



# DIPLOMACY TRAINING PROGRAM

AFFILIATED WITH THE FACULTY OF LAW UNIVERSITY OF NEW SOUTH WALES  
A training program for peoples of the Asia-Pacific region

**Human Rights Training for Indigenous Civil Society in the Philippines  
In cooperation with the Philippines Association for Intercultural  
Development  
11-22 August 2003**

**REPORT**

**SEPTEMBER 2003**

# REPORT

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## Introduction

This is the report of a two week training program conducted 11-22 August 2003 in Subic Bay, Philippines by the Diplomacy Training Program in partnership with the Philippines Association for Intercultural Development (PAFID). The Program was made possible with funding from New Zealand Aid, the Myer Foundation, The Friedrich Naumann Stiftung and Caritas Australia.

The report provides a background to the training program, contextual information about the human rights challenges facing program participants, information on the participants, the training content and trainers and some recommendations for the Diplomacy Training Program to consider for future trainings.

En-route to the training the Executive Director, Patrick Earle and Board Member, Dr Sarah Pritchard, paid a courtesy visit to the Australian Ambassador to the Philippines, H.E. Ruth Pearce.

The training was formally opened by His Excellency, New Zealand Ambassador Terry Baker, Ambassador Howard Dee, President of the Tabang Mindanao and Assisi Foundation and Kapitan Bonifacio Tolentino – elder of the local Aeta indigenous land owners of Subic Bay.

Ambassador Baker was warm and eloquent in his opening remarks in relating the indigenous experience in New Zealand and internationally to the challenges facing indigenous people in the Philippines. In wishing the training program and participants well, he emphasised that promotion of indigenous human rights was a priority for the New Zealand Government domestically and in its foreign and international development policies. Ambassador Howard Dee provided the participants with an insight into some of the urgent challenges facing indigenous people in many different parts of the Philippines. He highlighted the relationship between violations of civil and political rights and lack of security for economic, social and cultural rights for indigenous peoples in the Philippines.

The training course took place over two-weeks and covered much ground. Training in existing human rights standards and UN mechanisms was complemented by a focus on practical skills and discussion of emerging human rights issues around the environment and intellectual property rights. Participants worked hard, often starting before 9.00am and working through until after 6.00pm. On their one-day off from formal training sessions, participants were invited to share food and experiences in the rainforest with the local Aeta community and were given a tour of the Subic Bay area.

The feedback from anonymous participant evaluation forms was universally positive, both about the quality of the training and trainers, and about the program content and its practical usefulness. All the participants identified specific ways that the training would either enhance their work or ways that they would apply and share the knowledge and skills gained with their organisations and communities. At the conclusion of the training the participants established an “e-group” so that they could continue to stay in touch and support each other.

Five former Diplomacy Training Program alumni were involved in this training as resource people or organisers and all reaffirmed the value of their initial Diplomacy

Training Program experience. Acquaintance was also renewed with Professor Raul Pangilangan, Dean of the Law Faculty at the University of the Philippines who had taught on the DTP course in Manila in 1997. Professor Paul Redmond, the Chair of the DTP board paid a courtesy visit to Professor Pangilangan en route to the training and discussed the possibility for future collaboration between the Law School and the Diplomacy Training Program.

A highlight of the training for participants was to be present to witness the Indigenous land owners of the region receiving formal ancestral domain title to 30% of the Subic Bay area.

## **Background**

The training program came about at the suggestion of Dave Devera, a Diplomacy Training Program alumni and Executive Director of PAFID. PAFID is a long established organisation that works with indigenous communities and representatives from across the Philippines.

Through its work PAFID is acutely aware that many indigenous communities across the Philippines are vulnerable to a range of human rights violations and of the need to build the capacity of community advocates to defend and promote their human rights and rights as indigenous people.

An example of the need that Dave cited in the lead-up to the training was the sense of powerlessness of local community representatives when confronted with the killing of four indigenous children, allegedly by individuals associated the security guards and the military in a dispute over land.

