been interacting with non-indigenes at a distance through the trade in forest products for centuries, they felt that their lifeways have been drastically transformed by the experience of recent decades during which a mounting influx of migrants has come to settle among them. The Batak, who were themselves moving in and out of the area, originally absorbed the arrival of Tagbanua, who probably began to arrive during the Japanese invasion of the World War II years. Subsequently, two of the migrants currently resident in Kayasan claim to have arrived there in about 1960. Over the next thirty years, 59 “indigenous” and 15 migrant adults settled in Kayasan.<sup>18</sup> Over the next five years (1990-1995) they were joined by 7 Tagbanua and 24 migrants, representing an almost ten-fold increase in the rate of migrant arrivals. As of 1995 the average “years elapsed since first arrival in Kayasan” of Batak adults was 25 years, of Tagbanua, 15, and of migrants, 8 years.<sup>19</sup> Only 7 indigenous adults were actually born within Kayasan, although some of their families had previously spent time in the area and then left again. While 27% of the “migrant” heads of household (male and female)

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<sup>18</sup> This figure does not include individuals who arrived during this period but have since left the area or died. In 1995 (when I completed a 100% census) the total population of Kayasan was 235, including 113 heads of household (male and female).

<sup>19</sup> “Years elapsed”, rather than “years resident” was the measurement chosen, since many of the indigenous families have come and gone from the area during that period.

were born in (and therefore in a sense “indigenous” to) Palawan as a whole, the remainder were born elsewhere in the Philippines, with points of origin scattered among at least 18 different provinces.

These figures imply that the connection of the current “indigenous” residents to the geographic bounds of Kayasan is more recent and tenuous than it is, however. For example, 62% of Batak and Tagbanua say that other relatives had preceded them to Kayasan. A majority of Batak (56%) say they arrived with their parents, 20% say they came to join other relatives, and 13% say they came “because they had left land behind.”<sup>20</sup> A full 44% of the Batak and 14% Tagbanua came to Kayasan as a result of a government resettlement project. These data were collected as part of a household survey I conducted in 1995; selected questions were re-surveyed in 1996 and 1997.<sup>21</sup>

### **Changing boundaries: land**

The influx of migrants has motivated indigenous residents to define and defend the external territorial boundaries of Kayasan. The responses of individuals to this perceived threat varied, ranging from anxiety and resignation (many Batak), to competition (some Tagbanua), to a determination to engage in some collective defense (some of both). The latter possibility only began to attract significant support among both Tagbanua and Batak when they learned about the opportunity for recognition by the state and alliances with NGOs through the Certificate of Ancestral Domain Claim. But even before this opportunity materialized, many realized that further retreat, once a costly but viable strategy for them, had become untenable. As one Batak remarked in a community meeting, “We have no place to move to. Here is as far as we go.”<sup>22</sup>

Even before migrant settlers arrive, indigenous people have historically mediated outsiders’ access to the forest—by physically occupying the forest interior, locating and bringing out forest products, and clearing the forest for swidden agriculture—thereby transforming the landscape. In Kayasan, it was the Batak who first cleared patches of the

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<sup>20</sup> These responses were among the answers to the question: Why did you leave your former residence and come to Kayasan? One household interviewed could select more than one of these pre-defined responses. The reply “because we left land behind,” refers to swidden fallow areas, usually still containing fruit trees, originally cleared by the respondent family. It is not uncommon for indigenous families to return to an area of previous residence to tend and harvest fruits (or coffee), and reinforce land claims.

<sup>21</sup> The key issue in the survey design was the choice of social categories, i.e., where to draw the boundaries of: (1) the “household,” (2) the Kayasan “community,” and (3) the resident ethnic groups. I defined the “household” as those living under one roof most of the time, although single males with no permanent homes of their own who sometimes lived with non-relatives were classified as separate households (five in total). I defined the geographic boundaries of the community on the basis of the coverage of the local tribal association and the ancestral domain (CADC) application. I interviewed 100% of resident households, as well as the 11 families (6 Tagbanua and 5 migrant) residing elsewhere/nearby who were growing annual crops in Kayasan (9), or had tenants (2) farming there.

The basis for ethnic classification was self-ascription except where inter-marriage was involved, since the Batak and Tagbanua have not developed a term to account for mixing of their groups (other than the generic, *katuubo*). Although they generally incorporate the (infrequent) marriages between an offspring of an indigene and a migrant into the ethnic group of the former, they do not have a label for Batak-Tagbanua families and children. I chose to define any individual who had at least one Batak grandparent was defined as Batak; “Tagbanua” include all those who had no Batak, but at least one Tagbanua grandparent. For questions which applied to a household as a whole, a family with one Batak parent was defined as Batak and a family with one Tagbanua and one migrant parent was defined as Tagbanua.

<sup>22</sup> “Wala kaming malipatan. Hanggang dito lang kami.” More literally: “We have no place to which we are able to move. Until here only are we.”

primary forest for agriculture—a much more labor-intensive process than that required to fell secondary (fallow) forest. Then the Tagbanua arrived, capitalizing on this accumulated labor by means of intermarriage with or displacement of the Batak, expanding the area of forest fallow and initiating the establishment of rice paddies (a technology learned by imitating migrants). As government highways and logging roads approached, migrants arrived, responding to the increased physical and market access these roads provided. Migrants then acquired land, mostly previously cleared forest fallow, expropriating the labor of indigenous farmers for little or no return. Regardless of how they obtained land, or its ecological status, migrants often use indigenous labor to transform the land to their productive advantage. They hire indigenous workers to clear the forest, first for a few cycles of shifting cultivation (*kaingin*), subsequently to improve their land by removing stumps and the like to make plowed fields (*bantod*), and finally, if conditions permit, to establish irrigated or flooded “wet rice” paddy (*basakan*).

