



**HUMAN RIGHTS BASED
APPROACH TO DEVELOPMENT
AS EXPERIENCED IN
TEN INDIGENOUS COMMUNITIES
IN THE PHILIPPINES**

Project Implemented by
DINTEG
(Cordillera Indigenous Peoples Legal Center)



Funded by the
European Union



and the
**International Work Group for
Indigenous Affairs**



HUMAN RIGHTS BASED APPROACH TO DEVELOPMENT AS

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IN THE PHILIPPINES

*To Janjan and Jordan Capion who were massacred
together with their anti-mining activist mother, Juvy Capion,
on 18 October 2012 in the tri-boundary of Davao del Sur, South
Cotabato and Sultan Kudarat where Xstrata – Sagittarius
Mining Incorporated is operating.*

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ACRONYMS

INTRODUCTION

Strengthening the capacity of indigenous peoples in using the human rights based framework in asserting the right to development is among the advocacies of DINTEG – Cordillera Indigenous Peoples Legal Center. Consistent with this, DINTEG implemented a five-year project (February 2010 – January 2015) that conscientiously employed the approach in 10 indigenous communities in the Philippines.

Employing a human rights based approach in the particular context of indigenous peoples is a painstaking challenge. For one, diversity within commonality among indigenous peoples is in itself a very complicated situation. Secondly, indigenous peoples understand their rights enshrined in laws more as violations than enjoyment. Third, local State authorities find difficulty in bridging the gap of addressing the development aspirations of the indigenous peoples with that of “national unity and development.” Amidst these difficulties, both indigenous peoples organizations and local State authorities find the human rights based approach as a relevant strategy in promoting political participation of indigenous peoples in their own development. Most encouraging is that several local ordinances were adopted by local councils with the effect of protecting the rights of indigenous peoples over their natural resources and ancestral territories.

Valuable lessons were generated at the end of the project that are relevant to be shared with the public through, among others, a publication. The lessons drawn on the human rights based approach to development as envisioned and experienced by indigenous peoples in the project areas are presented in the first section of this publication. The second part deals with the perspectives and experiences of local government authorities in the governance of their constituencies of indigenous peoples. It was a result of an external evaluation commissioned by DINTEG.

DINTEG maintains high hopes that these lessons, especially the recommendations, will be taken into consideration by indigenous peoples, local government units and funding institutions for better complementation and workable engagements, ultimately leading to concrete actions of indigenous peoples in building, implementing and monitoring their own self-determined development.



I. HUMAN RIGHTS BASED APPROACH TO DEVELOPMENT AS EXPERIENCED IN TEN INDIGENOUS COMMUNITIES IN THE PHILIPPINES

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EXECUTIVE SUMMARY

The project entitled “*Enhancing Capacities of Indigenous Peoples on Oversight Mechanism within the Framework of Indigenous Peoples Rights-Based Development*” was a 5-year intervention that started in February 2010 and completed in January 2015, implemented for and with indigenous peoples in 10 project areas in the Cordillera, Mindoro and Mindanao. It was designed to contribute in strengthening capacity of indigenous peoples towards a more consolidated political participation and representation in their development. Towards this objective, the project organized at least 33 community meetings, 131 focused group discussions, 39 workshops, 25 trainings, 1 national roundtable discussion, 3 national and at least 8 local lobby actions involving at least 3,500 indigenous peoples in at least 51 barangays in 13 municipalities in 7 provinces.

As intended, the project contributed in the political consolidation of 14 indigenous peoples organizations – 3 regional federations, 1 inter-provincial, 4 provincial, 1 inter-municipal, 1 municipal and 4 barangay level organizations. One women human rights defenders group was organized in partnership with the Cordillera Women’s Education, Action and Research Center. Participation of women, youth and traditional elders was ensured through out the duration of the project, with particular resolutions adopted addressing particular concerns of women.

The political consolidation was manifested in the confidence and pride of indigenous peoples in challenging National Commission on Indigenous Peoples (NCIP)-initiated Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) by invoking ancestral land and natural resource rights as indicators in human rights based development and integration of indigenous concepts and approaches in development processes. The project developed several output documents

that embody fundamental principles, values and concrete demands that when fulfilled will contribute in the realization of indigenous peoples' dignity, integrity and security.

Further, the lobbying of indigenous communities and their organizations resulted to varying forms of enabling attitude of LGUs on ancestral land and natural resource rights, the core substance of development for indigenous peoples. This was most felt at the barangay level in at least 51 barangays with an estimate population of 44,000. Varying levels of participation of barangay officials were registered in the focused group discussions, workshops, seminars and trainings, including their manifest support for community resolutions directly related to protection of ancestral and natural resource rights. Most of these barangays are in the Cordillera where communities are compact and homogeneous indigenous populations. Various forms of support were also demonstrated in 5 municipal LGUs and by 5 municipal and 1 provincial indigenous peoples mandatory representatives.

The factors that have contributed in the achievement of the above results include the following:

- Effective degree of political and organizational consolidation of communities and their organizations before the project was introduced
- Varying forms of experiences of the communities and their organizations in engagement with LGUs
- Varying degrees of persistence of indigenous socio-political systems
- Homogeneous indigenous population in all 6 project areas in the Cordillera
- ADSDPP of the Buhids has been elaborated by them since 2008, with support from a number of non-government organizations

On the other hand, while political consolidation of indigenous communities resulted in varying forms of self-determined development

agenda or related issue-based resolutions, these resolutions and ADS DPP did not culminate in formal acknowledgement and institutional actions by the municipal authorities. While recognizing that such objective was overly ambitious for a time-bound project, it is worth identifying the national policies that directly made impact on the limited responses or inaction of municipal LGUs. These are:

- Executive Order (EO) 79¹ series 2012 of President Benigno Aquino III directing Local Government Units (LGUs) to align their local ordinances to be consistent with national policies threatening existing local ordinances favorable to indigenous peoples
- Joint Memorandum Circular No. 1, Series of 2007 issued on 8 March 2007 requiring local development plans to be “in harmony with national and regional policies, goals and strategies.” Again, this is not favorable for indigenous peoples whose development visions are apparently fundamentally not in harmony and in fact are diametrically opposed to national policies.

Conclusion and Recommendations

For human rights and development activists, the human rights based approach (HRBA) to development is most welcome as it attempts to correct a development framework that is “top-down” in terms of process and has a “welfare” approach in terms of substance. It is most encouraging as it promotes development as a human right and therefore

¹ Section 12, Executive Order 79, series of 2012. **Consistency of Local Ordinances with the Constitution and National Laws/LGU Cooperation.**The Department of the Interior and Local Government (DILG) and the LGUs are hereby directed to ensure that the exercise of the latter’s powers and functions is consistent with and conform to the regulations, decisions, and policies already promulgated and taken by the National Government relating to the conservation, management, development, and proper utilization of the State’s mineral resources, particularly RA No. 7942 and its implementing rules and regulations, while recognizing the need for social acceptance of proposed mining projects and activities. LGUs shall confine themselves only to the imposition of reasonable limitations on mining activities conducted within their respective territorial jurisdictions that are consistent with national laws and regulations.

an OBLIGATION of STATES. It is as well very relevant to indigenous peoples as it supports and compliments their core development agenda, which is their ownership of, control and management of their ancestral land and natural resources.

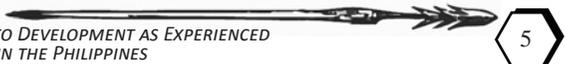
Regrettably, in using the human rights based approach framework in the DINTEG project, it was most unpleasant if not frustrating as the implementers had to confront misconceptions on human rights and the intricate issue of harmonizing local development with national development. As the project was being introduced, implementing partners had to address unpleasant encounters with LGU officials and the public challenging activist organizations on why they were not denouncing the New Peoples Army for soldiers killed in military encounters. Worst of all, in all major activities conducted in at least 6 project areas, DINTEG and its implementing partners observed the presence of military and police intelligence assets and officers monitoring the conduct of activities, simply because these activities were human rights-based.

On the other hand, it is most encouraging that at least 5 project areas have existing local ordinances protecting rights of indigenous peoples over their natural resources such as the prohibition of open pit mining and prohibition of and setting a moratorium on mining activities. Unfortunately, all these affirmative ordinances are being threatened by EO 79, JMC No. 1, series 2007 and the Indigenous Peoples Rights Act, all of which embody the primacy of “national unity and development.”

In light of the above backdrop, DINTEG makes the following recommendations:

- DINTEG affirms that the success of human rights based approach to development depends largely on the political and organizational consolidation of indigenous peoples. While recognizing the institutional, structural, cultural and political constraints, HRBA should be promoted as it directly examines the problems of indigenous peoples on ownership and control over ancestral territories and natural resources within STATE obligations and accountabilities.

