

7 AN ASSESSMENT OF SELECT HYDROPOWER DEVELOPMENT PROJECTS AFFECTING INDIGENOUS PEOPLES IN NORTHEAST INDIA AND THE PHILIPPINES

CPDE Indigenous Peoples Constituency

Introduction

To Indigenous Peoples in the global South, the terms “dam” and “private sector” are often equated to land grabbing, environmental destruction, and human rights violations.¹ This view stemmed from centuries-old collective experiences where the government often launches development projects and limits discussions between the concerned citizens and the private sector. The private sector funds these so-called “development” projects, through funding agencies, financial institutions, business organisations, and corporations.

One thing that makes the public wary about the private sector is the issue of profit. Based on the experiences of public stakeholders, private investors of these projects expect not only a return of their investment but also turn in a profit. In the spirit of “development”, these private companies are often guaranteed as much by governments in affected countries.

An Assessment of Private Sector Engagements in Dam Development Projects concerning Indigenous Peoples

In the course of our research into private sector engagement with Indigenous Peoples, it is clear that there has been a lack of monitoring and accountability of private companies in these projects. Many development projects posed environmental threats and infringed on the rights of Indigenous Peoples (IPs). These projects did not provide monitoring studies and accountability mechanisms that would have helped IPs that were immediately affected by these projects. It was also difficult for the present economic aid framework to consider Indigenous Peoples as a major stakeholder for development effectiveness.

There may be a lack of a guide on private sector engagements in the implementation of the United Nations Sustainable Development Goals (SDGs). Nevertheless, it is still important to measure if private sector engagements in development projects effectively bring development to the grassroots. It is also still important to measure its impacts on the lives of affected communities.

In our research, one of our objectives is to check gaps in what can be classified as public information to support the advocacy and information campaigns launched by affected communities. Publicly shared information on the construction of hydropower projects, their environmental and social impacts, and their risks are often limited. The lack of transparency and limited access to relevant information on these projects present a significant challenge in conducting our research.

¹ Fisher, W.F. (1999, September). Going Under: Indigenous Peoples and the Struggle Against Large Dams. Cultural Survival Quarterly Magazine. <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/going-under-indigenous-peoples-and-struggle-against-large>

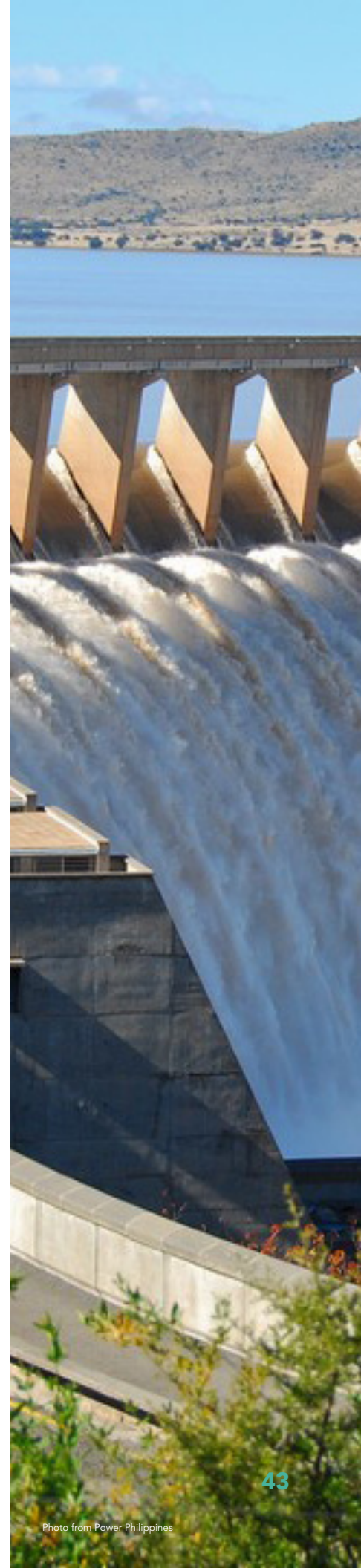




Photo from Lucas News

Dams and Indigenous Peoples

Dams are development projects often planned and implemented on ancestral lands, that is, lands which are owned and cared for by Indigenous Peoples. Dam proponents argue that dams are the easiest way to provide power, control river flow and store water. Others view them as icons of progress and pride. However, according to Cultural Survival and the International Commission on Large Dams, dams (15 feet or more) have significantly distorted the earth's natural waters since the 1930s. Large-sized dams numbering up to 40,000 have been constructed worldwide and with recorded diverse effects on land and people.

Since the 1990s, the worldwide reservoir of these dams has a combined 10,000 cubic tons, which is equal to five times the volume of water in the world's rivers.² It has flooded fertile farmlands and caused the involuntary displacement of vulnerable sectors, especially Indigenous Peoples. In India alone, the government admitted that 40 million displaced people are Indigenous Peoples who have no access to social programs and are among the most impoverished sectors of society. According to a thematic review on Dams and Indigenous Peoples by the Forest Peoples Programme, Indigenous Peoples have suffered dramatically from the adverse effects of large dams due to "structural inequalities, cultural dissonance, pervasive and institutional racism, discrimination and political marginalization".³

Dam proponents and critics have debated with each other whether or not dams genuinely respond to a country's economic needs and protect the rights of affected sectors and communities. At the same time, national and international movements have come together to demand a moratorium on specific development projects and justice for victims of human rights violations committed while building these projects. These movements have made several push backs against development projects, including creating the now defunct World Commission on Dams. The said initiative produced more studies on the harmful effects of dams on the ground and exposed human rights violations happening during the construction stage. Documents in the areas of international law and development practice have been produced to help mitigate these negative impacts and strive to arrive⁴ at best practices by funders and hydro-power companies. One of these documents is the United Nations Declaration on the Rights of Indigenous Peoples which serves as a framework for nation-states and funding agencies to safeguard the fundamental rights of IPs.