This process of transformation of a forested landscape into a site for permanent agriculture is, together with other factors, closing the forest frontier into which the Batak, followed by the Tagbanua, have retreated. This study has produced several lines of evidence confirming that Kayasan has witnessed this pattern of penetration into Batak territory, first by Tagbanua then migrants, followed by land alienation to migrants, and retreat by the Batak and, to a lesser extent, the Tagbanua. First, my survey data establish the fact that, on average, the Batak residence in Kayasan has been of the longest duration, exceeding that of the Tagbanua, who in turn, have stayed twice as long as the migrants. Second, as *Map 2* illustrates, the spatial distribution of swiddens shows the expected pattern of migrant plots clustered towards the point of external access, i.e., the nearest road, intermingling with Tagbanua swiddens towards the center of Kayasan, and yielding to exclusively Batak fields in the forested interior.<sup>23</sup> Finally, of all the swiddens made in 1995, while 90% of those made by the Batak were reported to have been first cleared from the primary forest by the farmer or relatives, the corresponding figures are 80% for the Tagbanua, and only 25% for the migrants. The figure for the migrants is probably high, because it was my observation that many migrants cannot distinguish late-successional secondary forest from “primary” forest and that they also lack information about local land use history available to indigenous residents through social networks. Often, indigenous labor further transforms land under migrant ownership into a more productive resource<sup>24</sup> through the conversion of swidden fallows first to plowed fields and then to wet-rice paddy. All of the Tagbanua paddies and all but two of the migrant paddies (for which this information was available) were initially cleared from the forest by indigenous Kayasans. Thus, the prior indigenous presence and the continued availability of indigenous labor facilitate colonization of the forest interior by migrant farmers.

Migrants have gained land in Kayasan via numerous strategies: clearance of apparently “primary” forest, clearance of unclaimed (or uncontested) secondary (fallow) forest, intimidation of previous claimants (both indigenous and migrant), borrowing or

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<sup>23</sup> The locations of all swiddens made in 1995, 1996, and 1997 were mapped using a Trimble GeoExplorer Geographic Positioning System unit. These points were differentially corrected at a certified local Trimble base station, ensuring an accuracy of 2-5 meters. The maps were made using a progression of programs: first the IDRISI Geographic Information System program, then converting to ArcView, and finally Adobe Illustrator.

<sup>24</sup> Note that I am referring to the increased productivity of land under wet-rice (as opposed to swidden) cultivation per unit *area*, not to its productivity per unit of labor, or of the system as a whole.

being given land by establishing social relations (marriage, *compadre*), leasing (only for wet rice), and purchase.

Within the locality, migrant and market pressures are transforming local tenurial institutions, that is, the patterned ways of establishing and maintaining internal boundaries and transferring the resources that lie within them. The meaning of household-level land boundaries in Kayasan is changing as a consequence of the intertwined processes of privatization and commodification.

Prior to 1960, as we have seen, access to land in Kayasan was based on social relationships (kinship and ethnic identity). As migrants arrived and market relations strengthened, claims to land became more private in nature. Independent of cycles of planting, harvesting, and fallow, land claims became more clearly bounded in space and time through more permanent land transformation, brought about by planting tree crops, plowing, or irrigation. Land was also (further) privatized, i.e., claims to its use restricted to one household (rather an extended family or wider social group), by migrant practices such as land registration, and, most decisively, by land sale. The commodification of land, not its privatization, represents an entirely novel introduction by migrants to Kayasan, one which has disrupted long-standing tenurial institutions.

If privatization corresponds to the fixing and hardening of household-level land boundaries, representing the right to exclude access, then the commodification of land represents the development of pathways, in particular the exchange of land for cash, the bartered commercial equivalent, or the satisfaction of a debt. Such pathways cut across previous social relationships, or social boundaries of inclusion, such as kinship; in so doing they weaken kin- or ethnic group-based pathways of access to land and harvests.

It is not only in respect to the continuation, albeit in attenuated form, of these extra-market claims on land, that the commodification of land in Kayasan is incomplete. Land has been incompletely commodified because it has been only partially privatized. Complete commodification would in theory require that land be treated exclusively as private property, that it be freely bought and sold for prices set on an open market. By contrast, in Kayasan kinship and other social ties may provide extra-market access or prevent sale, debt compels exchanges that are not free, and prices are influenced by social relationship, need, lack of information and other “non-market” factors. The incomplete development of a land market in Kayasan is evidenced by the fact that land prices were wildly variable, and that access to land still was acquired through purchase only in a minority of cases in 1995, while the first land sale in Kayasan occurred only in 1977.