- For development aid donors, DINTEG recommends that aid should not be limited to a participatory approach of “welfare provision” but instead must ensure that rights of indigenous peoples over their ancestral territories and natural resources are strengthened.
- DINTEG welcomes the recognition of the European Union on the cooperation of civil society organizations (CSOs) and local government authorities in promoting the rights of indigenous peoples, and the corresponding recognition of the catalytic role played by CSOs in forging such cooperation. DINTEG appreciates the European Union for giving space to indigenous peoples organizations and their support organizations in the implementation of its program. To further improve the program on CSO-local authorities, DINTEG recommends incorporation of appropriate national component to compliment efforts at the local level.



THE HUMAN RIGHTS BASED APPROACH TO DEVELOPMENT PROJECT

The project's title is *Enhancing Capacities of Indigenous Peoples on Oversight Mechanism within the Framework of Indigenous Peoples Rights-Based Development*, in short referred to as HRBA project. It was a 5-year project that started in February 2010 and completed in January 2015. The project areas are listed in the following table together with the corresponding indigenous peoples organization (IPO) – implementing partners:

IP groups	Municipality/ Province	Implementing IP organization
Kankanaey Ibaloy Karaw Kalanguya	Bokod, Benguet	Kabanguetan Agkaykaysa Ilaban Biag Daga ken Kinabaknang (KAIABANG)
	Kabayan, Benguet	
Northern Kankanaey	Besao, Mountain Province	Cordillera Peoples Alliance- Mountain Province Chapter
	Sagada, Mountain Province	
Sadanga	Sadanga, Mountain Province	
Mabaka, Banao, Gubang	Malibcong, Abra	Kakailian Salakniban Tay Nagtaudan (KASTAN)
Buhid, Habanan Buhid	Roxas, Bongabong, Bansud, all in Mindoro Oriental	Sadik Habanan Buhid (SHB) and Habanan Buhid
Subanen	Dumingag, Zamboang del Sur	Salabukan Gtaw Nok Subanen (SGS)
Blaan	Koronadal, South Cotabato	Kahugpongangan sa mga Lumad sa Halayong Habagatang Mindanao (KALUHHAMIN)
	Magsaysay, Davao del Sur	

The location of projects sites is presented in the map as follows:



FIRST 3 PROJECT SITES:

1. BOKOD, BENGUET, CORDILLERA
2. SADANGA, MOUNTAIN PROVINCE, CORDILLERA
3. BUHID, ORIENTAL AND OCCIDENTAL MINDORO

SECOND 4 PROJECT SITES:

1. KABAYAN, BENGUET, CORDILLERA
2. DUMINGAG, ZAMBOANGA DEL SUR, MINDANAO
3. KORONADAL CITY, SOUTH COTABATO, MINDANAO
4. MAGSAYSAY, DAVAO DEL SUR, MINDANAO

LAST 3 PROJECT SITES:

1. BESAO, MOUNTAIN PROVINCE, CORDILLERA
2. SAGADA, MOUNTAIN PROVINCE, CORDILLERA
3. MALIBCONG, ABRA, CORDILLERA

Funding Partners. The project was funded by the European Union under its NSA-LA (non-state actors-local authorities in development) 2009 global call. The main objective of the EU instrument was to support development actions in local communities with vulnerable population groups that promote an inclusive and empowered society, such as increasing participation of indigenous peoples in policy-making processes, strengthening the capacity of civil society organizations and facilitating interaction between state and non-state actors in development cooperation strategies. It was co-funded by the International Work Group on Indigenous Affairs (IWGIA).

Project holder. DINTEG, an indigenous peoples legal center, based in Baguio City was the sole implementing agency in partnership with the Indigenous Peoples Rights Monitor (IPRM) and the aforementioned indigenous peoples’ organizations. Associate partners included AnthroWatch, Task Force on Indigenous Peoples Rights, KALUMARAN (Kusog sa Katawhang Lumad sa Mindanao) and the Cordillera Peoples Alliance (CPA).

Project Design. The project was designed to strengthen capacities of indigenous peoples in using the framework of human rights-based approach in evaluating and formulating their own community development plans or Ancestral Domain Sustainable Development and Protection Plans. The action was not intended to formulate comprehensive ADSDPPs but to formulate, through a participatory process, a framework and practical approaches in incorporating a human rights based approach in the ADSDPP process and in the process develop human rights performance indicators. Towards this end, the project intended to undertake capacity building among indigenous human rights leaders, development workers and a number of officials of local government units through focused group discussions, workshops and trainings. These learning and sharing activities were expected to result in the formulation of community-development agenda, which in turn would form the substance of lobbying with the local government units for their support.

In due course, after the project period of 5 years, the project was envisioned to result in an “increased participation of indigenous peoples (with at least 40% women)” in the 10 project sites in the development of

human rights-based performance indicators and in oversight mechanisms – with an “enabling attitude of local government units.” Furthermore, this increase of indigenous peoples’ participation in policy advocacy and lobbying would strengthen the network Indigenous Peoples Rights Monitor – as an indigenous peoples rights ‘observatory’ and watchdog and one arena of consolidated participation and representation of indigenous peoples in claiming rights and pursuing democratic reforms,” as envisioned in the project document.

Project Target Groups. The project’s target groups were indigenous human rights leaders, local authorities and NGO workers in the 10 project areas. The final beneficiaries are the indigenous peoples in the 10 communities. Priority for selection of pilot sites included, among others, the following:

- existence of indigenous peoples organization affiliated with the networks of the Indigenous Peoples Rights Monitor;
- high incidence of human rights violations;
- existence of contentious development interventions;
- friendly attitude of LGUs to indigenous peoples and willingness to cooperate in the action;
- CALC/CADC/CALT/CADT was not considered as prerequisite. It is the belief of the proponents of this action that while tenurial security is at the core of the concerns of indigenous peoples, the right to development process must not be tied to legal titles.

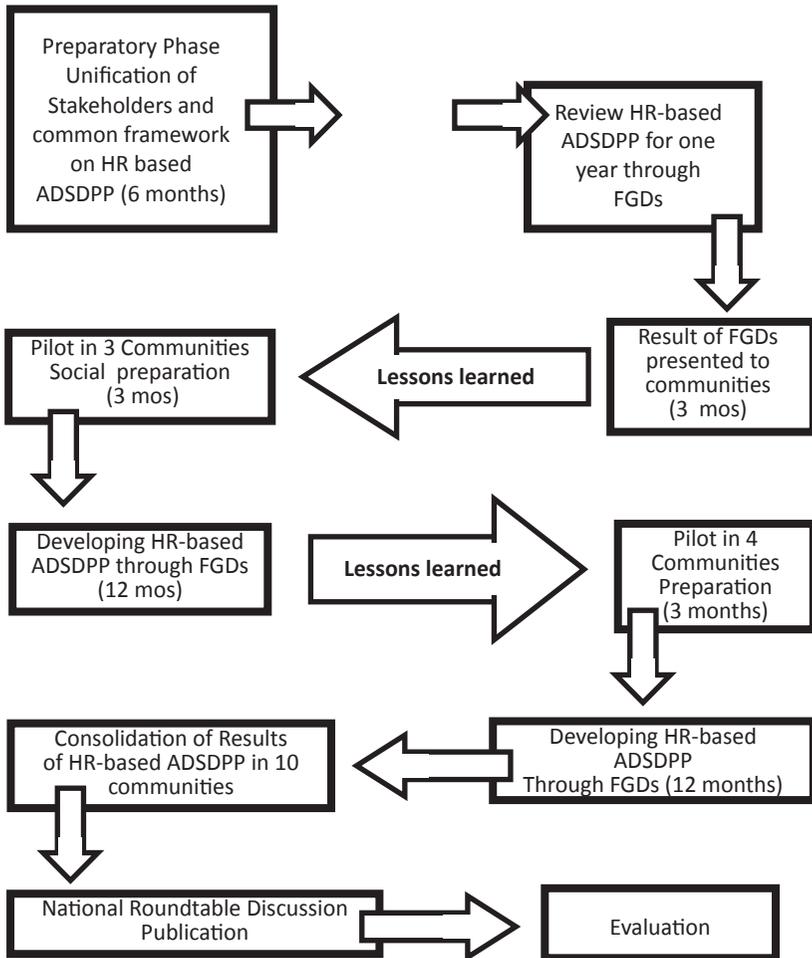
Project cost - EU 355,641.25.

The project was designed to be conducted in four phases. The first six months were allotted for the preparatory phase for unification involving all stakeholders. In the second phase, the project was to be piloted for 18 months in three communities with existing ADSDPP. Lessons drawn in these pilot areas would be introduced in the third phase of implementation in 3 other communities for 15 months, followed by another set of 4

communities for another 15 months. The last 6 months of the project cycle were intended for the final completion of the action with experiences and lessons analyzed, documented, published and shared to the public.

As a complimentary approach in promoting human rights, throughout the entire project cycle, human rights violations in the communities were to be monitored, documented and reported. Major violations in human rights and contentious development issues would be brought to the attention of the public through legislative inquiries and press conferences.