The considerable work of PAFID in making the training possible needs to be acknowledged. It was a true partnership, but as in many partnerships the work was not always evenly distributed. PAFID worked with DTP on the program and on identifying and selecting both participants and trainers, but undertook most of the logistical work in the Philippines including arranging the venue and ensuring that all participants and trainers made their journey safely by boat, bus and plane. PAFID's Director, Dave Devera in particular was always there day and night to fix problems, look after participants needs and to find participants/trainers who were mistakenly deposited by bus somewhere in Zambales province.

## **Funding**

An initial grant from the Myer Foundation and subsequent funding from the Philippines country program of New Zealand Aid made the program possible and supplemental funding from Friedrich Naumann Stiftung and Caritas Australia made extra spaces for additional participants.

The Myer Foundation needs to be acknowledged for its outward-looking perspective in providing funding to a program on indigenous rights outside of Australia. Over the years the Myer Foundation has gained a deserved reputation for supporting indigenous people in Australia in many different ways. The Diplomacy Training Program believes that

funding for this program was recognition of the relationship between indigenous rights in Australia and internationally. Some of the issues facing indigenous people in the Philippines and Australia, such as negotiations over land and cultural property rights are common, even if the contexts are very different. Emerging international human rights standards and principles provide an important common ground to discuss these issues and there is clearly great potential for all in exploring avenues for experience sharing between indigenous peoples in the region.

While the Diplomacy Training Program has previously received funding from New Zealand Aid, on this occasion the funding was pivotal and NZAID support made this program possible. NZAID is giving priority in its Philippines program to situation of indigenous peoples and recognise the importance of capacity building among indigenous NGOs and advocates and those working with indigenous communities.

This training initiative clearly complemented NZAID strategy and programming priorities in the Philippines and the NZAID staff were flexible and supportive throughout. The presence of the New Zealand Ambassador at the opening ceremony was a powerful symbol of this commitment to indigenous rights and to indigenous communities, and was greatly appreciated by DTP, PAFID and by the indigenous participants.

The Friedrich Naumann Stiftung and Caritas Australia also provided valuable support by assisting with the participation costs of five individual participants.

## **The Venue**

The training was held at the Subic International Hotel in the Subic Freeport Zone, a three to four drive from Manila. Since the US Military left its base at Subic Bay in the 1990's the area has been administered by the Subic Bay Marine Authority and attempts have been made to attract manufacturing, textile and technology industries. A fence, canal and guard posts separate Subic Bay from neighbouring Olongapo City and Zambales province. Much of Subic Bay remains forested, having being used by the US military for jungle survival training. Pressures of urban development were kept outside the base area by the perimeter barriers, which were retained when the Freeport zone was created.

The venue proved most appropriate as the Subic Bay area has been the subject of an uncontested ancestral domain land claim by the local Aeta indigenous people. A local leader of the Aeta people, Kapitan Bonifacio Tolentino, officially welcomed the participants to ancestral Aeta land. A field trip was arranged for participants to witness the hand-over of ancestral domain title deeds to the Aeta people and for a sharing of experiences with the indigenous participants of the training.

Twin-share accommodation was provided to participants in former US military barracks converted into a hotel in the 1990's after the US armed forces left Subic Bay. The main training venue was located a short distance from the hotel, at what was once the Naval Officers Mess. The hotel arranged a shuttle service for participants between the hotel and the training venue. All the arrangements worked well.

## The Context

Civil conflict, corruption, lack of accountability and pressures of poverty and economic development have been identified by observers<sup>1</sup> as providing the broad context in which there have been ongoing human rights violations committed against indigenous people in the Philippines.

There is considerable political instability with a recent military rebellion/coup attempt and presidential elections planned for 2004. There is a vibrant press and an active and experienced human rights NGO community.

