

PHILIPPINES

The latest census conducted in the Philippines in 2010 included an ethnicity variable for the first time but no official figure for the indigenous peoples has yet come out. The country's indigenous population thus continues to be estimated at between 10% and 20% of the national population, which has been projected to currently lie at 102.9 million. The indigenous groups in the northern mountains of Luzon (Cordillera) are collectively known as *Igorot* while the groups on the southern island of Mindanao are collectively called *Lumad*. There are smaller groups collectively known as *Mangyan* in the central islands as well as even smaller, more scattered groups in the central islands and Luzon, including several groups of hunter-gatherers in transition.

Indigenous peoples in the Philippines have retained much of their traditional, pre-colonial culture, social institutions and livelihood practices. They generally live in geographically isolated areas with a lack of access to basic social services and few opportunities for mainstream economic activities, education or political participation. In contrast, commercially valuable natural resources such as minerals, forests and rivers can be found mainly in their areas, making them continuously vulnerable to development aggression and land grabbing.

Republic Act 8371, known as the Indigenous Peoples' Rights Act (IPRA), was promulgated in 1997. The law has been lauded for its support for respect for indigenous peoples' cultural integrity, right to their lands and right to self-directed development of these lands. More substantial implementation of the law is still being sought, however, apart from there being fundamental criticism of the law itself. The Philippines voted in favor of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) but the government has not yet ratified ILO Convention 169.



Mindanao peace process

Peace talks between the Government of the Philippines and the Moro Islamic Liberation Front (MILF) advanced with the signing of the Comprehensive Agreement on the Bangsamoro (CAB) on 27 March 2014 (see *Indigenous World*

2013 and 2014). CAB will replace the Autonomous Region of Muslim Mindanao to “enhance existing systems and procedures, as well as establish a new set of institutional arrangements and modalities between the central government and the autonomous government with respect to power-sharing, wealth- and revenue-sharing, transitional aspects, and normalization.”¹ The CAB was translated into legal provisions through the draft Bangsamoro Basic Law (BBL) or House Bill 4994, which was submitted to Congress in September 2014. BBL seeks to establish the new Bangsamoro political entity and provide for its basic structure of government, in recognition of the Bangsamoro people.²

While the draft BBL is perceived as a step forward in resolving the long-running armed conflict in Mindanao, indigenous peoples’ organizations are urgently lobbying for a categorical inclusion of the rights of indigenous peoples in the draft BBL.³ After a lobbying mission to Manila in May by indigenous representatives, the National Cultural Communities (NCC) Committee of Congress conducted a “Public consultation on the hopes and aspirations of the indigenous peoples regarding the BBL and the peace process” on 24 June whereby around 800 participants from academia, NGOs, churches and indigenous peoples’ communities gathered in Upi, Maguindanao. Indigenous Teduray, Lambangian, Dulangan Manobo and Erumanen ne Menuvu shared their position and demands relating to their socio-cultural, economic and political future under the Bangsamoro.

Regional autonomy in the Cordillera

Article X of the 1987 Constitution of the Philippines mandates the creation of autonomous regions in Muslim Mindanao and the Cordillera in northern Philippines. In the Cordillera region, a renewed attempt at establishing a Cordillera Autonomous Region is being undertaken through House Bill 4649 (Act to Establish the Cordillera Autonomous Region), which was filed in Congress on 11 June 2014 and authored by all seven Congressmen in the Cordillera region.

House Bill (HB) 4649, the third attempt at establishing a Cordillera Autonomous Region, was met with opposition by Cordillera indigenous peoples. During the Cordillera Indigenous Peoples’ Summit on Genuine Regional Autonomy and Self Determination, held on 18 August 2014 in Baguio City, more than 300 indigenous leaders from the six provinces of the region reflected on the Cordillera’s past experiences and lessons on regional autonomy, and lessons shared from

the failed experience of the Autonomous Region of Muslim Mindanao in the southern Philippines.⁴ The first two attempts at establishing a Cordillera Autonomous Region were rejected in plebiscites in 1990 and 1998 as these were seen to lack substance in promulgating indigenous peoples' rights over their land and resources, indigenous culture and socio-political systems, political representation, basic social services and protection against institutionalized discrimination.

The Summit resulted in the Cordillera People's Declaration on Genuine Regional Autonomy, which criticized HB 4649 as lacking in features of genuine regional autonomy, and as being divisive as it threatens to revert the Cordillera provinces back to their former regions, with no categorical recognition of the Cordillera Ancestral Domain and no grounding in the urgent issues experienced by the Cordillera indigenous peoples. The Summit also agreed on recommendations and an action plan to pursue genuine regional autonomy.