Project Cycle



ACTUAL IMPLEMENTATION

Preparatory period entailed one year, twice longer than the projected 6 months. Another delay was encountered in the commencement of activities in two pilot sites by two (2) to eight (8) months due partly to the May 2010 election and the subsequent changes in local government officials that resulted in changes in pilot sites. Another contributory factor was the prolonged coordination among community leaders and local authorities and the extended coordination process with collaborating NGOs and IPOs for the finalization of pilot sites. Coordination with community leaders and LGU officials entailed 3 to 6 months for each project area.

As part of wider unification on the project, a partners' workshop was conducted involving IPRM network members, Cordillera-based NGOs, representatives of LGUs and leaders from the first pilot sites, National Economic and Development Authority–Cordillera Administrative Region (NEDA-CAR), NCIP-CAR, International Labor Organization (ILO) and the EU delegation where relevance of the project was affirmed.

The project was launched in public during the commemoration of the International Day of the World's Indigenous Peoples on August 9, 2010. It was jointly launched with another EU-funded project under KALUMARAN through a sunrise ritual at the Bantayog ng mga Bayani, Quezon City by around 50 delegates from Mindanao, Cordillera and other IPs and advocates from Luzon. The continuing advocacy of the European Union in promoting the rights of indigenous peoples was presented by Mr. Nick Taylor, then head of Operations Section of the EU Delegation to the Philippines. Three national TV channels covered and aired the ritual in their daily early morning shows, highlighting the continuing effort of indigenous peoples in revitalizing their indigenous culture and identity.

The first set of 3 communities was piloted among the Buhids of Mindoro, Sadanga of Mountain Province and Bokod in Benguet. The second set of four communities were the Subanens of Dumingag in Zamboang del Sur, Blaans of Magsaysay in Davao del Sur and Koronadal in South Cotabato and Kabayan in Benguet. The last set were the municipalities of Sagada and Besao in Mountain Province and Malibcong in Abra. While commencement in the first 3 pilot sites was delayed, the succeeding pilot sites commenced as projected. As remedial scheme in the delayed start in the first three communities, an overlap in the implementation of phase II and phase III and later including phase IV was synchronized until the last month of project duration in January 2015.

To assist in the implementation of the project, field workers were hired for each project area for 15-18 months corresponding to the target duration for each area. In the cases of the Blaans of Koronadal, South Cotabato and Magsaysay of Davao del Sur and among the Northern Kankanaeys of contiguous Besao and Sagada of Mountain Province, only one field worker was commissioned for each pair of sites.

Except for the case of the Buhids where the field worker was loaned from and contracted with an NGO partner, field workers in the other 9 areas were locals and loaned from and contracted with local indigenous peoples organizations.

Lessons learned in relation to project preparation.

Coordination and unification involving a project introducing new approaches, especially on human rights, and involving multi-stakeholders (LGUs, community leaders, NGOs, government agencies) require a longer period, more so if it is implemented in several pilot sites in different parts of the country. Several layers of unification have to be undertaken, first with mother organizations or in the case of the Buhids with the assisting NGO, second among community leaders and finally in the communities. These layers of unification could have been avoided had the pilot communities been identified from the project's conceptualization or at least at the finalization of the project document, or more importantly, had they been part of the project conceptualization itself. The weaknesses related to project preparation that were identified during the mid-term evaluation were:

Firstly, the project team implementors were not part in designing the project – they were informed only during the exploration on pilot sites. It has to be noted that the 10 pilot sites were not identified during the project conceptualisation phase. The identification of pilot sites were conducted only after the proposal was approved through a consultative process involving network members of the Indigenous Peoples Rights Monitor.

Coming together on unities in terms of partners’ implementing the project took more time than was planned, and this could be due to their non-participation during the project proposal phase wherein the internal logic and design of the project were being conceptualised. Hence, by the time the project had to be scheduled/planned for implementation, the discussions on the project’s conceptualisations took an extended process.

For Mindanao sites, KALUMARAN -the implementing partner- from the onset welcomed the concept of the DINTEG project but registered their “reluctance” in engaging with NCIP in relation to ADSDPP as well as with the LGU. Eventually, however, negotiated agreements were done and project areas were designated for implementation but in which case, the project areas were altered twice. The reservation on engagement with LGU and NCIP could have affected the “slack” interaction with these government bodies. Although in the Subanen project site, the SGS (Salabukan Gitaw nok Subanen) leaders in the process of implementation of the project, have come to appreciate engagement with the LGU hence their enthusiasm to come up with Mt. Paraya Subanen Development Framework. However, prevailing “distrust” with LGU and NCIP remains a challenge, to date.

For Buhid site, while AnthroWatch was part of the project preparation phase, a consultation period was undertaken with the Buhid primarily through the organization Sadik Habanan Buhid (community partner of the Project), and with coordination with other organizations in the ancestral domain – the Habanan Buhid and the Bangon organization Nagkasadian Uyogan Bangon. An agreement with Sadik Habanan Buhid was finalized after a number of consultations, which took place for at least two months, after which

project implementation commenced with their full participation.

For Cordillera project sites, because there was a certain level of participation in the general concept of the project at the level of the regional organization-Cordillera Peoples Alliance - unification on the concept was not that contentious, but similarly undertook extensive process. What later came to be a problem was the difficulty in application of HRBA with defined outputs and results under defined time frame, ensuring that outputs and results are complimentary to local programs.

The lack of participation in project design of implementors on the ground did not have to be a problem if an intensive preparatory trainings for the implementors were done to compensate for their non-participation in project design.

PROJECT OUTPUTS, OUTCOMES AND IMPACT

Consistent with the intended objectives, the following table summarizes the activities that were executed:

ACTIVITIES	GENDER AGGREGATED PARTICIPANTS		TOTAL PARTICIPANTS
	Female	Male	
at least 131 sets Focused Group Discussions	1,175	1,206	2,501
39 sets Inter-Group Workshops	778	1,311	2,263
25 sets trainings	616	622	1,238
1 set National Round Table Discussion	15	16	31
at least 8 sets of local lobby	508	597	1,105
3 sets national lobby at the Lower House of Congress	106	107	213
17 Partners' workshops	174	153	327

Through these activities, output documents were developed that embody fundamental principles, values and concrete demands which, when fulfilled, will contribute in the realization of indigenous peoples' dignity, integrity and security. These are:

- *Gano Banwanan Gis Hafufuwan Planong Pangkaunlaran ng Buhid*, the ADSDPP and governance systems of the Buhids they developed since 2008 and enhanced in the project with the incorporation of policies on free, prior and informed consent as well as several governance policies that have been updated.
- *Mt. Paraya Subanen Development Plan* submitted even in its draft form to the municipal Mayor.
- *Updated situation of Blaans affected by the mining exploration of Glencore-Xstrata-Sagittarius Mining Inc.*

- *Declaration of the Cordillera People’s Development Conference.* The declaration was adopted during the Cordillera People’s Development Conference on 7-9 November 2013 in Baguio City participated in by around 210 indigenous peoples from different organizations and communities in the Cordillera region. The document describes the state of development of indigenous peoples as “underdeveloped.” From such state, a corresponding vision of development and particular demands were adopted including the valuable role of the people’s movement in advancing genuine development.
- *Militarizing Development and Humanitarian Services, Cordillera Experience.* The document was the contribution of Dinteg and the Cordillera Human Rights Alliance in the above cited Cordillera People’s Development Conference. The document presents the effects on the development of indigenous peoples of Operation Plan Bayanihan, the Aquino administration’s counter insurgency program. The paper describes how civilian functions such as social and humanitarian services are gradually being channeled through the AFP, including paramilitary groups. Apart from the danger attached when armed AFP troops work together with civilians, equally disturbing is that development services are being utilized in counter insurgency objectives, thus drifting away from genuine development objectives.
- *Conference Documents on the Protection and Utilization of Natural Resources in Ancestral Territories, the case of Besao, Sagada and Sadanga, Mountain Province.* 30-31 July 2014, Sagada. Participants to the conference were around 60 elders and community leaders with a number of LGU officials, the regional director and staff of the National Economic and Development Authority–Cordillera Administrative Region. The Unity Pact on the Defense, Management and Utilization of Natural Resources was adopted, which is detailed below.
- *Unity Pact on the Defense, Management and Utilization of Natural Resources.* Affirmed in the pact are indigenous values and practices on utilization of natural resources that is grounded on the well-being of the community and repulses commercialization of natural resources. Highlighted in the Pact is the age-old teaching

and practice that natural resources in common territorial boundaries are SHARED RESOURCES of SPECIFIC indigenous groups sharing the territorial boundary, inscribed in their language as *adi bukudan di gawis* (Blessings should be shared). It stresses the point that if for centuries, the communities had fiercely defended their ancestral territories and with these the natural resources, why will this generation hand it over to big business corporations. A corresponding resolution was adopted to lobby LGUs to seek their support in enforcing the spirit and intent of the Unity Pact.