### **Changing boundaries: social dynamics of differentiation & identity**

Markets and migration have been transforming social relations in Kayasan, specifically, bringing about the partial privatization of land, the commodification of land and forest products, and the accumulation of debt. These processes, in turn, are promoting economic differentiation and altering the nature of other forms of social differentiation, in particular the formation of ethnic identity. While economic differentiation continues to favor the position of migrants as a group over that of indigenes as a group, there is some evidence that internal differentiation is occurring among the latter, in which a few Tagbanua are gaining economic advantage over the Batak and other Tagbanua residents of Kayasan. At the same time economic distinctions are growing sharper among the indigenes, however, they are associating more closely together in other ways. First the social boundaries between the Batak and Tagbanua are eroding. The related factors of demographic decline, geographical confinement, intermarriage, and the domination of local

leadership and some trade relationships by Tagbanua do not bode well for the long-term persistence of a separate Batak identity in Kayasan. Second, the historically constructed, “tribal,” homogenizing identity that incorporates all indigenous people in the discourse of the Philippine state and dominant social groups has never recognized any internal boundary differentiating Tagbanua from Batak. Finally, on a more positive note, the common experience of pressures from migration and market penetration, official and social discrimination, economic adversity, reliance on forest-dependent forms of livelihood, and similar values and customs -- these and other factors laid the groundwork for the formation of a pan-tribal indigenous identity that was ultimately catalyzed by positive opportunities to gain external recognition and assistance.

The indigenous people of Kayasan are responding to external pressures -- by retreating, collaborating, assimilating, competing, and/or resisting. Retreat and collaboration (e.g., offering land or labor for sale to migrants) have always been paths open to individual indigenes. Recently, disparities in the abilities of indigenous households to assimilate, or succeed in pursuing migrant-style livelihood strategies, may be leading to internal differentiation -- which might be expected to weaken *katutubo* (i.e., indigenous) group solidarity. However, as detailed below, starting around 1993 a state initiative, together with proliferating and strengthening alliances with non-governmental organizations, extended new identity-based opportunities to resist migrant incursions by enforcing territorial boundaries and to compete with migrants by promising control over trade pathways.

Thus, the answer to the question “did the social and economic pressures brought about by migration and market penetration erode or strengthen social boundaries?” is mixed. These forces simultaneously erased boundaries distinguishing Batak from Tagbanua and promoted the coalescence of boundaries marking a shared indigenous identity. At the same time, this emergence of this shared identity alone was not sufficient to generate the social cohesion and develop the local capacity to defend territorial boundaries and control trade pathways. To make that attempt feasible, it took in addition the catalyzing power and practical mechanisms made possible through state recognition and by external alliances and investment.

### ***State and NGO Interventions (1969-1995)***

Market and migrant pressures in Kayasan have created the nucleus of a pan-tribal, indigenous identity and the incentive and conditions for its further consolidation. The state, too, has played an important role in indigenous identity formation. Following on a long history of government interventions<sup>25</sup> which relegated Batak and Tagbanua to a common, disadvantaged social position, the new ancestral domain policy and alliances with non-governmental organizations provided positive incentives and opportunities for the strategic use of this identity to legitimate “ancestral” boundaries. Indigenous Kayasans deployed this identity, recognition by the state, and alliances with non-governmental organizations to forge and defend territorial boundaries and to attempt to control pathways of access to

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<sup>25</sup> E.g., the promotion of migration; favorable treatment of migrants *vis a vis*, among other things, the granting of forest concessions; a series of special bureaucracies for tribal affairs; the location in 1969 of a forced resettlement site near Kayasan which mixed Tagbanua and Batak; the establishment in 1971 and later enlargement of a national park within Kayasan’s domain, and the local (Puerto Princesa City) ban on shifting cultivation, which effectively targeted indigenous people.

resources -- with mixed results. Although undermined by a number of contemporary factors, the community's cohesion and its capacities for collective action developed through the struggle to obtain and implement the certificate. Cohesion and capacity were promoted by the concurrent and complementary evolution of a shared identity.

While 1969 saw the first direct state intervention in Kayasan (when it became the site of a forced resettlement area), the indirect effects of state actions long pre-date this period, structuring markets and driving "spontaneous" migration and organized settlement. Around twenty years later, NGOs first directly approached the people of Kayasan. Shortly thereafter, the indigenous residents, inspired by migration and market pressures and new political opportunities, sought out government and NGO assistance in demarcating and defending the external territorial boundary of their community -- in the form of the Certificate of Ancestral Domain Claim (CADC).

Without the financial and political resources, networks, information, advocacy, legwork, and dedication of NGOs, the CADC would have remained just a dream in Palawan. Not only were NGOs instrumental in designing and pushing through the policy at the national level, their efforts at the provincial level shepherded CADC applications through each stage of the process. In Kayasan, from the time of their initial involvement, three NGOs (a Catholic organization, a legal-aid group, and a provincial tribal federation) explained and advocated the adoption of new ancestral domain policies. Shortly after the Department of Environment and Natural Resources instituted the CADC in January of 1993, these NGOs applied for (and ultimately received) international funding for conservation-oriented projects that included components aimed at securing ancestral domain at several locations, Kayasan among them.<sup>26</sup>

In July of 1993 NGO teams, visited Kayasan and explained project objectives, which included achieving tenurial security. They explained that a CADC would assure rights to ancestral domain and all the resources it contains, preempt others' claims (i.e., cancel outsiders' concessions), and make possible a sustainable livelihood and would thereby empower them to protect their environment and resources. The local reception was enthusiastic, and as suggested, residents prepared the sketch maps that would be required to demonstrate the boundaries of their claim and submitted sworn affidavits.