The Philippines Government is a party to most of the major human rights instruments and is currently in the process of submitting periodic reports to the Committee on Elimination of Discrimination Against Women and the Committee on the Rights of the Child. It has recently submitted its report under the International Covenant on Civil and Political Rights and will appear before the UN Human Rights Committee in October/November. The government is overdue in submitting its report under the Covenant on Economic, Social and Cultural Rights, although one NGO is currently in the process of preparing a parallel report to submit.

Indigenous advocates have celebrated the passage of the Indigenous People's Rights Act (IPRA) as a landmark legal recognition of indigenous rights by the government, but they have also, along with the UN Special Rapporteur and others, pointed to the challenges of implementing the Act. Community representatives on the ground have highlighted the difficulties in gaining recognition for ancestral domain title, the lack of awareness of indigenous rights in government departments and among government officials and the conflicting legal regimes governing indigenous rights and regulating mining and other economic activities that impact on indigenous people's rights. Indigenous communities who have won recognition of title to their land face major challenges in successfully negotiating the implications of this recognition. The capacity of communities to negotiate effectively with other stakeholders is one of these challenges. Violence and intimidation around contested ownership, use of and access to land is a pressing issue facing many communities.

Participants raised specific cases of forced displacements of communities to make way for dams and mines, and of the catastrophic social and environmental impact of some large foreign funded mine projects. Some participants had spent time in gaol as a result of peaceful protests against mine projects. Other participants had witnessed the killing of relatives and community members by armed groups associated with the military in the course of disputes over land and land title issues. The issue of bio-prospecting on indigenous land by companies and of the need to take special measures to protect the intellectual property rights of indigenous communities was also raised by participants.

Participants at the training highlighted that the international "war on terrorism" has brought a new atmosphere for repression for Muslims in the Philippines, with members of the Muslim community feeling further stigmatised in the eyes of wider Filipino society

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<sup>1</sup> US State Department 2002, Amnesty International 2003 Annual Report; Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people- Mission to the Philippines

and whole communities being targeted by the armed forces in the hunt for individual suspects. This situation is particularly keenly felt on the island of Mindanao.

For some indigenous communities in Mindanao, claims for independence for Mindanao and the operation of the Autonomous Region of Muslim Mindanao (ARMM) can be seen as a threat to rights newly recognised by the Philippines Government in IPRA. Tensions and conflict between the majority communities and indigenous peoples on Mindanao have emerged over these broader issues as well as around local issues of land ownership and use.

Indigenous communities in other parts of the Philippines have also found themselves caught in the cross-fire of renewed conflict between the Philippines military and the New Peoples Army (NPA). The number of reported “disappearances” and extra-judicial executions in the context of this conflict has been on the rise and a number of specific cases were highlighted in the course of the training. The renewed conflict is fuelled by the growing development gap between rich and poor. To a degree this renewed conflict is also affected by the global “war on terror” with NPA being recently designated a terrorist organisation by the US administration and Philippines government.

## Participants

The call for applicants was distributed widely in May and June. DTP in consultation with PAFID selected 30 successful applicants from over 60 eligible applications, seeking to ensure balance between the regions and balance between genders. The final number participating in and completing the training was 27, drawn from three main areas of the Philippines – Cordillera, Visayas and Mindanao. Most of the participants were indigenous people, and all but one participant worked on indigenous rights issues on a daily basis. See Appendix II- Participant biographies.

There was considerable diversity among the participants, in cultural identity, in background, in skills and experience, in familiarity with English and in knowledge of human rights standards and lobbying and advocacy skills.

There were young indigenous women from Mindoro for whom this was the first such opportunity to learn about human rights. There were older men, veterans of the conflict in Mindanao and who are currently involved in efforts to find peaceful solutions to the long running conflict there. There were Christians, Muslims and followers of traditional indigenous belief systems.

The gender balance achieved was almost exactly 50% with 13 female and 14 male participants.