- *Declaration on Human Rights Based Development, 23-24 April 2014, Bangued, Abra; Singasing a Pagannurutan iti Panagserrek dagiti Militar iti Il-ili a Masakupan ti MaBaGu (Mabaka-Banao-Gubang) and FPIC Guidelines and the Mandate of the Indigenous Peoples Mandatory Representative.* These documents describe the militarized situation of the province with corresponding resolutions calling for military troop withdrawal in ancestral territories and demanding local authorities to adopt an ordinance requiring AFP troops to secure free, prior and informed consent (FPIC) before entering the MaBaGu territories or the municipality of Malibcong and other ancestral territories in the province of Abra. It was an initiative of the women’s group aimed at protecting women and children from sexual exploitation and violence through a thorough introduction of all soldiers to the community, including complete names, civil status and addresses. Another resolution is on demanding IP mandatory representatives to serve as “eyes, ears and mouth” of IP organizations in the LGUs.
- *Oryentasyon iti Panagminas ti Umili ti Kordilyera, Alyánsa dagiti Pesánte iti Taéng Kordilyéra.* The document describes the situation of small-scale miners, details government laws negatively affecting small-scale livelihood as well as issues on ancestral land concluding with corresponding actions to undertake. It exemplifies a human rights based approach as applied to small-scale mining.
 - *Submission by DINTEG to the National Cultural Communities Committee (NCCC) Hearing on Indigenous Peoples, Batasang Pambansa, 11 August 2014, seeking*

stronger legislative safeguard and protection on ancestral land rights and of indigenous communities in militarized situations.

Over-all achievement. As the project placed priority on capacity development, what stands out as a main achievement is its contribution in the political consolidation of indigenous communities and their organizations, although in uneven development in the 10 project areas. The political consolidation was manifested in the confidence of indigenous peoples in challenging NCIP/LGU-initiated ADSDPP by invoking ancestral land and natural resource rights in development programs as well as corresponding indigenous concepts and approaches. Knowledge on human rights and indigenous peoples rights was further sharpened and consolidated as the IPOs elaborated their critique and suggestions for improvements on existing ADSDPP. They openly questioned critical and key development issues and demanded support from local authorities, such as for military troop withdrawal in ancestral territories and a stop to the use of the military in securing mining business interests of large mining companies. In project areas subjected to heavy militarization and political persecution, the human rights based project was keenly appreciated.

In several pilot areas, IP leaders have not recoiled amidst incidence of extrajudicial killings and various forms of political persecution and threats to their lives.

The project provided avenue for IPs in the project areas to analyze, craft and articulate the SUBSTANCE of SELF-DETERMINED development and demand for its fulfillment. In the process of elaborating community development agenda and expressing these in the spirit and language of human rights, the participants have confidently demonstrated their right to self-determination in securing control and ownership of ancestral territories and natural resources.

There was openness in discussing the right to development as a human right and that pursuing human rights and indigenous peoples rights are not acts constituting “anti-government” activities but instead are actions consistent with the principle of democratic governance, in particular of improving participation of indigenous peoples in the

development process. Pursuing the right to determine development and right to participate in the development process are being advanced by community leaders as legitimate rights of indigenous peoples.

While this project acknowledges that its support is only contributory to political consolidation that has already been and is continuously being developed by partners and communities, what can be credited to it is a more systematized articulation of development as a human right and, therefore, an obligation of the State, including local authorities. The project has contributed in the advocacy for the social inclusion of marginalized communities and IP organizations in the development processes in both local governance and in local social movements.

With respect to strengthening the Indigenous Peoples Rights Monitor, effort was shifted to strengthening the collaboration between the two national federations – KAMP and KASAPI - through the joint engagement in the elaboration of a Philippine Platform on Indigenous Peoples Rights (PP-IPR). Subnational workshops were conducted involving IP leaders from both federations that undertook collective elaboration of an IP Rights platform that were intended to serve as their framework in policy advocacy. Unfortunately, due to unresolved issue on several IP organizations associated with the paramilitary and the AFP, the planned institutionalization of the national platform and the cooperation of these two national federations were terminated. The two then decided to continue their policy advocacy on their own. Meanwhile, IPRM was affirmed by both national federations as arena for continuing policy advocacy.

Impact on local governance. The indicator for assessing the project's impact on local governance was the actual participation of LGU officials in the activities and their attitude, commitment or statements of support for the core development issues of indigenous peoples - ancestral land and natural resource rights. Other LGU support or programs such as those pertaining to social or welfare services, while important, were viewed as not directly related to the protection of ancestral and natural resource rights, hence were not considered as a relevant impact.

Favorable LGU attitude and support for ancestral and natural resource rights of indigenous peoples was most felt at the barangay level in at

least 51 barangays with an estimate population of 44,000. Varying levels of participation of barangay officials were registered in focused group discussions, workshops, seminars and trainings, including their support for community resolutions directly related to the protection of ancestral and natural resource rights. Most of these barangays are in the Cordillera where communities have homogeneous indigenous populations and the barangay officials are themselves indigenous. Among the Buhids, Blaans and Subanens who live in mixed populations with non-indigenous peoples and with very few indigenous barangay officials, the form of engagement with LGU was through lobbying and dialogue more than drawing their participation in the elaboration of ancestral land and resource rights. In fact among the Buhids, it was an organizational policy that only Buhids would be involved in crafting their ADSDPP.

In the Cordillera, a good number of barangay officials supported community resolutions pertaining to critical development issues such as a code of conduct for AFP, prohibition of AFP detachments near school compounds, demand for the prohibition of use of aerial strikes in combat operations and prohibiting commercialization of natural resources, especially by big business corporations. In the Subanen pilot site, organized participation by indigenous communities resulted in indigenous leaders winning seats in the barangay councils who continued to work closely in elaborating the Mt. Paraya Subanen Development Plan.

At the municipal level, only 5 municipalities gave certain forms of support to resolutions pertaining to ancestral and natural resource rights. Manifestations of support are understood with the following indicators:

- In one municipality, community-initiated resolutions on *AFP Code of Conduct and Selection, Duties, Functions and Accountability of Indigenous Mandatory Representatives* were discussed in two official sessions of the Municipal Council that subsequently generated affirmative support. However, these were not carried forward as official municipal council resolutions because, according to the councilors, AFP activities are national security concerns and hence beyond the authority of LGUs, apart from the related issue on an effective mechanism to enforce the code on the AFP. Similarly, municipal councilors

were apprehensive over introducing provisions in the Department of Interior and Local Government memorandum on indigenous mandatory representation.

- In one municipality, municipal officials supported the community demand for withdrawal of a military detachment in a school compound that eventually was withdrawn.
- Openness of the municipal planning development office in considering ancestral domain in the municipal land use plan although continuing lobby has to be undertaken to ensure its implementation.
- In 2 areas, mayors and municipal councilors did not intervene to overturn the community position of NO CONSENT in a proposed facility that will commercialize a natural resource in the ancestral territory.

On the other hand, there was no felt impact generated among municipal authorities in 3 LGUs. Factors associated with such shortcoming are discussed in detail in succeeding sections.

In two other LGUs, while the expected result of support for community resolutions by municipal LGUs was not achieved, the municipal mayors at least verbally endorsed the project and continued to manifest friendly relations with politically militant indigenous peoples organizations.

Engagement with IP mandatory representation. It was an advantage that the project was being implemented at the time that the DILG was enforcing the implementation of the IP mandatory representation. Indigenous peoples organizations in 5 project areas exerted various forms of influence in instituting the IP mandatory representatives, with 2 POs formulating their own versions of IP mandatory selection process, duties, accountabilities and systems of recall. The IPO in one pilot area was able to participate in the selection of the provincial IP mandatory representative.

In one project area, even the system of remuneration was collectively explored with the IP mandatory representatives. In one municipality, the LGU allocated a budget for the IP mandatory representative but

the existing two IPOs have yet to decide who between them will serve the post. Two municipalities did not institute the IP mandatory representation while two municipalities very recently installed theirs while the evaluation process was being undertaken in April, 2015.

In one municipality, the municipal councilors chose from among themselves who would serve as IP mandatory representative.

This project contributed in keeping track of the process and providing relevant information, serving as guides for IPOs in comprehending and participating in the mechanism. Arising from the resolutions drawn in the series of activities under this project, community partners have been taking efforts in raising the political know-how of IP sectoral representatives and continuously building constructive relations with them.