Despite these developments, human rights violations continue to happen where dam projects are being implemented worldwide with its funding amounting to billions of dollars through Official Development Assistance (ODA) and other forms of investment. Multilateral agencies often express desire to fund these projects, as do private conglomerates based in the global North. Aside from causing ecological destruction and widespread displacement, these projects serve as opportunities for corruption for government officials in charge.

²Fisher, 1999.

³Colchester, M. (2000, November). Sharing Power: Dams, Indigenous Peoples and Ethnic Minorities. Forest Peoples Programme. Prepared for the World Commission on Dams. <https://www.forestpeoples.org/sites/default/files/publication/2010/08/damsipsethnicminoritiesnov00eng.pdf>

⁴Colchester, 2000.

Country context for India and the Philippines

The focus areas for this study will be the Philippines and Northeast India. These areas have similarities in terms of natural resources, demographics and current political situation, and both countries are rich in natural resources. According to the website of Convention on Biodiversity, the Philippines is one of the 18 megadiverse countries in the world, containing the world's 70% to 80% in plant and animal species that have greatly benefited from the country's system of watersheds, river basins, and coastal areas.⁵ It is also one of the world's biodiversity hotspots with at least 700 threatened species.

India is also considered as one of the megadiverse countries⁶ in the world with 91,200 species of animals and 45,500 species of plants. Many animals are considered highly endemic to the region, including reptiles, amphibians, cat predators (tiger, leopard, lion), and birds. This part has a diverse ecosystem from high-altitude mountains, cold and hot deserts, hot and humid farmlands to coastal areas. Its principal rivers and tributaries traverse various environmental situations allowing for 783 species of freshwater fishes to propagate. India is also the third largest producer of fish in the world.



Photo from Chemonics

India's mountain ecosystems are also classified as global hotspots, specifically the Eastern Himalayas, Western Ghats and Sri Lanka. The Western Ghats, a mountain range at the southwest coastline of India is included as a UNESCO World Heritage Site. The biodiversity found here rivals that of the Amazon rainforest. The three ecosystems are also critical homes to watersheds, feeding major river systems of India and neighbouring countries during the monsoon season.

Both the Philippines and India have a largely economically stratified demographic, from the wealthiest sectors of its societies with a net worth of millions of dollars, to the lowest barely scraping USD 3 per day. According to World Bank data, 81% of Indian people live on less than USD 3 a day⁷ while the wealthiest 10% own 80% of the nation's wealth. In the Philippines, according to Oxfam, 7 out of 10 families live below the poverty line.⁸ And 22 million Filipinos survive on USD 1.90 per day, while its wealthiest families became richer⁹ by 30% or USD 79 billion in 2021 despite the pandemic, according to Forbes.

Both have a relatively diverse population of Indigenous Peoples. The Philippines has almost 11 million,¹⁰ while India has 104 million Indigenous People population.¹¹ Most indigenous communities live below the poverty line and largely depend on forests, farmlands, and coastal areas for economic subsistence and survival.

⁵Convention on Biological Diversity. (n.d.). Philippines-Main Details. <https://www.cbd.int/countries/profile/?country=ph>

⁶Convention on Biological Diversity. (n.d.). India- Main Details. <https://www.cbd.int/countries/profile/?country=in#facts>

⁷Basu, M. (n.d.). Seeing the New India thru the Eyes of an Invisible Woman. CNN. <https://edition.cnn.com/interactive/2017/10/world/i-on-india-income-gap/>

⁸Oxfam International. (n.d.). Philippines. <https://www.oxfam.org/en/what-we-do/countries/philippines>

⁹Valmonte, K.C.G. (2021, September 10). PHL Tycoons' wealth surges by 30% amid pandemic. Business World. <https://www.bworldonline.com/phl-tycoons-wealth-surges-by-30-amid-pandemic/>

¹⁰Acabado, S., Martin, M. & Lumauig, G. (2020, October 13). When Native is not Indigenous. Rappler. <https://rappler.com/voices/thought-leaders/opinion-when-native-not-indigenous>

¹¹International Work Group for Indigenous Affairs. (n.d.). Indigenous Peoples in India. <https://www.iwgia.org/en/india.html>

Indigenous People, along with their advocates and activists, are also targeted by the governments of India and the Philippines. Global Witness, an NGO that focuses on holding companies and governments accountable for the destruction of the environment, ranks the Philippines as the deadliest country in Asia for environmental activists with 250 recorded killings.¹² In India, meanwhile, 67 environmental activists have been killed. Large-scale hydropower projects or dams are one of the industries identified with the highest number of cases of human rights violations¹³ aside from mining and land-grabbing for other extractive projects.

Assessment of Dam Projects in Northeast India and the Philippines

Developers and concerned government bodies have demonstrated many weaknesses in the course of implementing these dam projects in Northeast India and the Philippines.