Free, Prior and Informed Consent (FPIC)

Nationwide, indigenous territories continue to be a target for natural resource extraction and energy generation. In a 2014 report by KAMP, a national federation of indigenous peoples' organizations in the Philippines, there are 281 approved applications for large-scale mining operations covering at least 532,356 hectares of indigenous lands. This is on top of already ongoing large-scale mining operations. KAMP estimates that around 100,000 people belonging to 39 indigenous peoples will be displaced or will lose their livelihood as a result of the current administration's push for mining liberalization.

The year also witnessed the implementation of various energy projects in indigenous peoples' territories, including hydro-electric dams and geothermal and coal-fired power plants. In President Benigno Simeon Aquino III's State of the Nation Address⁵ in July 2014, he boasted of the Jalaur River Multipurpose Dam in Panay, which is threatening the lives and livelihood of an estimated 17,000 people belonging to the Tumandok indigenous people. Other dam projects are having a similar impact, including the Laiban Dam, which is threatening to submerge eight indigenous communities and displace around 21,000 farmers and people belonging to the Agta, Dumagat and Remontado indigenous peoples in Rizal and Quezon provinces.

In these projects, the rights of indigenous peoples to FPIC, as enshrined in the Indigenous Peoples' Rights Act (IPRA), are constantly being violated. In most cases, the National Commission on Indigenous Peoples (NCIP)⁶ has been instrumental in manipulating FPIC in favor of the corporations and government agencies interested in the mining and energy projects by withholding complete information on the projects, creating fake councils of elders, fast-tracking FPIC process without the full participation of affected communities, and deceiving the people into signing a resolution of consent. This is a continuing experience among Cordillera indigenous peoples, such as the Kalinga in relation to the Makilala Mining Project of Freeport-Macmoran or the Chevron geothermal project. In Abra province, the 50th Infantry Battalion of the Armed Forces of the Philippines interfered in the FPIC process for the mining application of Golden Lake and Philex mining companies by threatening, harassing and coercing the indigenous people into signing a Memorandum of Agreement between the mining company and the local government unit on 27 November 2014.⁷ Similar experiences are reported by indigenous peoples throughout Philippines.

During the Thirteenth Session of the UN Permanent Forum on Indigenous Peoples, the Cordillera Peoples Alliance⁸ called for the abolition of the NCIP for not fulfilling its mandate of upholding indigenous peoples' rights and for serving as an instrument for the violation of FPIC and other fundamental rights of indigenous peoples. It also called for the repeal of the IPRA.⁹

Human rights violations and militarization of schools

During 2014, KAMP documented a total of 15 indigenous victims of extrajudicial killings, the highest number in any year since President Benigno Aquino III assumed the presidency in 2010. The perpetrators of the killings belong to the state's military forces, which are conducting military operations in indigenous territories. KAMP noted that a common feature of the victims is that they were all vocal opponents of destructive mining projects, militarization, or had criticized government neglect and corruption. Some of the victims were killed during military operations of the Armed Forces of the Philippines. Extrajudicial killings are a consequence of the state counter-insurgency program known as Operation Plan Bayanihan, which targets legitimate organizations and activists, including indige-

nous peoples. Apart from this, there are numerous cases of harassment and intimidation committed by the military against indigenous peoples.

In 2014, militarization resulted in extrajudicial killings in Abra province,¹⁰ the forced evacuation of some 2,000 Lumads in the province of Surigao del Sur in October 2014¹¹ and occupations of and attacks on schools or alternative learning systems that have been collectively set-up by the community and NGOs in Lumad communities in Mindanao. According to Salinlahi, a child rights organization, nine out of ten Lumad children have no access to education.¹² Recurring violations of children's rights, especially to education, through militarization and military operations, led to the formation of the Save Our Schools (SOS) network in 2012.¹³ The Statement of the Second SOS Conference in September 2014 denounced the military encampments and attacks on alternative schools, and various human rights violations committed against children and other members of Lumad communities.¹⁴ The SOS network, together with other indigenous peoples' organizations and advocates, are seeking the repeal of government policies, in particular the Department of Education Memorandum 221 of December 2013 (known as the Guidelines on the Protection of Children During Armed Conflict) and the Letter Directive 25 by the AFP in July 2013, which legitimize the conducting of armed forces' activities on the premises of schools and other public facilities, and which is stifling the growth of alternative schools.¹⁵

In November and December 2014, Lumads, including children, were among the 300 participants of the "Manilakbayan ng Mindanao 2014", a 14-day advocacy caravan, partly on foot and by boat from Mindanao to Manila, during which dialogues, campaigns and solidarity activities were organized to draw attention to the issues and concerns of indigenous peoples such as mining, extrajudicial killings, human rights violations and militarization of communities and schools. A dialogue was held with the Secretary of the Department of Education, Armin Luistro, who promised to take concrete steps to address the issue of militarization of schools.¹⁶

National consultation with the UN Special Rapporteur on the rights of indigenous peoples

In celebration of International Day of the World's Indigenous Peoples on 8 August 2014, the new UN Special Rapporteur on the rights of indigenous peoples (UN-

SRRIP), Ms Vicky Tauli-Corpuz, held a consultation with indigenous peoples' organizations, government agencies, UN agencies, multilateral banks, academia, religious groups and NGOs.¹⁷ The consultation served as a venue for indigenous peoples to report on their situation and to hear from government agencies and other bodies on their policies and programs on indigenous peoples, and on the mandate, vision and tentative plans of the UNSRRIP.