Participation of women. As to the target of ensuring involvement and capacity development of women in the project, the disaggregated data reflect 45% women involved in trainings, workshops and focused group discussions, higher than the target of 40%. The high attendance of women may indicate improving political participation of women. What is important is that gender-specific activities although limited were substantive. In Mindanao, the project conducted a specific workshop joint with Tebtebba Foundation and the national women's network BAI where gender issues among Lumad women were discussed, among others. Notably registered by the workshop is the negative effect of the government's Conditional Cash Transfer program that requires Lumad beneficiaries to give birth at government birthing clinics. For Lumad women, this requirement constitutes another form of forcible disintegration of an effective traditional system of birthing, apart from the experience of discrimination in government facilities. A further achievement by the women is the resolution on the AFP Code of Conduct, which was initiated by Malibcong women and specifically intended at safeguarding women and children from sexual violence and exploitation by military personnel. In Sagada, this project complimented the formation of a women human rights defenders group, a project funded by UNICEF through the Cordillera Women's Education Action and Research Center.

FACILITATING FACTORS, AREAS OF SHORTCOMINGS AND CONTINUING CHALLENGES

The project expected that the political consolidation developed among indigenous peoples would generate an enabling attitude of local State authorities in the establishment of human rights based development with an oversight mechanism instituted in the LGU to serve as an arena for participation by indigenous peoples in monitoring their compliance with community-initiated development agenda.

While political consolidation of indigenous communities resulted in varying forms of self-determined development agenda or related issue-based resolutions, these efforts did not culminate in concrete measures of acknowledgement and actions by municipal level authorities. The project succeeded only in so far as attaining participatory elaboration and adoption by communities of development plans, declarations and resolutions with support from barangay level officials. Notwithstanding the external evaluation result that it was overly ambitious to generate in a time-bound project affirmative action by municipal authorities towards protecting and fulfilling indigenous peoples' land and resource rights and set in place an IP oversight mechanism, it is as yet worthwhile to elaborate on the challenges that were identified in the course of implementing the project.

Factors viewed to have contributed in achieving the favorable results:

Effective degree of political and organizational consolidation of communities and IPOs. Except for one, all project sites have organized local communities that are aligned with municipal or provincial level organizations affiliated with either the Kalipunan ng Katutubong Mamamayan ng Pilipinas (KAMP) or the Koalisyon ng Katutubong Samahan ng Pilipinas (KASAPI). Except for one organization that welcomes and works favorably within the rights prescribed under the Indigenous Peoples Rights Act, the other IPO partners are critical of and demand IP rights beyond the limits provided

by IPRA and in fact are part of a national campaign for rescinding the law. These existing and varying forms and levels of political consolidation of the implementing partners expedited unification on and meaningful execution of the project.

Level of experience in engagement with LGUs. Except for one project site, all other 9 project areas have varying experiences of organized engagement with LGUs: dialogues, negotiations, joint sponsorship in activities/programs, urging LGUs to take and adopt favorable positions, resolutions or ordinances. One IPO is recognized by the LGUs as the governance system of and official representative of the indigenous peoples in the LGU, reverently addressing the IPO chairperson as Mayor. Other IPO partners have a long history of engaging in organized protest actions on government failures to protect the rights of indigenous peoples.

Varying degrees of persistence of indigenous socio-political systems. Except for one project area where indigenous socio-political systems have almost disintegrated save for the people's collective identity and rituals, for the other 9 areas, indigenous customs are still in effect, in varying degrees, in maintaining the economic, social, cultural and political affairs of the communities. Traditional elders' strong influence in local governance, ancestral and natural resource protection and dispute resolution endures in at least 4 project areas in the Cordillera. Three project areas engage in "tribal wars," a tradition where the entire community is mobilized with arms in defense of aggressors or to conquer adversaries, referred to as *fetad* in the Cordillera and *pangayaw* among the Lumads. In communities where the wisdom of traditional elders and customary laws still persist, unification on resolutions related to protection of ancestral land and resource rights was achieved swiftly. The negative side of this is that traditional elders can also be bribed or manipulated swiftly, although no such phenomenon happened during the duration of the project. In at least 6 areas, project acceptance and ownership was facilitated by the support of the traditional elders, although it took several months for them to unify on a common understanding before final acceptance of the project was achieved.

Homogeneous IP population in all 6 project areas in the Cordillera. LGU officials in the Cordillera communities are members of indigenous groups and are conversant on ancestral territories and indigenous values and practices related to stewarding, utilization, management and protection of natural resources. Given that LGU officials are aware and respectful of indigenous value systems and practices, in all 6 project areas, municipal LGU officials welcomed the project as it promotes indigenous systems of ancestral land and natural resources utilization and protection, despite unspoken hesitation on the human rights framework. Other than the issue on human rights framework, another form of apprehension surfaced when the project progressed to inter-municipal workshops. Details are expounded in succeeding sections.

APPLICATION OF THE SEQUENTIAL STEPS IN HUMAN RIGHTS BASED APPROACH IN THE 10 PILOT AREAS

STEP 1. What were the human rights problems of indigenous peoples in the project areas.

On Substance:

Critical development issues common to all project areas:

1. Common threats to access and control over natural resources such as:
 - 5 project areas are under threat of large-scale mining activity where in two project areas, exploration stage has already been completed with commercial production set to start in 2018.
 - 5 project areas threatened by hydropower, wind and geothermal energy projects
 - Profit-oriented ecotourism in all project areas
 - All ten project areas are experiencing threat from government projects on “protected areas” such as the Community Based Forest Management, National Integrated Protected Areas Systems, watershed areas, etc.

2. In the context of inadequate, inappropriate and ineffective response of the government to perennial food inadequacy and much needed social services, indigenous peoples themselves engaged in unregulated natural resource extraction such as:
 - charcoal production
 - clearing of pine forests for commercial vegetable production and cutting pine trees for commercial purposes

- unregulated small scale mining
3. Non-congruence between traditional boundaries and political-administrative boundaries
 4. Portions of the ancestral domain are granted to private companies and powerful clans/families such as:
 - Ambuklao dam in Bokod
 - Sagittarius Mining Inc. in SOCKSARGEN
 - Migrant settlers in Mindoro and Mindanao
 - powerful clans in Sagada and Bokod

On Process:

On the right to participate in the development process:

1. Generally, in all project areas, despite being adversely affected by numerous projects, programs and policies, indigenous peoples in the communities are not provided meaningful participation in decision-making, planning, implementation and monitoring. Meaningful participation is understood in the HRBA project to refer to meaningful participation in elaboration of and fulfilling the right to ancestral land and natural resources as well as cultural integrity.
2. While most of the project areas have an Ancestral Domain Sustainable Development and Protection Plans (ADSDPP) crafted by the LGU and NCIP, with only one genuinely elaborated by the indigenous communities (ADSDPP of the Buhids), these are not integrated in the local development plans much less in the regional development plans of the National Economic Development Authority. In fact, several LGUs and regional development offices are not aware of the status of the ADSDPP which are apparently confined in the offices of the NCIP.
3. While both State authorities (LGUs, NCIP, Regional Development Council) and IPOs welcome the spirit of the ADSDPP as a mechanism and strategy of enhancing political participation of IPs in their development, apparently, LGUs and government agencies find it problematic as to harmonizing a development standpoint that

views forest as “fresh air, fresh water and fertile soil” with that of “millions of tonnes of copper and gold.”

4. In areas where indigenous peoples are separated into several municipalities, provinces and regions such as the Buhids of Mindoro, Blaans and Subanens of Mindanao, LGUs find the ADSDPP “complex, painstakingly difficult and a potentially an administrative nightmare.”
5. In the particular context of the Cordillera where municipalities are constituted by homogenous indigenous populations and whose local authorities are tribesmates, the ADSDPP even if facilitated by the LGUs with assistance from NCIP, and in two areas, funded by a big business corporation, contain substantive framework of protecting rights of indigenous peoples to ancestral land and natural resources. But, as earlier discussed, integration of these in municipal development plans is as well problematic.
6. In a number of communities that underwent free and prior informed consent related to entry of mining and other business interests, the indigenous peoples expressed disappointment to outrage in what they observed as manipulation, coercion, bribery, and confusion in the processes. IPs feel they are not being heard in cases where a broad NO consent position prevails.
7. AFP intervention in the development processes:
 - Under OPLAN BAYANIHAN, the counter-insurgency program of the Aquino administration, AFP and paramilitary forces such as the Cordillera Peoples Liberation Army are mandated to conduct social services and implement development projects which indigenous peoples view as militarizing development functions. In the Cordillera, the program Payapa at Masaganang Pamayan (PAMANA) is being implemented by the Cordillera Peoples Liberation Army, which in effect further strengthened the paramilitary group. PAMANA is the national government’s framework and program for peace and development in conflict areas.
 - Taking advantage of the impoverished situation of indigenous peoples in creating Investment Defense Forces, paramilitary and other forms of military formations to secure investment interests in the guise of counter-insurgency.