After many bureaucratic delays and contention (which resulted in the reduction of the area claimed), at last the initial stage of the CADC application for Kayasan was complete and submitted to the Regional office of the DENR in December 1994. The next step was to map the domain claim. The NGOs, together with some government offices, promoted and made possible the use of an advanced (and expensive) technology new to Palawan -- the Global Positioning System (GPS).

Due to difficult field conditions, a tight schedule, and doubtless the urge to return home, the government-led team limited recordings to thirteen corner readings -- in what proved to be an area over 7500 hectares in extent. When the final map was presented to the surveyors and elders of Kayasan, I thought I saw their faces cloud over. This odd-shaped, nine-sided polygon (*Map 3*) bore no relation they could discern to the maps *they* had generated. Unlike the community maps the GPS-generated and state-authorized map had

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<sup>26</sup> I served as a consultant on the planning phase of the largest of these grants -- for a Biodiversity Conservation Network project, funded by USAID and administered by the Washington, D.C.-based Biodiversity Support Program, through a consortium of WWF-US, the Nature Conservancy and the World Resources Institute. The 1993 planning grant supplied about \$50,000 and the 1994-8 "implementation grant" was budgeted at over \$600,000. Kayasan was one of three BCN project sites in Palawan.

linear borders bearing no observable relationship to natural features of the landscape, none of which were displayed on the map. No local names were shown. And most confusing of all, where the community map was filled with pictures and labels indicating the presence of homes, fields, rattan, almaciga, and other resources, the official map was *only* a boundary – the inside was empty. Here local conceptions of boundaries as permeable, multiple and relative to purpose and as demarcated by natural features encircling resource- and meaning-filled territories ran head on with the state’s notion of linear, singular, fixed, impermeable perimeters as cartographic artifacts, or representations of a cadastral imagination. At the same time, the CADC policy held out the hope to indigenous people that by undergoing this technological transformation into a state-recognized form, community boundaries would thereby become for the first time visible to the state and represented, even defended, by its agents against other interests.

After more bureaucratic processing, the NGOs finally submitted the final CADC application materials on behalf of Kayasan in June of 1995. Progress on the Kayasan CADC application again ground to a halt, this time foundering on national-level political struggle. Legal challenges to the constitutionality of the DAO 2 prompted a revision of the text of the CADC certificates -- after further delay. In order to publicize the (hoped-for) resumption of progress enabled by the September compromise, the Secretary of the DENR schedule a visit to Palawan for a public ceremony for the signing of CADCs for Kayasan and one other community. After yet further deferral, three years after the launching of the public information campaign in Palawan, two years after the publication of the Kayasan claim, and almost one year after the boundary survey, on February 28, 1996, Secretary Ramos came to Puerto Princesa City and signed the Certificate of Ancestral Domain Claim for “the Tagbanua and Batak communities... situated in Sitio Cayasan...Palawan.”

### ***Ancestral Domain and After (1995-1997)***

The ancestral domain policy assumed the pre-existence of clear and congruent boundaries of territory and community -- which it was intended to reinforce through state legitimation. Implementation of the policy should result in the establishment of such boundaries on the landscape and on social association -- even if prior boundaries were different in character or absent altogether. What were the effects of the institution of state-sanctioned boundaries in Kayasan?

Looked at from the local perspective, how many of the indigenous people’s hopes were borne out by local experience after the Certificate of Ancestral Domain Claim was finally granted to Kayasan? As described to me, these expectations included the following. The boundaries of the CADC will be controlled by indigenous people. They will exclude people from the land and resources inside in a selective manner, based on identity. The CADC boundary will be respected by migrants and state officials. The CADC will guarantee indigenous rights to land and the freedom to pursue livelihood choices freely. The previous concessionaires will be ejected and indigenes will control forest product extraction and trade on the basis of the CADC alone -- there will be no need for DENR approval, monitoring, or renewal of concessions.

### **Defense of boundaries vs. migrants**

In its initial phases, the certificate for Kayasan’s ancestral domain appears to have done little to stem the movement of settlers across its boundaries, and may in fact have increased the flow while modifying its composition. In the year following the CADC boundary survey (5/95) 12 families settled in Kayasan, representing a 20% increase in

household number. In the subsequent year, following the CADC (3/96) award, 7 families arrived. Both years, the preponderance of newcomers were Tagbanua rather than migrants. The entrance of 5 migrant land-claimants over these two years demonstrates that the CADC boundary did not stop migrant boundary-crossing.<sup>27</sup> While this rate of migrant in-migration is consistent with recent trends, the arrival of 14 Tagbanua families in two years represents a significant acceleration of the previous rate. It is difficult to estimate the likely duration of this trend, however, not only because circumstances, and hence incentives, continued to change, but because frequent movement of households has been a typical behavior pattern. For example, 2 of the 14 Tagbanua “newcomers” left within a year, and 6 had been returning to previous land claims in Kayasan. Most significantly, two of the new migrant families, and all of the Tagbanua, joined relatives already residing in Kayasan. This suggests that claims to land access based on kin relations were winning out over the ancestral domain policy’s more restrictive qualifications based on place of origin and local “community membership.”