Dam projects in both countries caused disputes in affected communities over land rights and ownership. Indigenous communities have been threatened with displacement from their ancestral lands, loss of livelihood sources and cultural sites for IP. The projects also posed significant impacts on the environment and biodiversity in the affected areas. As mentioned earlier, a considerable challenge in conducting our research is the lack of access to relevant information concerning these development projects. The lack of transparency on the part of government bodies and private firms affect the manner in which these development actors are held accountable for the innumerable cases of human and environmental rights violations.

Although not without its limitations, the Kampala Principles can be used to assess private sector engagement in these development projects. To highlight the specific context of Indigenous Peoples, we have also applied the UN Declaration on Indigenous Peoples in assessing the impacts of PSE on IP.

Photo from Morung Express



¹²Bolledo, J. (2021, September 13). For the 8th straight year, PH is Asia's Deadliest Country for Land Defenders. Rappler. <https://www.rappler.com/nation/philippines-asia-deadliest-country-land-defenders-2021>

¹³Global Witness. (n.d.). 1540 land and environmental defenders were killed between 2012 and 2020. <https://www.globalwitness.org/en/campaigns/environmental-activists/numbers-lethal-attacks-against-defenders-2012/>

Name of Dam Project	Developer and Funder	Timeline of Operation	Budget (Source of Funds)	Area of Operation and Affected IP Group	Project Rationale/Purpose
Teesta III Run of the River Hydroelectric Project¹⁴	Teesta Urja Ltd, Delhi	Initially commissioned in 2012, operated in 2017.	USD 1.4 Billion (Asian Genco Private Limited, Singapore which were in turn funded by General Atlantic, Goldman Sachs, Morgan Stanley, Norwest Partners, Everstone Capital for \$425 million), other public sector companies PTC India Limited and Infrastructure Leasing & Financial Services Ltd, Andhra Pradesh Power Generation Corporation Ltd, ICICI Securities and Larsen & Toubro Ltd	Chungtang and Sankalan Village in Sikkim, Northeast India Lepcha Indigenous Peoples	The project seeks to generate a 1200 megawatt (MW) dam, 60 meters across the Teesta river. It is a build-operate-transfer project after 35 years. It is also classified as India's largest hydropower project classified as "clean" under the Clean Development Mechanism (CDM) of UNFCCC and has been used to seek carbon credits.
Teesta VI	Originally by Lanco Energy Private Limited, a subsidiary of Lanco group then passed to state-owned National Hydroelectric Power Corporation. Involved contractors are AF Consult/ AF Proyr and engineering and design and Hindustan Construction for construction works. ¹⁵	Constructed in 2009, commissioned in 2013.	USD 763 million ¹⁶	Sirwani Village in South Sikkim, Northeast India	A 500-megawatt dam under build-operate-transfer. Constructed to generate power, provide irrigation and clean drinking water.
Teesta VI	Jal Power Corporation Limited and was taken over by National Hydroelectric Power Corporation on March 13, 2021. ¹⁷	Construction started in 2008 and stalled since 2013. Projected to be operational on 2025-26.	Approximately USD 117 million (INR 943.20 crore) ¹⁸	Sikkim, Northeast India	The 120-MW dam is another build-operate-transfer project. It envisions a 44-meter high dam as a part of India's drive to tap hydropower.

¹⁴Yumnam, J. (2013, December). An Assessment of Dams in India's Northeast, Seeking Carbon Credits from Clean Development Mechanism on the United Nations Framework Convention on Climate Change. Center for Research and Advocacy, Manipur.

¹⁵NS Energy. (n.d.). Teesta-VI Hydropower Project, Sikkim. <https://www.nsenerybusiness.com/projects/teesta-vi-hydropower-project-sikkim/>

¹⁶International Journal on Hydropower and Dams. (2020, May 14). Civil contracts awarded for India's Teesta VI hydro plant. <https://www.hydropower-dams.com/news/civil-contracts-awarded-for-indias-teesta-vi-hydro-plant/>

¹⁷Business Standard. (2021, March 31). NHPC Completes Takeover of Rangit Stage-IV HE Project. https://www.business-standard.com/article/news-cm/nhpc-completes-takeover-of-rangit-stage-iv-he-project-121033100974_1.html

¹⁸The Economic Times. (2021, January 7). NCLT approves NHPC's Rs 165 crore resolution plan for Jalpower Corp. <https://economictimes.indiatimes.com/news/economy/policy/nclt-approves-nhpc-rs-165-crore-resolution-plan-for-jalpower-corp/articleshow/80159015.cms>