STEP 2: Social, Cultural, Economic and Political Contextual Analysis

What are the structural causes of human rights violations:

Militarization. From the onset of the project, two pilot areas were heavily militarized (presence of AFP detachments in the territory, frequent military combat and civil-military operations, presence of paramilitary forces) - Malibcong in Abra and Magsaysay in Davao del Sur. Politically motivated massacres of families happened in both areas - pregnant Mrs. Juvy Capion and her two young children in October 2012, Datu Freay and his minor son in October 2013 both in the tri-boundaries of Davao del Sur, Sultan Kudarat and South Cotabato where Glencore-Xstrata-SMI is operating, and elder Ligiw and his 2 adult sons of Manapnap, Malibcong, Abra in April 2014. All three families were active indigenous peoples rights activists and all were actively engaged in campaigns against large-scale mining in their communities.²

With these incidents, the project's IPO implementers adjusted their plans to campaign on ending extrajudicial killings against indigenous peoples and withdrawal of military troops in ancestral territories. The massacres spurred a Mindanao-wide and nationwide campaign against mining and militarization.

To generate wider advocacy, in Abra the IPOs and communities sustained their constructive engagement with their LGUs, including the municipal and provincial indigenous mandatory representatives and the provincial NCIP by lobbying with them to adopt an ordinance on an AFP Code of Conduct in the communities. However, as earlier discussed, the initiative failed to generate an LGU resolution.

On the other hand, in Magsaysay and Koronadal the IPOs lost

2 Both surviving families of Capion and Ligiw were supported financially under the human rights defenders fund of the Asia Indigenous Peoples Pact, an EU-funded action.

interest in trying to build constructive engagement with their LGUs. The Blaans people were identified as a priority area of this project because they were in the midst of a struggle against the mining exploration of Xstrata-SMI, now Glencore-Xstrata-SMI. It was earlier assumed that communities currently engaged in life and death struggle are more likely to achieve significant results. True enough, despite prevailing distrust in LGUs, this project was able to encourage Blaans organized under KALUHHAMIN to continue urging their LGUs to support and replicate the Environment Code adopted by South Cotabato province in 2010 which prohibits open pit mining. During the 2013 election, political contenders were challenged to uphold the anti-open pit mining provision of the Environment Code. To KALUHHAMIN, the South Cotabato Environment Code was one source of inspiration.

While the political consolidation of KALUHHAMIN was intensifying, the process of interaction with LGUs was not progressing as anticipated. Trust of KALUHHAMIN in their LGUs gradually waned due to the following:

- The very few IP-friendly LGU officials lost in the 2013 election.
- Inaction and silence of the national government and other LGUs over the support of some LGUs for Task Force KITACO (Kiblawan-Tampakan-Columbio), a combined AFP-paramilitary unit mandated to secure Glencore-Xstrata-SMI and involved in the massacre of the Capions and Freays.

Political persecution and vilification. In two pilot areas where militarization was not a problem and was not anticipated to happen for the duration of the project, surprisingly, unexpected political persecution and vilification incidents arose.

In Kabayan, Benguet where there was no military presence or activities, the HRBA project and project team were met with intense political vilification. The team members were tagged

as members of the revolutionary group New Peoples Army. While similar reluctance over a project espousing human rights was manifested by some LGUs in other project areas, the big difference in Kabayan was the widespread political vilification against the project team. As a remedy, the project team adjusted their mobilizing issue to campaign for the protection of Agno River through promotion of alternative small-scale mining, while not compromising the project intent of building capacity on human rights-based framework in development. What made the implementation doubly difficult was that there was no politically conscious IP organization in the area. What was achieved at the end of the project was that politically consolidated community leaders, mostly youth and elders, aligned themselves to organizations in adjacent municipalities of Bokod and Itogon. With respect to impact on LGU, the project succeeded in dissipating the political vilification against the project team, as it drew a growing number of locals actively promoting the final output of the project, a human rights-based orientation on small-scale mining in the Cordillera.

In Dumingag, Zamboanga del Sur, the project's field worker³ was arrested and detained in July 2014 with three other leaders with pending warrants of arrest who were all implicated in an alleged NPA attack against units of the police and armed forces. The field worker was released in October while the woman leader is now in sanctuary. DINTEG is closely coordinating with KALUMARAN for the continuity of gains, as both worked closely in implementing separate EU-funded projects in Dumingag, the HRBA project and KALUMARAN's project on reinvigorating culture in defense of the right to self-determination.

National context. The violation of the rights of indigenous peoples to self-determined development lies in the national development policy that is profit-oriented and geared towards

3 Benjie Gomez, field worker of the HRBA project and Rebing Duhaylungsod, leader of SGS, were charged with robbery and usurpation of authority in relation to an alleged disarming by members of the New Peoples Army of police elements in Misamis Occidental in December 2013. Financial support was provided to Ms. Duhaylungsod under the IP HR defenders fund of the Asia Indigenous Peoples Pact.

further global integration. As the Philippine government struggles to compete in the global economy, among its sources of competitive products are the natural resources found in ancestral territories of indigenous peoples, notably mineral resources. While indigenous peoples view their ancestral territories and natural resources as their lifeblood, these are regarded by the national government as resource base for business exploration for global competition.

What are the cultural factors for the persistence of human rights violations against indigenous peoples:

Prevailing misperceptions on human rights. In all project areas, implementing partners had to contend with the prevailing perception that human rights is an anti-government agenda. As the project was being introduced in keeping with what it intended as a human rights based approach to development, field workers and implementing partners sensed an unspoken reluctance among LGU officials, especially at the municipal level. In the workshop where the project was presented to the first set of project sites, an LGU participant openly questioned why DINTEG was bringing a human rights intervention in a municipality that was not experiencing politically motivated extrajudicial killings or political arrest and detention. In other areas, field workers had to address unpleasant encounters with LGU officials who challenged IPOs that are not denouncing the New Peoples Army for soldiers killed in military encounters. Worse, in all major activities conducted in at least 6 project areas, DINTEG and its implementing partners observed the presence of military and police intelligence assets and officers monitoring the conduct of activities, simply because these activities were human rights-based.

What are the institutional obstacles in the realization of human rights or violation thereof:

National policies. The major national policy verbalized by LGU officials that negatively affected the achievement of the intended result is Executive Order 79. LGU officials in almost all project areas raised concern over this EO's impact as it

would potentially nullify existing affirmative LGU ordinances related to protecting natural resource rights of indigenous peoples. For instance in Dumingag, Zamboanga, a municipal ordinance was adopted banning all forms of mining activities in the municipality, including small-scale mining. In Mountain Province, a provincial ordinance remains in effect setting a moratorium on large-scale mining. In South Cotabato, the Environment Code of 2010 prohibits open pit mining. These affirmative local ordinances are now under pressure of being nullified by EO79 although none of the concerned LGUs has reversed their affirmative ordinances during the project's duration.

A related national policy viewed as similarly discriminatory to indigenous peoples is Joint Memorandum Circular No. 1, Series of 2007 issued on 8 March 2007 providing guidelines on the harmonization of local planning, investment programming, revenue administration, budgeting and expenditure management. Like EO 79, this memorandum circular requires LGU plans to be “in harmony with national and regional policies, goals and strategies.” Again, this is not favorable to indigenous peoples whose development visions apparently are fundamentally not in harmony and in fact are diametrically opposed to current national policies.

Non-congruence between ancestral territorial system and State system of political administrative divisions. Cultural, social, economic and political integrity and development of indigenous peoples are undermined and distorted under the State system of political-administrative boundaries, where ancestral territories have been demarcated under separate barangays, municipalities or provinces without regard to the economic-socio-cultural and political content of ancestral territories or indigenous geographies. For instance, the Blaans are separated into four provinces with very few barangays with compact Blaan populations, located in interior areas.

A similar situation obtains with the Buhids who find themselves

separated into 7 municipalities in 2 provinces in Mindoro with only 2 tribal barangays with compact Buhid populations. The Buhids have been lobbying with several LGUs for intervention in the registration and issuance by the Land Registration Authority of their CADT that has already been granted by NCIP. However, for the LGUs, ancestral land issues are under the mandate of the NCIP and not within their scope of authority. On territorial jurisdiction, a disgusting experience was the dialogue with Mindanao Congressmen who argued over whose district the massacred Capions belonged to and where the actual site of the massacre was. Instead of working together to address the killing and the role of Xstrata-SMI in it, the lawmakers tried to keep out of the problem by debating on jurisdictional issues.

Discrimination and marginalization are worse in a situation where indigenous peoples are separated into different local government units and mixed with non-indigenous peoples. Their separation into different political administrative units without any special State mechanism of addressing the disconnect is one form of institutional oppression with ethnocidal impact on their integrity as collective peoples.

The problem associated with non-congruence of ancestral territorial system with the State system takes a different form among the Igorots in the Cordillera. In relation to neighboring lowland provinces, large sections of indigenous territories and peoples were annexed to neighboring lowland political administrative jurisdictions. Within the Cordillera, dispute on territorial boundaries between local government units resurfaced and was aggravated with the application of the Internal Revenue Allotment where land area is among the basis of allocation of share from the national treasury. In fact, the HRBA project was met with reluctance by LGU officials as it dealt with boundaries and natural resources, which are deemed sensitive issues among LGUs. In the project's inter-municipal workshops and national roundtable discussion, municipal level officials hesitated, although unspoken, to participate because of apprehension over discussions associated with territorial boundaries that are directly related to IRA allotment.