*Maps 4-6* demonstrate no noticeable change in the pattern of migrant swidden-making from 1995 to 1997: all remain clustered near the highway. The drop in number of migrants’ swiddens from 1996 to 1997 from 16 to 6 may indicate a lessening of willingness to invest labor in as-yet unimproved land following the CADC award. Or, it may represent a growing preference for permanent agriculture.<sup>28</sup>

In contrast, the number of indigenous households making swiddens jumped from 33 in 1995 to 48 in 1996, before leveling to 45 in 1997. It is possible that the issuance of the CADC gave prior residents increased confidence in the security of returns to labor invested in land, and, together with the expectation of other benefits (such as NGO assistance), attracted new settlers. Another shift in indigenous swidden patterns occurred in 1997, as indicated in a wider dispersal of indigenes’ swiddens, with a larger proportion scattered further from the highway and upriver from the Kayasan “center.” This could reflect any of a number of factors. First, the jump in total number of swiddens from the CADC might have bolstered confidence to make swiddens in older forest, or, the rumored re-imposition of the swidden ban might have prompted the opposite impulse -- to hide swiddens from the view of local officials. Second, the forest supplies better subsistence alternatives than do the settled areas in times of economic hardship such as many experienced that year due to the lack of opportunity in forest products and poor swidden harvests. Additional reasons related to local micropolitics. It is too early to conclude if the CADC will further the longstanding interest of the state in sedentarizing indigenous people, or if, on the contrary, it will permit the continuation of their historic dispersed and mobile settlement pattern.

### **Pathways: little change**

Indigenous Kayasans perceived the continued, largely unchecked exploitation of forest resources by migrants as proof of the failure of the CADC to suffice for boundary defense. The continued cross-boundary flows along trade pathways of forest products and capital substantiate the local assessment that boundary defense was failing in the immediate post-CADC period.

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<sup>27</sup> In 1996, five migrant families moved their primary residence away from Kayasan, although four of those had land claims in Kayasan, which they retained, planning to continue farming at a distance or at a later date.

<sup>28</sup> The particular cases (as well as the short time period) make it difficult to draw any conclusion with certainty: of the 10 migrant households who cultivated swiddens in 1995 and not in 1997, 2 had emigrated, 5 preferred to farm their other, more productive parcels, and one assisted his son rather than making his own swidden.

Why did the Certificate of Ancestral Domain Claim prove insufficient to secure local control of territorial boundaries? There are three major reasons. First, the CADC instrument emerged from high-level national policy struggles in a modified and re-interpreted form which does not empower pathway control: most critically, it does not authorize commercial pathways of forest product trade. This outcome itself is partially explained by the second explanatory factor: the CADC intervention does not fundamentally alter the pathways of trade (commodity flows), capital (investment, debt relations, and profit), and underlying relations of power and influence. Finally, successfully deploying ancestral domain certification to control boundaries and pathways of resource access requires a degree of cohesion and forms of internal capacity which the indigenous people of Kayasan did not yet possess.

The lack of impact of CADC issuance on the trade in forest products in particular flowed from each of these factors. Local residents lacked the capacity to stop migrant harvesters and middlemen from crossing the boundaries of the domain and engaging in excessive extraction, since all parties to the trade remain enmeshed in debt to supralocal financiers, buyers, and certain concessionaires with the capital and political influence to maintain forest product licenses. That the CADC failed to redress historic imbalances in political power is borne out by the fact that one of its key provisions, the termination of externally-held forest product concessions, was initially blocked by a group of political elites in Palawan. More seriously, after much debate at the national level, the DENR determined that the that the CADC “management plan” would authorize only the exercise of “sustainable traditional resource rights.” The dominant view within the DENR was that commercial utilization rights must be based on standard licenses obtained through standard procedures (requiring significant capital and influence). This amounted to a major disappointment in the expectations of indigenous Kayasans, prominent among which were the legal authorization of exclusive access to forest resources and the right to trade them. Instead, they determined to apply on their own for the standard licenses -- an effort that initially failed.

### **Changing social dynamics and boundaries: capacity and identity**

The ability to make collective decisions and carry out collective actions, i.e., social capacity, is specific to the nature of the group, the objectives of their actions, and the context in which they operate. In this case, the relevant form of capacity is that which is required to realize the ancestral domain claim -- i.e., the ability to defend territorial boundaries and to exploit pathways of trade while controlling access by others. The state, through the CADC policy, defines the “community” in question, namely: the indigenous residents within the Kayasan territorial unit -- a combination of identity and place-based factors.

At the same time indigenous people in Kayasan identified “unity” (cohesion) as one of their key problems and a potential solution, they also pointed to their lack, in contrast to the migrant concessionaires, of influence (pathway relations) and “*kakayahan*.” The latter term can be translated as capacity, ability, competence, aptitude, skill, resources, wherewithal, or power (English 1986). The combination in this local term for capacity of “ability” and “power” is instructive. Clearly, a group could have all the capacity (ability) in the world yet its efforts could still be crushed by hostile superior powers -- that is it could be placed in a powerless structural position. Indeed, much of this analysis has centered on structural features of the situation of Kayasan, particularly the lack of change in pathways of capital and political influence -- elements of power relations. The

discussion of capacity is an attempt to look for the role of local agency. How has local capacity, as instrument and product, figured in the struggle to gain and implement the CADC?