Project Profiles **Philippines**

Name of Dam Project	Developer and Funder	Timeline of Operation	Budget (Source of Funds)	Area of Operation and Affected IP Group	Project Rationale/Purpose
Gened-1 Hydroelectric Power Project	Pan Pacific Renewable Power Philippines Corporation (PPRPPC) as the project proponent	In December 2010, the PPRPPC secured a Renewable Energy Service Contract and was awarded in 2017 by the Department of Energy.	PHP 19.8 billion (approximately USD 351 million)	Apayao-Abulug River in Cagayan Valley region, Northern Luzon, Philippines Location: Brgy. Lt. Balag (Pudtol) Brgy. Waga, Bulu, and Magabta (Kabugao)	It proposes the construction of a 105-meter high dam with a 150-MW power capacity.
Gened-2 Hydroelectric Power Project	Pan Pacific Renewable Power Philippines Corporation (PPRPPC) as the project proponent	On May 30 2021, the contract was awarded by the Department of Energy to PPRPPC.	PHP 51.304 billion (approximately USD 911 million)	Powerhouse and Reservoir (Along the Apayao-Abulug River) Barangays Dibagat, Madagat, and Tuyangan, Municipality of Kabugao, Apayao Province and Barangays Poblacion, Eleazar, Kabugawan, Langnao, Lubong, Namaltugan, Tubang, and Tubongan, Municipality of Calanasan, Apayao Province	It proposes the construction of a 105-meter high dam with a 150-MW power capacity. A 335-MW installed capacity dam with a reservoir storage of 827 million cubic meters.
Kaliwa-Kanan-Lalban Dams under the New Centennial Water Source Project	Official Development Assistance (ODA) scheme from Chinese government, China Energy Engineering Corporation Limited as Contractor Metropolitan Waterworks and Sewage System (MWSS) Corporate Office as the project proponent	Initial Construction Schedule: 5 years, from November 13, 2019 to November 11, 2024 Revised Construction Schedule (due to Covid-19 delays): November 13, 2019 - June 12, 2025	PHP 12.2 billion (approximately USD 216 million)	Dam and reservoir: Brgy. Pagsangahan, General Nakar and Brgy. Magsaysay, Infanta, Quezon Province Tunnel alignment along Rizal, outlet, Tersa Morong	Construction of the reservoir to accommodate the growing water demand of MWSS service area residents. Design and construction of a 60-meter high dam with initial capacity of 600 million liters per day (MLD) and 27.70 kilometer conveyance tunnel.

Adherence to the Kampala Principles

Kampala Principle 1: Inclusive Ownership

PHILIPPINES As per government economic policy, the Duterte administration of the Philippines launched the Build, Build, Build Program in 2017 to boost infrastructure development and bring in the “Golden Age of Infrastructure”.¹⁹ This infrastructure program was heavily funded by ODA, mainly from China and Japan.²⁰ The Philippine government initially targeted 119 projects to be implemented under the said program. But in 2021 these projects were reduced to nine. Included in the program were dam projects such as the New Centennial Water Source Project or the Kaliwa Dam Project, and the Chico River Pump Irrigation Project, which Philippine Indigenous Peoples and advocates heavily resist. Specific confidentiality clauses on these loan agreements have attracted much criticism from concerned sectors and communities. They have questioned the lack of transparency from both Philippine and Chinese governments and insisted that these projects are unlawful or unconstitutional.

NORTHEAST INDIA While the Philippines turns to China, India implements its Act East Policy to boost its own economic and political power in the region and counter China’s growing influence.²¹ It has identified several projects to improve 4Cs (Commerce, Connectivity, Capacity-building and Culture) such as road networks, railway links, and maritime bridges. Funders of such road projects and the power sector included the Asian Development Bank, the World Bank, and the Japan International Cooperation Agency. The country has also implemented a Renewable Energy Mission to establish several green energy projects and introduced a local policy²² to implement SDGs such as National Institution for Transforming India Aayog (NITI Aayog). It provides an initial guide to map out private sector engagements and build partnerships through the United Nations Development Programme, Invest India and NITI Aayog. In addition to these, some proponents of the dam projects are also applying for clearance from the United Nations Framework Convention on Climate Change (UNFCCC) and are asking for monetary incentives. However, the proponents should fully fund the dam projects before consulting with affected citizens.



Kampala Principle 2: Results and targeted impact

The risks that these development projects pose to the environment and the lives and rights of Indigenous Peoples and other marginalised sectors far outweigh their alleged benefits.

¹⁹Cuenca, J.S. (2020, December). Review of “Build, Build, Build” Program: Impacts on the Philippine Development Plan 2017-2022. Philippine Institute for Development Studies. <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps2054.pdf>

²⁰Guzman, R. (2021, July 25). What Build, Build, Build Has Delivered. IBON Foundation. <https://www.ibon.org/what-build-build-build-has-delivered/>

²¹Yumnam, J., Jajo, T. & Sanaton, L. (2017). Intrusion of International Financial Institutions in Manipur. Centre for Research and Advocacy, Manipur. <https://www.hoten.life/organizations/2459/article/907/cra-manipur-report-intrusion-of-internat>