STEP 3: Human Rights Objectives: what are the desired changes with clear outcome and process indicators

Outcome indicators:

- rights to ancestral land and natural resources as perceived by indigenous peoples are strengthened and secured
- community resolutions protecting ancestral land and natural resources are institutionalized, protected and fulfilled by LGUs
- positive indigenous knowledge systems are enhanced and promoted
- indigenous subsistence production system and supplementary natural resource based livelihoods are enhanced and promoted
- indigenous system of utilization, stewarding, management and ownership of natural resources enhanced, promoted and protected
- discrimination eliminated
- fundamental human rights promoted, protected and fulfilled; negative perceptions on human rights rectified
- resource distribution socialized; individual welfare in harmony with community welfare promoted
- indigenous defense and security system recognized
- collective identity and integrity promoted and secured

Process indicators:

- community participation or representatives of their choice effectively participating in formulation, implementation and monitoring of self-determined development agenda

- free and prior informed consent as designed by indigenous peoples promoted and secured
- various forms of NO consent such as petitions and community resolutions acknowledged by government
- active participation of indigenous peoples in rescinding laws and policies negatively affecting them
- active participation of indigenous peoples against globalization
- politically militant IPOs are recognized
- full and effective participation of women and youth promoted and ensured
- particular role of elders in economic, social, cultural and political life of the community promoted and ensured
- various forms of local autonomy or various forms of right to self-determination enhanced, promoted and secured
- separation of indigenous peoples into different political administrative units being addressed
- AFP intervention in development processes are stopped

STEP 4: Development Plan

What are the rights to be fulfilled

- Right to ancestral land and natural resources as perceived by indigenous peoples
- Right to self-reliant, subsistence and sustainable development as perceived by indigenous peoples
- Right to cultural identity and integrity



- Various forms of right to self-determination responsive to local context
- Freedom from exploitation and oppression

Human rights principles and obligations being addressed:

- Non-discrimination/equality/universality
- Social justice- priority placed among the poorest, most oppressed and most exploited
- Participatory, inclusion, empowerment

What laws/policies to be formulated/ reformed/ implemented:

- Executive Order 79
- Joint Memorandum Circular No. 1, Series of 2007
- Indigenous Peoples Rights Act
- Internal Revenue Allotment

Capacity building required to achieve the human rights objectives:

- Basic human rights concepts for both indigenous peoples and LGU officials
- Indigenous peoples rights from the perspectives of indigenous peoples
- Technical skills such as public speaking, negotiation, lobbying, policy advocacy and networking

Implementation: case to case depending on local context

STEP 5: Monitoring and Evaluation

Outcome indicators: same as human rights objectives

Process indicators: same as human rights objectives





II. EXTERNAL EVALUATION REPORT ON THE LGU ENGAGEMENT COMPONENT OF DINTEG'S PROJECT

EXTERNAL EVALUATION REPORT ON THE LGU ENGAGEMENT COMPONENT OF DINTEG’S PROJECT

Re: ASIE/2009/226-792: Enhancing Capacities of Indigenous Peoples on Oversight Mechanisms within the Framework of Indigenous Peoples Rights Based Development

A. INTRODUCTION

DINTEG had recently completed its EU-funded 2010-2015 project entitled “Enhancing Capacities of Indigenous Peoples on Oversight Mechanisms Within the Framework of Indigenous Peoples’ Rights-Based Development”, and decided to conduct an external evaluation focused on the LGU component of the project with a particular purpose stated as “to nurture community participation and enhance capacities in oversight mechanisms in the Ancestral Domain Sustainable Development and Protection Plans (ADSDPP) in 10 indigenous communities by applying indigenous peoples rights-based approach to development.” This was within the context of the over-all objective of contributing to “enhancing capacities of indigenous peoples for a more consolidated political participation and representation in their right to development”.

The objectives of the external evaluation were:

- to look into and assess the participation of LGUs in the project’s activities, and whether LGUs contributed to delivering any results with regards the Project’s intended results in the development of human rights-based performance indicators and oversight mechanisms in their constituency areas.
- to consolidate key learnings on government-civil society engagements for indigenous peoples’ concerns, and subsequently generate recommendations to inform future projects of this kind.

Outputs of the evaluation. The evaluation report contains an analysis of the achievements and processes of the engagement and interaction of LGUs and indigenous peoples organisations/communities in DINTEG's nine (9) project areas; and a synthesis of lessons learned and recommendations from the viewpoint of the respondents, including process observations of the external evaluators.

Evaluation framework and methodology. This was not an impact end-of-project evaluation. It did not look into the whole extent of the project's objectives, activities, outputs, and outcomes. This evaluation focused only on the local government units' (LGUs at the municipal, and sometimes at the provincial levels) participation or engagement with the Project's implementing organisations/beneficiary indigenous peoples communities during the duration of the Project – interviews were also done with some officials of the NCIP (National Commission on Indigenous Peoples) and NEDA (National Economic Development Authority). The evaluation attempted to look into the dynamics between government entities and civil society at the local grassroots level. It also explored the experiences of LGU officials in the governance of their constituencies of indigenous peoples.

The external evaluation took off from the pre-evaluation discussions with the DINTEG's Executive Director on what the institution would need to know regarding how LGUs perceived their own engagement with civil society, particularly in having an “enabling attitude in the development of human rights-based performance indicators and oversight mechanisms” in indigenous peoples' communities in their areas – this was written out as an expected result in DINTEG's project. The evaluation looked into the points of view, including the experiences, of LGU officials in the project areas of Bokod and Kabayan in Benguet; of Sagada, Besao, and Sadanga in Mountain Province; of Roxas, Bongabong, and Bansud in Oriental Mindoro; of Koronadal in South Cotabato; and of Magsaysay in Davao de Sur. Due to the security/militarised situation in Abra and in Zamboanga del Sur (Dumingag town), the evaluation team was not able to reach these places, hence, these were not included in the evaluation.

Key Questions using the DAC/OECD criteria on relevance, effectiveness, efficiency, impact and sustainability were used to elicit responses from the respondents while assiduously following the cardinal

rule of direct respondent research interviews -- that of not “leading” the respondents on how to respond.

Participatory processes were the underlying methodology used in operationalising the design of the evaluation, and in data-gathering. A consultative process guided the evaluation process so that DINTEG would be able to review the final draft of the report before it could finally be submitted to its donors.

Data-gathering process. A questionnaire interview guide for each type of respondent was prepared (see Annex 1 for copies of the questionnaires): one was administered to LGU officials – the mayor, the Municipal Planning and Development Officer (MPDO) and the Indigenous Peoples Mandatory Representative (IPMR); and another set of questions for local officers of the NCIP, and the NEDA.

The evaluation looked into LGU processes and achievements in:

Northern Luzon

- Benguet: Kabayan and Bokod (4 LGU officers)
- Mountain Province: Sadangga, Besao, Sagada (9 LGU officers)
- NCIP Provincial Officer (1) for Mountain Province
- NCIP Community Development Officer (1) for Benguet
- NEDA Regional Director (1) for the Cordillera

Southern Luzon

- Mindoro Oriental: Roxas, Bongabong, Bansud (5 LGU officers)
- NCIP Provincial Officer (1) for Mindoro Oriental

Mindanao

- Davao del Sur: Magsaysay (2 LGU officers)
- South Cotabato: Koronadal (2 LGU officers)
- NCIP Legal Officer (1) for Davao del Sur
- Representative of NEDA Regional Director (1) for SoCSK SarGenDS

There were a total of 28 respondents (22 from the LGUs, 4 from the NCIP, and 2 from the NEDA regional offices of the Cordillera and SoCSK SarGenDS).

The interview phase was done intermittently in March and in April 2015 because of the different time availability of the respondents.

Analytical methodology. Aside from the secondary data analysis that was done on the Project's records, documents, reports, etc., interactive processes were used during the interview phase with the various types of government respondents, hence, interviewer-evaluator immersion was assured even while being a participant-observer during this data-gathering process.

The evaluation methodology used a content-context analysis which is a synthesising approach that is based on the principle that phenomena (objective reality) is made up of the internal (institutional/ programme content), and the external (context), and that each impinges on the other, which is much like the aesthetic principle of form equals meaning, or action is the manifestation of the idea. This was followed as a guide to prevent any pre-conceived value judgment (or "judgmentalism") on the part of the external evaluators because of the underlying principle that situational and programme analyses emphasise the non-separation of content from context, and conversely, of context from content. Subsequently, a context-content juxtaposition was done in the analysis of all data that were gathered from secondary data from reports, documentation proceedings, primary data from field interviews, and ocular and process observations, with the responses of the respondents on their interaction and engagement with their IP constituencies regarding development concerns.

An over-all synthesis of the assessment results, lessons learned, and recommendations for similar future projects was prepared from the data gathered.