It is important to consider the role of local capacity for several additional reasons. First, the NGO partners of Kayasan also identified “capacity-building” as one of the chief requirements of -- and chief gaps in -- success in implementing the CADC (and the BCN project). Second, the state, through its ancestral domain policy (DAO 2), assumes that the CADC holders are “communities” characterized by not only strong social cohesion and lack of internal differentiation of interest, but by robust capacities for collective action, including an accountable, representative “traditional” leadership, communal decision-making procedures, and effective social sanctions. In practice as well, lower levels of state bureaucracy leave the practical tasks of implementing the CADC -- defending boundaries and “resource stewardship” -- to certificate recipients. Often, what is attributed to lack of capacity on the part of “communities” in fact reflects lack of capacity on the part of state agencies (or NGOs) and/or faulty or inappropriate policies or project design. Finally, it was my observation that the lack of certain capacities impeded indigenous Kayasans in achieving CADC objectives. At the same time, however, the struggles over their CADC developed local capacity in new ways. The chief gains in capacity were the strategies, skills, information, and resources gained through interactions with non-governmental organizations, the political alliances and support they channeled, and the impetus given to the development of pan-tribal identity and solidarity.

On the negative side, the foregoing account has provided numerous examples of failures of capacity (among other factors) on the part of people of Kayasan. Lapses in boundary defense have included: aborting the process of marking the CADC boundary, allowing new migrants to settle, failing to apply for a locally-controlled rattan concession, and failing to exclude illegal almaciga middlemen and collectors working under expired licenses. Many disappointments have resulted from failures in leadership.

The story is far from over. The formation (and disintegration) of social capacity requires time. The capacities of the indigenous people of Kayasan, together with their allies, proved sufficient in the triumph of their struggle to gain ancestral domain certification. The following year, however, their efforts to defend domain boundaries and implement certification provisions suffered numerous disappointments. While powerful exogenous factors significantly influenced these outcomes, the lessons learned may themselves contribute to “community capacity-building,” suggesting possible avenues for more effective local response within the room for maneuver the external context allows.

What role has indigenous identity formation played in the development of local capacity? Although local efforts to defend the territorial boundaries of ancestral domain initially met with uneven success, the experience helped coalesce the social boundaries of indigenous identity. Exogenously-generated forces of migration and the market were eroding the distinctive features of separate Batak and Tagbanua identities while providing the impetus for those groups to cohere around a pan-tribal, generic *katutubo* identity. To what extent did NGO interventions and later the struggle for and implementation of ancestral domain further this process?

In Palawan, as elsewhere in the Philippines a number of non-governmental organizations supply pathways of access to resources, assistance, and influence to constituents specifically on the basis of their indigenous status. The focus on indigenes is currently the *raison d’etre* for a number of NGOs and serves them as an effective strategy for raising foreign interest and funds. Playing the “indigenous” card has not only raised

donor assistance, it has facilitated the extension of networks for exchanging political support and practical information to an international level.

In addition to incentives offered by NGOs, the formation of a shared indigenous identity has been promoted in Kayasan by a complement of other factors: the sense of mutual opposition to migrants; the fit with the state-endorsed conception of the tribal-Christian dichotomy; a common, marginalized economic position; historical Batak-Tagbanua cultural affinities, including similar livelihood practices; the loss of distinctive cultural markers; and Tagbanua encroachment on the Batak land-base. (To the extent that Batak and Tagbanua interests are not identical, the Batak are losing out.) Hence, while in some respects Batak and Tagbanua are losing pieces of past identities, through engagement in identity politics they are gaining political, economic, and territorial space within which to fashion a new, shared identity -- although with unequal voice in this process.

The ancestral domain claim constitutes the territorialization of identity through the formalizing, mapping, and locating on the ground of resource claims tied to this identity. In Kayasan, however, this claim was simultaneously *de*-territorialized in the sense that claims to individual access rest on indigeneity, rather than personal historic ties to that particular landscape. For that reason, compounded by kin ties and a broader ethic of access, it is difficult for the Batak and Tagbanua of Kayasan to exclude any non-local indigene from access to the land and resources of their CADC area. The tension arising between the simultaneously identity- and place-based nature of resource claims adds to the challenges facing local capacities for sustainable resource management.

What remains to be seen is if the people of Kayasan can deploy this identity, their ancestral domain certificate, and their experience, together with pathways of alliance and access in tackling the very real conditions of their marginality and poverty. They know that boundaries are not enough.