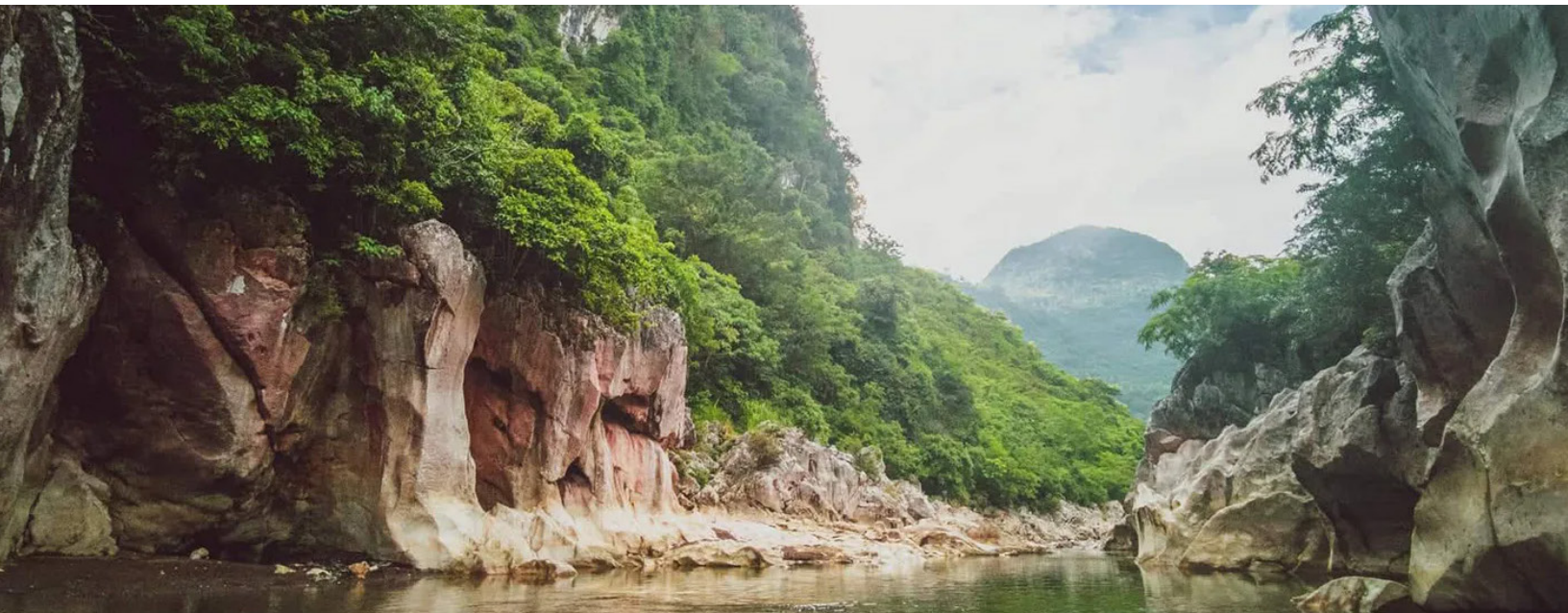
²²NITI Aayog. (n.d.). Sustainable Development Goals. <https://www.niti.gov.in/verticals/sustainable-dev-goals>

PHILIPPINES According to the Philippine Task Force for Indigenous Peoples Rights (TFIP), GENED dam development projects in Apayao, if continued, would inundate villages of Bulu, Magabta, Poblacion Kabugao and parts of LT. Balag and Waga, thereby displacing farmers and fisherfolk by impacting their sources of livelihood. Apayao's biodiversity would also be affected by the dam. At least 105 plant species and 51 bird species and other species of amphibians and reptiles are found in the impact area of the dam.

The Kaliwa and Laiban dams, under the New Centennial Water Source Project, will also lead to the displacement of 6,214 households and will also submerge barangays in Tanay, Rizal and General Nakar, Quezon, according to Ibon Foundation.²³ The Dumagat and Remontado IP will be greatly affected by the construction of the dam.

The construction of the Kaliwa-Kanan-Laiban dams also threaten the biodiversity of the Sierra Madre mountain range. According to the Save Sierra Madre campaign, at least 126 species stand to lose their habitat, while 300 hectares of forest lands will be permanently flooded. Around 100,000 individuals will be put at risk by increased chances of heavy flooding in the downstream areas.²⁴

The Jalaur Dam in Iloilo Province will also greatly affect the Tumandok Indigenous Peoples. Research conducted by local Indigenous Peoples' organisations reveal that the construction of the Jalaur Dam will affect 13 barangays or IP Communities and will totally submerge Brgy. Aglaca, Masaroy and Garangan in Calinog and Brgy. Tampucan in Lambunao Town. Around 17,000 Indigenous Tumandok, from 600 Indigenous communities, will be displaced from their ancestral lands, their livelihood in agriculture likely to be affected by the projected flooding by the dams. This will gravely increase food insecurity and social problems in the affected areas.



NORTHEAST INDIA The Teesta river originates from the Himalayas and goes through the Indian states of Sikkim and West Bengal before entering the Bay of Bengal through Bangladesh. It is the fourth largest transboundary river in the world that feeds the Ganges, Brahmaputra and Meghna river systems. The Teesta river basin holds 313 glacial lakes and any activity on this area will affect the areas downstream. The area is also considered earthquake-prone and ecologically fragile. The area is part of the Alpine-Himalayan belt that has experienced four earthquakes of magnitude 8.0 in historic time.²⁵ The area is geologically sensitive, and any project should have a truthful impact assessment study.

Located in Sikkim are large dams that divert the water through long tunnels before dropping it back to the river at a lower location. Such projects have been falsely advertised as environmentally friendly compared to storage dams. It does not mention, however, the long distances from the river and the powerhouse as in the case of Teesta V where the distance will be 18.5 kilometers. Essentially 90% of the water will be flowing through tunnels. In a study by India Water Portal, more than 60% of certain water sources for drinking and irrigation such as streams and springs have been slowly drying up.²⁶ It also affected those who are reliant on sand quarrying such as labourers and drivers, since the water level of the Teesta river has been so irregular.

²⁵Morken, O.A., Hermans, R.L., Penna, I. & Dehls, J.F. (2020, December). The Dzongu Landslide Dam: High Sedimentation Rate Contributing to Dam Stability. International Society for Rock Mechanics and Engineering. https://www.researchgate.net/publication/346563547_The_Dzongu_landslide_dam_high_sedimentation_rate_contributing_to_dam_stability.