Most of the indigenous participants were from grassroots NGOs working directly with indigenous communities in different parts of the Philippines. A number of the other participants are currently working with the National Commission on Indigenous Peoples, a government agency, and had worked with Presidential Task Force 63 addressing violations of indigenous rights. The remaining participants came from networks or advocacy NGOs that work on land or mining, resource and environmental issues.

Many of the participants have witnessed, have experienced, or are confronted on a regular basis with, serious human rights violations. To ground the human rights training in reality, participants identified a list of ten issues that had occurred in their communities that they were familiar with. These issues included displacement of villagers by development projects, extra-judicial killing of indigenous leaders and of children, environmental destruction and conflict over mining projects. Over the course of the training, participants returned to these issues in the context of particular sessions.

## **Training Content**

The training was adapted from the standard content of the Diplomacy Training Program schedule. It applied the DTP formula of providing knowledge of human rights law and standards, practical knowledge of how the UN system works and the diplomatic and advocacy skills to enhance effective NGO work to meet the particular circumstances of the indigenous participants in the Philippines.

The schedule provided an intense introduction to human rights law and the UN system and to indigenous rights within the broader UN framework. Considerable time was given to the place of indigenous people, indigenous rights and indigenous forums within the UN system. This covered some of the current debates around the Draft Declaration on the Rights of Indigenous Peoples, the Working Group on Indigenous Populations and the new UN Permanent Forum.

The program was tailored to take into consideration the fact that the Philippines has ratified most of the major human rights treaties and that the reporting regime under these treaties is the most accessible way for many NGOs and advocates to engage with the UN system.

There was therefore a particular focus on working with the human rights treaty monitoring bodies and on interaction with the UN's special mechanisms such as the Special Rapporteur on Extra-Judicial Executions and the UN Working Group on Enforced and Involuntary "Disappearances". These sessions emphasised the importance of clear and credible information and documentation. Practical group sessions helped to build skills in human rights monitoring, report writing and presentation.

Building knowledge and skills for effective advocacy and lobbying was the focus of one session, but perhaps more importantly was emphasised in many of the other individual sessions. The need for clear objectives, for good preparation, for understanding the role of the individuals and organisations being lobbied, for making positive recommendations and understanding the importance of timing came through repeatedly in exercises, role-plays and simulations set by the trainers and in feedback sessions.

The training also acquainted participants with some of the current key and emerging issues relevant to indigenous communities such as bio-prospecting and intellectual property rights and provided the space for participants to explore the relevance of human rights standards and instruments to these issues.

For the first time the program also addressed the issue of corporate accountability to human rights standards with sessions on the OECD Guidelines on Multinational



Enterprises and the new UN Norms on the Responsibilities of Transnational Corporations with regard to Human Rights. This is the first time these instruments have been on the course curriculum for the Diplomacy Training Program and they were very well received.

An important aspect to the training was the opportunity to share experiences and learn from each other. This was facilitated by an emphasis on group work, role-plays and other exercises focussing on specific cases and situations in the Philippines.

At a special evening session, a recent DTP alumni, Abhoud Syed Lingga, presented his experiences of going to lobby at the UN Commission on Human Rights in Geneva

A complete training schedule (along with opening and closing programs) are attached as Appendix III. Briefing notes were provided to trainers beforehand to help guide program content and are attached as appendix IV.

## Trainers

DTP and its partner PAFID arranged for specialist input to the training by expert trainers from academia, the law, the United Nations and local and international NGOs.

These included

- Professor Virginia Dandan from the University of the Philippines in Manila, who is Chair of the UN Committee on Economic, Social and Cultural Rights;
- Minnie Degawan, a Kankanaey Igorot woman from the Cordilleras with extensive UN experience;
- Dr Aurora Parong a Marcos era detainee who is Executive Director of Task Force Detainees Philippines;
- Ms Jana Grace P. Ricasio who is currently Assistant Resident Representative for the UN Development Program in the Philippines.
- Ms Luz Rimban, Director Philippines Centre for Investigative Journalism
- Joey Lozano, journalist and film maker based in Mindanao and board member of *Witness*.