### ***Conclusion and policy implications***

It is not only in Kayasan that indigenous demands take the form of claims to territorial boundaries and rest on an assertion of shared identity and history. Indeed, the quest for state recognition of exclusive rights over particular landscapes is the crux of many indigenous peoples' struggles world-wide. All these campaigns take place in the context of globally-linked political and economic processes, involving markets, the movements of peoples, and state actions that shape and limit the possibilities for achieving indigenes' aims of autonomy, protection, or exclusive access. In addition, the policies promulgated by states to respond to and/or contain these demands often establish territorial boundaries, such as those delimiting reservations, regions of self-government, or areas under some intermediate status. In many instances boundary-based policies share some of the flaws this study has identified in the Philippine government's institution of the Certificate of Ancestral Domain Claim. Namely, such policies misconstrue boundaries as lines rather than as social relationships, imposing or assuming an inaccurate degree of fixity, linearity, singularity and impermeability to territorial boundaries; they also imagine a false homology between boundaries of territory and of identity. To some extent, the loss of accuracy and flexibility entailed in accepting the state's simplifying interpretation of boundaries (as opposed to the way they are realized in practice) may serve indigenous Kayasans' interests and represent an acceptable trade-off in return for state legitimation. In contrast, the failure to enable boundary-crossing pathway relationships of exchange (trade) and access to political and financial capital initially left Kayasan's indigenes without the resources to defend their boundaries and achieve their aspirations for an improved livelihood.

In many respects, this should not be a surprise. Government policies designed to modify one component of a complex situation should not be expected to transform its entirety. The implementation of a given policy exerts its effects within the context of a long history of state actions and a wider web of shifting political-economic relations and conditions. However, whatever the limitations of the state's policy and its delivery, the opportunity the CADC provided for state legitimation and the support from NGOs it helped attract built on the nucleus of a newly emerging, pan-tribal indigenous identity that had formed in response to pressures from the market, migrations, and previous state interventions. This shared identity, the experience garnered in the quest for the CADC itself, and alliances with NGOs are developing local capacity in ways that may yet enable the defense of territorial boundaries and the locally beneficial exploitation of pathways.

To what extent might these findings for Kayasan pertain elsewhere? In this concluding section I will address this question in two ways. First, I will briefly reconsider the analytical framework and general theoretical argument developed in this paper. Second, and at greater length, I will discuss what can be learned from the case in Kayasan that might apply to other locations in the Philippines as well as to a broader evaluation of the limitations of boundary-based policies (and indeed "policy" in general) in multiple contexts.

The general thesis advanced states that the degree of local success in enforcing boundaries is related to the balance between external pressures and opportunities, the perceptions on both sides of the boundaries of their legitimacy, the strength of local identity and capacities, and the extent to which pathways of access, exchange, and influence reinforce or undermine these factors. When do pathways build up boundaries and when do they break them down? Lessons learned in Kayasan suggest that pathways degrade boundaries when they directly breach them (i.e., let in what the boundaries were intended to exclude), fail to supply or deplete the resources needed to enforce them, undermine local capacities to defend them, or reveal them as irrelevant or unnecessary to the would-be boundary-builders. In contrast, pathway relations reinforce boundaries when they provide resources, develop local capacities and/or directly assist in efforts to establish and defend them (including by persuading others of their legitimacy). Pathways of alliance can help develop boundaries of identity. Identity itself can serve as a resource, strengthening local cohesion and capacities to defend territorial boundaries and pursue pathways of interest. Identity, in turn, may also be deployed to attract external resources and allies and to gain political voice, opportunity, and leverage in achieving local ends.

Anywhere in the Philippines (or any modern nation), boundaries certified as ancestral domain are likely to reflect a mismatch of spatial and temporal scale, reflecting the current location of the claimants, constricted by historical circumstance from a once more widespread distribution. The assumed match between boundaries of territory and identity is rendered highly problematic, given the fact that both are mutable, shaped by colonial constructs, and subject to re-working by succeeding state interventions, economic pressures and opportunities, migration, intermarriage and a host of other factors. Additionally, the failure to authorize commercial resource extraction and pathways of trade for CADC-holders (or to address their chronic shortage of capital) can be seen as part of a further attempt at an economic (and environmental) fix. This approach doesn't fit in the Philippines (or most other places), where indigenous people, like others, trade, migrate, and mingle.

The people of Kayasan, and doubtless elsewhere, are well aware of these tensions. They experience conflicting motives: on the one hand, they wish to maintain their

boundaries, and receive legitimation from the state to protect their territory, resource base, and individual land claims from state agents (e.g., National Park rangers) and migrant incursion and commercial competition. The CADC provides a limited basis for accomplishing these ends. On the other hand, indigenous Kayasans simultaneously wish to strengthen trade pathways and succeed in commerce. Here the CADC provides no help.

In order to capture the gains in boundary security promised, the indigenes invited state intervention by applying for ancestral domain certification. In so doing they accepted a technical map displaying a distorted and difficult-to-recognize periphery, a diminished territorial claim, the loss of flexibility in their boundaries, and various conditions limiting their rights to manage and exploit resources (e.g., the submission of an Ancestral Domain Management Plan). In this way, the pursuit of the CADC strategy may be said to play into the state's territorializing objectives: to fix its populace and control access to resources. At the same time, however, the process of applying for state certification involved elements of "counter-mapping:" members of the community guided the mapping process, in a manner (notwithstanding tactical compromises) based on local knowledge, with assistance from NGO allies, and in an adversarial relationship to the bureaucracy regulating natural resources (as elsewhere to local government).