²⁶Sharma, G., Sharma, D.P. & Dahal, D.R. (n.d.). Water conflicts and benefits related to hydropower projects: A case study from Sikkim. https://www.indiawaterportal.org/sites/default/files/iwp2/water_conflicts_and_benefits_related_to_hydropower_projects_a_case_study_from_sikkim.pdf.

During the construction period of the Teesta III, blasting and boring of tunnels led to massive landslides and destruction of houses and property. Flooding of outlying communities have also been recorded several times since the dam construction. Last 2019, Teesta III management released 600 m³/s of water, causing damage to several properties such as the NHCP Guest House, and the Mantam foot bridge, cutting off upper Dzongu from other villages. According to the same study, almost 60% of the houses in the project areas have cracks and dislocated poles or beams. Some of these houses were already tilted due to vibrations caused by the dam's construction.

In the same study by Sharma, Sharma and Dahal, local farmers said that their yield declined by 10% to 40% in the last ten years due to problems induced by development projects. This decline was attributed to the loss of water sources for irrigation. They also reported a change in the size, color and taste of fruits grown in the area, particularly the mandarin orange and guava. As a result, these local agrarian products lose their hold in the market.

Kampala Principle 3: Inclusive partnerships

Effective development cooperation among governments, states, CSOs, the private sector, and other stakeholders, necessitates the inclusion and recognition of the rights of Indigenous Peoples as key development actors in all development processes. The rights and concerns of IP must be included in the global, national and local levels of development discourse.

As stated in the UN Declaration on the Rights of Indigenous Peoples, Indigenous Peoples possess the right to self-determination and the right to their ancestral lands, territories and resources.²⁷ They are also free to determine and pursue their own development priorities. And as development actors, the Indigenous Peoples must be included in the decision-making and processes concerning development projects on their ancestral lands.

The inclusion and active participation of Indigenous Peoples in the discussion, construction and implementation of national development plans, however, is still limited. The concerns of IP over ancestral land ownership and right to development and self-determination have been glossed over by governments, states and private sectors. State forces have also implemented the forcible displacement and militarisation of Indigenous communities for the sake of so-called development. Terrorist-tagging and extrajudicial killing of IP leaders, community members and organisation continue under such oppressive and authoritarian governments.

The Philippine Government and the Indian Government both identified the need for renewable energy sources to address increasing energy use and the threat of climate change. They have both identified the construction of large hydropower dams as the only solution to the energy crisis, despite their impact on Indigenous communities and the environment. In the process of doing so, both governments have violated the right of Indigenous communities to Free, Prior and Informed Consent (FPIC).

In the construction of dams in Northeast India and the Philippines, public hearings and dialogues have just become an opportunity for the developers to disseminate information and not a venue to consider the demands of the affected communities. It came to a point where Affected Citizens of Teesta (ACT) and other affected communities in Sikkim would not attend public dialogues with the government and developers because they felt that their demands were not being heard.



²⁷Article 3 and 26, United Nations Declaration on the Rights of Indigenous Peoples.

There is a clear betrayal of trust on the part of Pan Pacific Renewable Power Philippines and the National Commission on Indigenous Peoples (NCIP) and hand-picked elders to participate in the FPIC process. As a result, they have declared the then-NCIP Director Atty. Marlon Bosantog and Atanacio Addog as persona non grata in the province. There had been no proper and sufficient consideration of Indigenous Peoples as stakeholders and development partners.²⁸

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Kampala Principle 4: Transparency and accountability

Indigenous communities to be affected by the pending construction of GENED Dam demand³¹ that every piece of information and result of every consultation be available to the public and have filed complaints³² with the Anti-Red Tape Authority. Last December 21, 2021, local youth leaders of Kabugao, Apayao alleged that the NCIP tried to manipulate consent through “youth orientations.”

In Sikkim, stakeholders attending public consultations and dialogues were not informed that developers were applying for financial incentives under the United Nations Framework Convention on Climate Change in relation to Teesta III and Teesta VI dam projects. The Indian Ministry of Environment and Forest gave the greenlight for the Teesta III dam despite the lack of a carrying capacity study. Due to delays for Teesta III, the state government of Sikkim had to borrow a significant amount of money to buy out private equity firms that incurred losses until NHPC made a total buyout.³³

Kampala Principle 3: Recognising, sharing and mitigating risks

In this context, the dominant view on development has been equated with massive infrastructure spending, cost benefits and profits. This view has been codified in the neoliberal economic policies and systemic practice pursuing profit at the expense of peoples’ rights and lives. As such, development projects under public-private partnerships, both in Northeast India and the Philippines, cannot be said to achieve the UN Sustainable Development Goal of reducing inequality. These projects further marginalise vulnerable sectors by stripping them of their livelihood and rights. These projects must be critically monitored and evaluated under a framework which puts peoples’ rights and concerns to the fore.

For these two countries, there has been a glaring lack of an alternative approach to build and strengthen national industries and limited engagement with stakeholders such as Indigenous Peoples. The outright manipulation of process to manufacture consent is a violation of the IP rights to Free, Prior and Informed Consent. As collective owners of ancestral lands ignored by these corporations for their resources, IP ought to be included in all decision-making processes and their right to ancestral land and resources respected. IP are both stakeholders in the development arena and key development actors. Their right to self-determination must not be trampled upon for so-called national development.

²⁸ACT Press Release, July 2011.