It is an indication of the regard in which the Diplomacy Training Program is held that all of the trainers provided their services on a pro-bono basis. Three of the trainers were alumni of previous Diplomacy Training Program courses. In addition there were sessions from three international trainers from the Diplomacy Training Program and the University of New South Wales. There were 17 trainers in total; 10 female, 7 male. A full list of the trainers is provided in Appendix V.

The mix of local knowledge and international experience was very valuable and was commented on by participants.

### Evaluation of trainer presentations

At the end of each day participants were asked to complete a short evaluation questionnaire focused on the day's presentations. The questionnaire asked seven questions about the trainer presentation including: clarity of presentation, knowledge

provided, usefulness of teaching aids provided, pace of presentation, level of English used, general interest created by the presentation, and an overall rating of the presentation. Participants were asked to assess these categories according to five choices offered: excellent, good, average, poor, very poor. Participants were also given the opportunity in the evaluation questionnaire to make general comments about the trainer and their presentation, a selection of which follows below.

### Summary Table of Average Participant Responses

Feedback from participants was universally positive, with all trainers evaluated as being in the good to excellent range. Below is a summary table based on the average (mean) responses of participants to the seven questions in the evaluation form.

<b>Total Number of trainers</b>	<b>17</b>	
<b>Average Number of trainers per rating</b>		<b>%</b>
<b>QUESTION 1: Clear presentation</b>		
Excellent	14	82
Good	3	18
<b>QUESTION 2: Knowledge and skills taught</b>		
Excellent	15	88
Good	2	12
<b>QUESTION 3: Usefulness of teaching aids</b>		
Excellent	12	71
Good	5	29
<b>QUESTION 4: Pace of the presentation</b>		
Excellent	11	65
Good	6	35
<b>QUESTION 5: Understandable level of English used</b>		
Excellent	12	71
Good	5	29
<b>QUESTION 6: Interest created in the training</b>		
Excellent	13	76
Good	4	24
<b>QUESTION 7: Overall rating of the presentation</b>		
Excellent	13	76
Good	4	24

### Short comments about trainers from anonymous participant evaluations

- *Prof Dandan gives constructive comments and suggestions for effective strategies e.g. drafting and submitting of NGO parallel reports to the UN Treaty Bodies*
- *Excellent trainer on the UN and Human Rights Standards.*
- *The actual experience/story-telling of the lobbying campaigns in the UN is an effective way of the speaker for the participants to learn from the training session.*

- *Perhaps in the words of Minnie Degawan, we are a people of oral tradition. While I could have easily read about the history, mandate, composition, etc of the UN bodies for Indigenous Peoples, the “insider” stories and real engagements she shared helped put/situate Indigenous Peoples in UN IP Forums more concretely and vividly for me.*
- *The practical experience in lobbying is really useful*
- *Excellent, interesting and very challenging.*
- *The topic is easy to grasp and presented in an understandable manner*
- *It’s a nice perspective to see from the point of view of a media practitioner. It shows how and what we advocates have to access.*
- *Very interesting and useful, especially in our line of work.*
- *The capacity of the facilitator to balance and weigh different views is excellent.*

## Materials

All participants were presented with an edited version of the Diplomacy Training Program Manual. In addition participants were provided with further resource and reference materials to support each session. Each participant is being provided with mini-CD copy of the various power-point presentations made by various presenters.

At the end of the training each participant received a certificate from the Diplomacy Training Program and the Law Faculty of the University of New South Wales. A full list of the training and resource materials provided is outlined in Appendix VI.

## Applying the Training to Practice

Participants were asked to think about how they would apply the training to their work when they returned to their organisations and communities. Each was asked to keep a personal daily journal to help them reflect on each day’s program and how it might be applied.