Ms Corpuz, a Kankanaey from the Cordillera, assumed her mandate as UN-SRRIP in June 2014. As former chairperson of the Cordillera Peoples Alliance and a long-time activist and defender of women, human rights and indigenous peoples' rights, Ms Corpuz's appointment is highly regarded and supported by Philippine indigenous peoples.

World Conference on Indigenous Peoples (WCIP) Outcome Document

The WCIP Outcome Document is seen as another milestone in the promulgation of indigenous peoples' rights all over the world. However, the challenge is how the Philippine government will seriously implement it at the local and national level. During the WCIP, some indigenous leaders from the Philippines delivered statements bearing critiques of and recommendations on the implementation of the Outcome Document, saying that it failed to incorporate the particular concern of indigenous communities regarding militarization.¹⁸ Philippine indigenous peoples fear that this will mean a continuation of impunity and the violation of the human rights, FPIC and collective rights of indigenous peoples. Nevertheless, the Outcome Document is seen as another important tool for indigenous peoples in pushing for genuine recognition of their rights by the Philippine government. ○

Notes and references

- 1 House Bill No. 4994 (<http://www.gov.ph/2014/09/10/document-the-draft-bangsamoro-basic-law/>)
- 2 Q and A: The draft Bangsamoro Basic Law (<http://www.gov.ph/2014/09/10/q-and-a-the-draft-bangsamoro-basic-law/>)
- 3 Position Paper on the House Bill 4994 (<http://www.scribd.com/doc/244052247/Full-Inclusion-of-the-Indigenous-People-s-in-the-Bangsamoro#scribd>)
- 4 Ti Similla. The Official Newsletter of the Academic Staff of University of the Philippines Baguio. (<http://www.upb.edu.ph/attachments/article/65/October.pdf>)

- 5 The State of the Nation Address of the President of the Republic of the Philippines is held annually in the month of July
(<http://www.gov.ph/2014/07/28/english-benigno-s-aquino-iii-fifth-state-of-the-nation-address-july-28-2014/>).
- 6 The NCIP is a government agency that is mandated to implement the Indigenous Peoples Rights Act of 1997.
- 7 2014 Human Rights Report by the Cordillera Human Rights Alliance, a federation of human rights organizations and advocates in the Cordillera.
- 8 The Cordillera Peoples Alliance is a federation of grassroots-based indigenous peoples organizations in the Cordillera region in northern Philippines.
- 9 A copy of the statement may be downloaded at
<http://papersmart.unmeetings.org/media2/3309514/cordillerapeoplesalliance.pdf>
- 10 "Initial Result of the National Solidarity Mission in Lacub, Abra".
(<http://www.karapatan.org/node/1035>).
- 11 "Militarization triggers evacuation of 2,000 Lumads in Surigao del Sur".
(<http://bulatlat.com/main/2014/10/30/bakwet-%c7%80-militarization-triggers-evacuation-of-2000-lumads-in-surigao-del-sur/#sthash.eV3MyqMC.dpuf>).
- 12 "The Indigenous Peoples Under BS Aquino: Four Years of Deception, Dispossession, and Destruction" released by Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (KAMP) or the National Federation of Indigenous Peoples' Organizations in the Philippines.
- 13 Website of the Save Our Schools network
<https://saveourschoolsnetwork.wordpress.com/about/>
- 14 Statement of the 2nd Save Our Schools Conference.
(<http://www.rmp-nmr.org/articles/2014/10/04/stop-attacks-our-schools-and-communities-education-not-militarization>).
- 15 "New DepEd, AFP memos allow military presence in schools".
(<http://kabataanpartylist.com/blog/new-deped-afp-memos-allow-military-presence-in-schools/>).
- 16 "DepEd Sec. Luistro commits to ordering pull-out of military forces in schools".
(<http://www.rmp-nmr.org/articles/2014/12/03/deped-sec-luistro-commits-ordering-pull-out-military-forces-schools>)
- 17 "Philippine Celebration of the World's Indigenous Peoples' Day highlights UNSRRIP".
(<http://www.tebtebba.org/index.php/content/318-ip-day-celebration-highlights-unsrrip>).

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