²⁹Kabugao Youth. (2021, December 23). Asserting our Rights, Defending our Lands and Rivers. <https://www.facebook.com/KabugaoYouth/videos/633336524381318/>.

³⁰Lobien, P. (2021, December 21). Kabugao Youth Leaders thumb down NCIP “brainwashing” efforts, oppose Gened Dams put up. RING Luzon. <https://mgluzon.com/2021/12/21/kabugao-youth-leaders-thumb-down-ncip-brainwashing-efforts-oppose-gened-dams-put-up/>.

³¹Quitasol, K. (2021, May 31). Youth Takes the Lead Against Apayao Dam. Northern Dispatch. <https://nordis.net/2021/05/31/article/news/youth-takes-the-lead-against-apayao-dam/>

³²Quitasol, K. (2021, August 22). FPIC manipulation, collusion on Apayao Dam project haunt NCIP. Northern Dispatch. <https://nordis.net/2021/08/22/article/news/fpic-manipulation-collusion-on-apayao-dam-project-haunt-ncip/>

³³Yumnam, J. (2019, November). Controversies of 1200 MW Teesta III HEP in Sikkim. E-Pao. http://e-pao.net/epSubPageExtractor.asp?src=news_section.opinions.Opinion_on_Building_of_Tipaimukh_Dam.Controversies_of_1200_MW_Teesta_III_HEP_in_Sikkim_By_Jiten_Yumnam.

INDIGENOUS PEOPLES' RESPONSE



Photo from Outlook Traveller

The situation of affected indigenous communities from Northeast India and the Philippines are not very different. These communities have been highly marginalised and have little to no participation in decision-making regarding the projects agreed upon by their governments and the private sector. Proponents of the dam projects have argued that these dams were necessary to develop Sikkim, modernise the state economy, generate employment and earn revenue to meet local and national needs for electricity.

In a research conducted by the Institute of Geography and Spatial Organization, Polish Academy of Science and the Indian National Science Academy in 2014, it was revealed that a majority of the research respondents opposed the project in the beginning.³⁴ These respondents complained that they will not be able to do common household chores and livelihood activities in the river because of the dam. Almost all of the respondents said that the dam has not brought any benefit to them. They complained of loss of their livelihood that is connected to the Teesta river. Before construction, most locals were either workers that haul riverbed materials or sand quarrying, truck drivers or roadside shop keepers.

Aside from the decline in income, locals also lost access to the river for religious practices. Some respondents say that they could no longer cremate the bodies of their dead and throw ashes to the river according to religious tradition. They had to travel somewhere else to do it. Aside from being rich in natural resources, Dzongu also is home to many sacred sites of the Lepcha tribe (Arora, 2008).

There were complaints from the respondents regarding the amount they received for the land. While some were offered a new place to build houses, affected citizens say these lands, situated several kilometers downstream of the Teesta, are unsuitable for establishing a residence. One respondent even said that before the construction, he could grow vegetables in his backyard to augment his family's food budget. Now they have to purchase everything and have become dependent on commodities available in the market.

In a study conducted by G. Sharma, D. Sharma and DR Dahal, majority of the respondents (90%) who participated in a survey said that the environment damage, dam construction and flooding, irregular water release through the Dikchu dam, drying up and disappearance of water resources especially rural springs and streams, heavy tunneling work, landslides and soil erosion, flash floods during monsoon are all associated with the dam projects.³⁵

Local communities criticised the Government of India's plan to build numerous large hydroelectric projects since 1997 in different parts of Sikkim. Before protest actions against the Teesta Dams, the communities formed a movement to oppose a hydropower project in West Sikkim in 1997. It was known as the Rathongchu movement. The leaders of the opposition movement had shared their experiences and extended their support to the present communities.

³⁴Wiejaczka, L., Piróg, D., Tamang, L. & Prokop, P. (2018, August 1). Local Residents' Perceptions of a Dam and Reservoir Project in the Teesta Basin, Darjeeling Himalayas, India. <https://bioone.org/journals/mountain-research-and-development/volume-38/issue-3/MRD-JOURNAL-D-16-00124.1/Local-Residents-Perceptions-of-a-Dam-and-Reservoir-Project-in/10.1659/MRD-JOURNAL-D-16-00124.1.full>.

³⁵Sharma, Sharma & Dahal.

One of the leading organisations is the organisation Affected Citizens of Teesta (ACT) established by Dawa Lepcha in 2005. The organisation cuts across Sikkimese society and has a membership composed of journalists, young people, lawyers, farmers and Buddhist monks. Other organisations and NGOs also joined in. Among these organisations were the National Forum of Forest People and Forest Workers, Citizens Forum of Sikkim, Sangha of Dzongu, Sikkimese Association for the Environment, Rural Volunteers Center, and South Asia Network on Dams, Rivers and People.³⁶ They filed petitions before the National Appellate Authority in New Delhi criticising the granting of environmental clearances to the Teesta dams. Aside from that, they repeatedly sent delegations to convince state government officials to conduct a review of the environmental impacts of the dams, demanded better compensation and relief packages to the displaced and affected families and publicly spoke out against the dams during hearings and public consultations. In December 2006, the oppositors to the project called off a planned protest rally after they were personally assured by the Chief Minister that he will review all the projects. By January 2007, however, the Panang Project received its environmental clearance and project proponents started to acquire land in Dzongu.³⁷

In June 2007, Indigenous Lepcha participated in various protest actions like sit-ins and rallies in Sikkim's capital Gangtok. After that, two Indigenous Peoples' groups – CLOS (Concerned Lepchas of Sikkim from Lepchas), Dawa Lepcha and ACT from Tensing Lepcha – conducted a hunger strike or satyagraha that lasted for 63 days. They were soon joined by other citizens in Gangtok, Kalimpong, and Darjeeling. On October 17, 2007, the state government gave in to their demand to conduct a review and form a committee mostly composed of government officials. In December 2007, these groups also organised protests in New Delhi and Gangtok and met with government officials, parliament members and representatives of other NGOs.