In the evaluation form at the conclusion of the training participants were asked about the usefulness of the training and how they would apply the training in their organisations and communities. The complete answers to the questions are attached as Appendix VII. Following are some examples:

- *It puts me into a clearer perspective where Indigenous People lie in local and International sphere and pertinent to Human Rights issues. Information will be used as a tool in the refocusing of our centre’s development framework for Indigenous People.*
- *It is very vital and indispensable in the type of work I’m doing right now. With this training, my views on greater advocacy have been widened. It just opened up*

*and created broader horizons and fields for us to weave in and move in order to defend our rights. As a member of a body created to address emergency situations affecting IP's, the idea of lobbying and advocacy appealed greatly to me.*

- *Yes, DTP is the first detailed and comprehensive training on human rights. It helped me in my work by conducting small group discussion in the village on the aspect of human rights, its basic concept.*
- *It's really perfect and it will help a lot in assisting my work as a human rights advocate; through the different topics/inputs, workshops which we undertook and the hand outs which were given to us we now have references for giving seminars and training in our various communities*
- *DTP training will definitely be of great help to my work particularly in the advocacy of women's rights. Further, sharing of co-participants on the issue of IP women in their areas will be useful in analysing the plight of Filipino women.*
- *Yes. Tools, mechanisms, venues, networks, and measures are all valid ideas imparted by this training. Knowing the basic available possibilities enables advocates, communities and Indigenous People's options to use. The challenge lies in the decision of which to use or if to use any at all. In this aspect, the candid sharing of the resource speakers on the actual experience helped give a handle to this process of strategizing and planning for both communities and\* advocates alike. Networks were opened.*
- *In regards to methodologies taught and learned, these have provided me with alternative and effective ways to lobby and strategise especially during negotiations with military authorities*
- *The knowledge I gained was very practical and technical, relevant, essential and substantial in policy advocacy, networking and lobbying strategies.*

## **Specific Outcomes**

- The Muslim participants from Mindanao are planning to hold an orientation on human rights with women in the coming months.
- One participant will be using the information in preparation for an international meeting on rivers and dams in Thailand in December and will collaborate with one of the trainers to prepare a short video production to present at the international meeting.
- Establishment of an e-mail group among participants.
- One participant will make contact with children's NGOs to ensure that the situation of *Ameriasians* children is included in the Philippines reporting process to the UN Committee on the Rights of the Child.
- Most participants will initiate human rights training/orientation programs in their organisations and with their communities.
- Participants are contributing to a follow-up document outlining issues of concern and draft strategies for action

## Recommendations for Future Training Programs

- While the focus of the training was on the Philippines indigenous experience and this is already diverse and challenging from a training perspective, it would have been useful to have had indigenous peoples input from New Zealand or Australia and elsewhere – particularly around the issues of negotiating land use and negotiating agreements with corporations. This should be considered when organising future in-country and regional trainings on indigenous rights.
- There is clearly a continuing need for human rights capacity building among indigenous advocates and networks in the Philippines and DTP should explore with its Advisory Council and local partners its role in meeting this need.
- While the diversity of trainers brought considerable expertise and a range of valuable experiences, a smaller number of trainers might have enabled more in-depth exploration of particular issues and areas and provided greater continuity between sessions.
- The session on women’s rights and gender was perhaps the most controversial of the individual sessions. A number of evaluations commented that it would have been more appropriate to have an indigenous woman presenting on this session. It would probably also have been valuable to have more time dedicated to this vital yet highly sensitive topic.
- DTP needs to explore how it can improve the impact and sustainability of its training, reflecting on comments made by participants at this training about the need for ongoing communication and information.
- DTP should consider holding further regional training programs in the Philippines as it has rich resources of human rights expertise to draw on and DTP can build on its past record of contributing to and collaborating with the human rights community in the Philippines.