Once the lines are mapped and certified by the state, then what? The people of Kayasan looked to the state not only to legitimize, but to enforce these boundaries. Assistance from the resource bureaucracy in excluding migrants was not forthcoming. Even if the intent were there, the state lacks the capacity to undertake this effort across the nearly eight thousand hectares of Kayasan's domain -- not to speak of the 2.5 million hectares that eventually came under ancestral certification nationwide (NRMP). More significantly, the CADC does not provide local control over resources; rather it "recognizes" a "claim." Crucial ambiguities in the policy instrument left it open to multiple interpretations and to national-level political struggles and legal challenges. In practice, this meant that domain certification alone was insufficient to authorize the local management of resources and, most essential for Kayasan, the commercial extraction of forest products. Such authorization, therefore, had to be obtained from local and provincial authorities with whom the people of Kayasan were in a weak negotiating position. Their NGO allies, furthermore, have more influence with provincial and national levels of the resource bureaucracy management than with its provincial and local line-officers. Lower levels of government are similarly more responsive to local elites than to NGO advocates.

At the same time that the CADC represents a furthering of state control over indigenous resources, it also invited an expansion of influence on the part of national and international NGOs, as well as foreign donors. The essential part played by NGOs is clearly evidenced by the fact that each of the five CADCs ultimately granted in Palawan went to a site receiving major NGO support. Alliances with these external sources of resources, including capital, information, training, and political influence were for the most part well received, and indeed sought after, in Kayasan; many residents, particularly the leadership, invested much energy in these new pathway relationships.

Interactions with NGOs promoted certain forms of identity in Kayasan. NGOs did not regard the distinction between Batak and Tagbanua as important; rather, they advanced the concept of a pantribal (*katutubo*), indigenous identity on the basis of which alliances could be formed, resources garnered, and unique claims to resource access made on the state. Thus, indigenous identity itself becomes a resource. Neither purely primordial nor entirely instrumental, indigenous identity is rooted in shared historical experience, including a rich connection to and knowledge of particular landscapes, agroecosystems,

and forms of livelihood. The indigenous people of Kayasan could themselves appreciate this commonality with other indigenous groups, as well as their shared, marginalized structural position. (Indeed, Kayasans hosting an (NGO-organized) international delegation immediately referred to a Dayak visitor as a fellow *katutubo*).

In such struggles, many indigenous peoples are coming into a position of particular political advantage (notwithstanding the manifest disadvantages they also experience). Indigenous identities are uniquely linked to place and therefore their territorial claims carry a particular weight among receptive audiences. Indigenous peoples are assumed to practice “environmental stewardship,” which gains them the support of environmentalists. Indeed the network of NGOs whose advocacy is based primarily on a commitment to indigenous rights is significantly smaller than those whose support rests more strongly on environmental grounds. Hence, indigeneity becomes a viable political identity and resource where it can serve as a basis for alliances with extra-local organizations, drawing on popular discourses and local-to-global social movements championing indigenous rights and environmental protection.

Yet, the evidence examined so far suggests that indigenous capacity under current conditions in Kayasan is not sufficient to defend boundaries and pursue pathways in a manner that matches local expectations of the benefits the CADC would bring. At this moment the question to ask is: where is the problem -- with local capacity? or with the policy and its underlying assumptions?

The Philippines’ ancestral domain policy rests on a series of premises about “indigenous cultural communities” that have been found not to hold in Kayasan: among them clear and congruent social and territorial boundaries (and other features shared among persistent common property regimes). The policy is designed to achieve its objectives of securing indigenous land rights, environmental conditions, and state control primarily through the single act of “certifying” the boundary on the landscape. I have argued that boundaries alone won’t work. Pathways matter. Note that the hypothesis that boundaries will suffice is common to a wide range of governmental policies, such as those concerning conservation, forest and land-use classification and management, and some forms of “community-based resource management” and even land reform. Policies, therefore, should be designed with due consideration to both boundary and pathway relationships and must provide for their flexible interaction. In other words, where a policy restricts access to certain resources to target groups (by establishing boundaries), it must also provide access to supportive resources (by enabling pathways) in order to convey a degree of local control, and it must leave in place the flexibility to adapt to changing circumstances (e.g., modifying what or whom a boundary excludes and even its location).

Even if well-crafted and flexible boundary and pathway policies were in place, deeper structural conditions might well scuttle community ambitions. In the case of Kayasan, even the exclusive right to extract and trade forest products would not achieve local resource control and benefits if the structure of the market continues to place primary producers in such a weak position, leaving them open to volatile international prices and shifting political winds. Thus, treading a fine line between blaming the “victim” and denying agency, we recognize that the particular situation, character, and capacities of a community can indeed make a difference -- but not in the absence of enabling structural reform. Communities can counter imperfect boundary-based policies by forging pathways of their own; they can endeavor to address deeper structural obstacles by building coalitions -- but these may need to go past identity-based affinities.

The policy that created the Certificate of Ancestral Domain Claim was flawed not merely because of the limitations of its boundary-based approach. Rather, the deeper (and common) flaw lies in generating expectations that one intervention could address systemic problems. Any policy targeting indigenous people in the Philippines must operate in the context of massive imbalances of power, the peoples' social and political marginalization, their poverty and disadvantaged position in markets unfavorable to rural producers, and mounting environmental pressures. Clearly, no policy could provide a simple fix -- even if it was intended to do so. Nonetheless, policies also have unintended consequences. The CADC represented for the people of Kayasan and other indigenous Filipinos an incremental advance in their quest for land rights, and the processes it engendered served as a catalyst for developing local capacity and forging a shared identity, and thereby perhaps the further basis for a coalitional politics to bring about deeper change.

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