The review committee visited Dzongu and asked citizens to submit petitions. Demonstrations and relay hunger strikes followed. By June 2008, the state's Chief Minister led the laying of the foundation of the Teesta III Dam project despite his earlier pronouncements to the contrary.³⁸ In February 2009, Indian authorities arrested 43 youths from the villages of Dzongu, including leaders of ACT and CLOS. Developers of the Panam Hydroproject, Himgiri Pvt. Ltd. accused the 43 youths of destroying property and trespassing into project sites. Minors among the 43 were bailed out but the rest remained until the government pulled out four hydropower projects. Dialogues with the government also fell apart after the first meeting. By May 2008, construction of Teesta V commenced and resulted in the death of 48 people and injury of 31 others. According to ACT, the government gave clearance to the Teesta III, Teesta IV, and Teesta V despite prior pronouncements that no other projects will be approved unless a carrying capacity study is finished.

The opposing parties in 2011 boycotted hearings for other projects, citing that attending these activities will be futile and will just be "manipulated by the authorities for the benefit of hydropower companies."³⁹ There are also efforts to reach out to the UN and UN Educational, Scientific and Cultural Organization (UNESCO). During the same year, a civil suit was filed in the District court of Sikkim against the National Hydropower Corporation for damages made to the forests in violation of its Environmental and Forest Clearance.⁴⁰ They asked for support in the form of writing letters to the Chief Minister, India's Minister



Photo from Lonely Planet

³⁶Affected Citizens of Teesta. (2008). Press Release.

³⁷Arora, Vibha. (2009). "They Are All Set to Dam(n) Our Future": Contested Development through Hydel Power in Democratic Sikkim." *38*Sociological Bulletin 58, no. 1. <http://www.jstor.org/stable/23620837>.

³⁸Arora, 2009.

⁴⁰Affected Citizens of Teesta. (2011, July 19). Press Release. http://www.actsikkim.com/docs/ACT_Press_Release_Jul_19_11.pdf.

⁴¹Affected Citizens of Teesta, 2011.



of Power, the Ministry of Water Resources and the Ministry of Environment and Forests.⁴¹ Aside from that, there were three online petitions calling for support for the campaign.

Indigenous communities, IP organisations and advocates in the Philippines have also manifested their solidarity with the ongoing peoples' campaigns to stop the construction of the dams encroaching on ancestral lands.

In Apayao, Indigenous youth and elders demonstrated their opposition against the construction of the GENED dams. The Lapat Apayao – Movement Against Dams was created from the Apayao Indigenous Peoples' strong opposition to these large-scale hydropower projects. The Isnag Indigenous People used the Lapat System, an Indigenous practice of the Isnag IP, which prohibits any entries and use of any resources in the forest, river or block of land to give the forest and river time to recover. Isnag elders also proclaimed the NCIP Regional Director Marlon Bosantog and FPIC officer Atancio Addog and the Pan Pacific Renewable Power Philippines Corporation (PPRPPC) as 'persona non grata' over the dam project.⁴²

The Dumagat-Remontado IP in Rizal have also shown their opposition to the New Centennial Water Source Project. Several local and international IP organisations and environmental advocates have united to form and strengthen the Stop Kaliwa Dam network, among many other networks. In June 2021, Philippine and international IP groups and advocates mobilised at the gates of the House of Representatives to protest the Kaliwa-Kanan-Laihan Dam project during the Senate hearing on the construction of Kaliwa Dam. IP organisations continue to condemn the NCIP, which have worked together with the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) in leading the attacks against IP and Indigenous communities.

In Iloilo, the TUMANDUK, an IP organisation formed in 1996 for the Tumandok Indigenous Peoples' defense of lands against state-led land grabbing and displacement, continues its strong opposition to the Jalaur Dam despite the extrajudicial killing of its members and leaders. In the early hours of December 30, 2020, the combined forces of the 12th Infantry Battalion of the Philippine Army (IBPA) and the Philippine National Police (PNP) entered the houses of sleeping Tumandok villages to serve warrants. Witnesses reported that TUMANDUK leaders and prominent community members were shot. This joint operation between the Philippine Army and the Philippine National Police resulted in the massacre of nine Indigenous Tumandok and the illegal arrest of 17 others. International support poured in and solidarity campaigns were launched to demand justice for the victims of the Tumandok Massacre.

⁴¹Affected Citizens of Teesta. (2011, June). Petition: Sikkim Under Attack. www.actsikkim.com/action.html.

⁴²Dumlao, A. (2021, November 8). More than 100 IP elders, leaders slam NCIP execs over Apayao dam project. The Philippine Star. <https://www.philstar.com/nation/2021/11/08/2139880/more-100-ip-elders-leaders-slam-ncip-execs-over-apayao-dam-project>.