B. RESULTS OF THE EVALUATION

Background

In discussing the results of this external evaluation, an introductory background is done here on relevant Philippine land laws to contextualise the issues and concerns being raised by respondents from local government units and two other government offices that relate with indigenous peoples.

There are other more detailed legalistic argumentations/discussions on the definitions of land, tenurial ownership, and the law, but for the purposes of this evaluation, what is provided here is a summative synthesis of land ownership concepts and laws pertinent to the ancestral domain in the Philippine context.

The Philippine laws on land ownership and ancestral domain are traced to the ruling in the landmark case of *Cariño v. Insular Government*, 41 Phil. 935 (1909), where the US Supreme Court said: “when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way from before the Spanish conquest and never have been public land.” Such land, consequently, if not owned by the State at the time of the Spanish conquest, could not have been ceded by Spain to the American Government through the Treaty of Paris, and later, to the Philippine Government by the time of the Commonwealth.

This was a ruling in the context of the Regalian Doctrine which was the foremost legal principle introduced in the Philippine political system when the Spanish started colonising the Philippine Islands in 1521. This doctrine assumed that the King of Spain as the Head of State, acquired exclusive dominion over the Islands, and then, eventually, as adopted in the republican system of government, ownership would then be vested in the State. Thus, Section 2, Article XII of the 1987 Philippine Constitution provides: “All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or time, wildlife, flora and fauna, and other natural resources are owned by the State.” These are considered public lands.

In 1997, the doctrine of immemorial possession set forth in the Cariño case was also used in the opinion defending the constitutionality of Republic Act No. 8371 or Indigenous People’s Rights Act (IPRA), which created the National Commission on Indigenous Peoples (NCIP) and wherein the ancestral land rights of indigenous peoples were enshrined in law. The IPRA also recognises the free prior and informed consent (FPIC) of indigenous peoples to assert their “control” over these ancestral lands, and in the absence of such a clear level of consent, a project cannot proceed.

Before the IPRA, however, there were various laws, Presidential Decrees of the martial law era, proclamations, and directives from various government line agencies (particularly the Department of Agrarian Reform, and the Department of the Environment and Natural Resources) that defined land ownership, and had issued documents and titles which would impact on the ancestral domain claims of indigenous peoples all over the Philippines. These tenurial laws, proclamations, and directives are still in force, hence, the contradictions and conflicting interpretations on the laws governing the delineation and implementation of the ancestral domain, including its development.

Furthermore, there is the Local Government Code of 1991 (LGC) that governs the structure and processes of local government units at all levels (province, municipal, barangay and sitio), including its services and development programmes. In terms of its regulatory functions, the LGUs follow and enforce the national government’s political boundary delineations for provinces, municipalities, barangay, and sitio. LGUs can also authorize the reclassification of agricultural lands and designate the manner of their utilization or disposition through their ordinance-making powers. The Department of the Interior and Local Government (DILG) is the executive line agency overseeing the LGC and LGUs.

In all of these, there is a specific development programme addressed to indigenous peoples with the guidelines issued by the NCIP: the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) and the implementation of the FPIC precondition regarding the entry of externally-initiated development in the ancestral domain. Meanwhile, and due to the Local Government Code’s provision regarding sectoral representation in the local government councils, an IPMR (Indigenous

Peoples Mandatory Representative) was recently implemented to see to it that indigenous peoples concerns are addressed by the LGUs. At the same time, executive line agencies like the DENR, DAR, and the Department of Agriculture would also have some special programmes/projects addressed to indigenous peoples, that have some regulatory parameters inimical to the interests of indigenous peoples.

There are two elements described as core aspects on this external evaluation, that of land and development. At the core of development is people – development for people’s well-being, development of people’s capacities, development for people’s empowerment, development for people’s freedom, etc. And, at the core of indigenous peoples’ development is their concept of land -- that of a collectively shared ownership, of a custodial or guardianship/stewardship of the land, and of nurturing and protecting the land for the next generations to use, and so on and so forth. Land or ancestral domain is both identity and development, nothing less.

In focusing the discussion and in the context of this evaluation, therefore, a definition of government and governance from among the myriad functions that government does will be used here – that government’s *raison d’etre* is to protect, provide for, and develop its citizens/constituencies. **The responses summarised and synthesised here are those of LGU officials, NCIP and NEDA representatives, hence, this is a write-up of their viewpoints and standpoints – of how they perceive the issues as government officials, and the work they do regarding their IP constituencies. This is the LGU respondents’ perception of reality. The perceptions and experiences of the IPs communities/project beneficiaries are not part of this study, as per the terms of reference of the external evaluation.**

It is also necessary to again mention here in this introduction, Dinteg’s method and process of implementing this Action in the project areas as mentioned above. Dinteg worked with local grassroots partners on the ground and these local partners were the direct implementors of the programme action. In the Cordillera, Dinteg staff provided assistance to community partners while AnthroWatch assisted the work in Mindoro. In Mindanao, Lumad IPO KALUHHAMIN was contracted to oversee the project’s activities in Magsaysay, Davao del Sur and Koronadal, South Cotabato and the SGS in Dumingag, Zamboanga del Sur.

On relevance

As far as all the respondents (from both LGUs and national government line agency authorities) are concerned, the rights-based approach to development which they have independently heard/learned of from capacity development activities in their own offices, should really be upheld and implemented, and it should not only be for indigenous peoples but for all their constituencies. However, some of them respond with the caveat that while a rights-based framework is a good thing, implementation is another thing, and this is where they say, it is most difficult due to its tedious detail and process-oriented approach which “slows” the implementation of time-bound and budget-specific projects (local budgets are allocated and released on a yearly basis, and if project preparation is slow, then there would not be time and effort to implement the project as programmed).

Aside from this, they have also been introduced to many types of programme and activity planning tools which are also rights-based like the gender planning process that is a requirement of the DILG.

By the time Dinteg or its counterpart NGO/IPO in the project sites came around with its human rights-based approach to development planning, the municipal LGUs and the NCIP were already suffused with government training tools on the different planning approaches (whether or not these were used and practised is another thing, but all the respondents – mayors, municipal development officers, IPMRs, NCIP officers – were more or less, articulate in sharing their technical observations and views of the issues at hand during the interviews).

Local development planning, the ADSDPP, and IP concerns. The LGU respondents discussed their municipal development plans and described these as responsive to the needs of their constituencies – and they have received training from NEDA on the how-to’s of development planning – because these plans were facilitated and prepared with long hours of discussion where municipality or provincial stakeholders were present, like barangay representatives, implementing line agencies, community leaders from the business sector, women’s groups, indigenous peoples organisations (IPOs), NGOs, etc.

So, in line with this familiarity on programme planning tools that most of the respondents have, the LGU respondents opined that the ADSDPP process would be somewhat similar to how they went through their LGU development planning. All of the respondents have heard of the ADSDPP, but many mayors responded they have not even read it. On the other hand, some municipal planning officials and IPMRs have had some experience working on the ADSDPP, and had attended briefings on the ADSDPP facilitated by NGOs or by the NCIP.

All the respondents are aware of the focus of the ADSDPP – they indicate an appreciation of why it is being done to empower the indigenous peoples. The respondents affirm the ADSDPP because they are obliged by law to do so. Amongst the Cordillera LGUs, the ADSDPP has been approved in principle, but these still have to be integrated into the municipal development plans which are also being updated because these are five-year plans that have to be reviewed for the next years or so. For the rest of the respondents, they report the ADSDPPs are still undergoing the process of being reviewed for approval by the municipal development councils before its contents are integrated into their municipal development plans.

Many of the respondents express a reservation about the usefulness of the ADSDPP. In terms of land claims, for instance, in almost all the ancestral domain claims in Mindoro and in Mindanao, the ancestral domain areas overlap “properties” already claimed by non-IP through certificate-titles issued by DAR or the DENR before the passage of IPRA. In the Cordillera, it is mostly the central government’s claims of public land/State property that “overlap” the ancestral domain. What is being raised here is what titles and laws should prevail when there has been no rescinding of the laws that give validity to these pre-IPRA certificate-titles. For example, Marcos’ Presidential Decree 389 amended to PD 705 declaring all land with 18-degree slopes are considered forest land/public land, is still in force; and DENR is tasked to enforce this decree, so that there is dispute on the boundaries of ancestral domain and so-called government integrated protected areas, forestlands, etc. – after all, indigenous peoples live in mountainous areas where an 18-degree slope is not a rarity.

In terms of interweaving the provincial/municipal plans with the projects that are mentioned in the ADSDPP, there is again a contradiction because the LGU plans are outlined in terms of long and medium-term investment plans for infrastructure, social welfare, business activities and income-generating projects for the municipality or the province, wherein the development projects enumerated are much too specific like pathways/foot bridges/access roads from their communities to the town centers, housing needs, basic food production, homestay medical assistance, etc. and this approach is not in conjunction with the needs expressed in the ADSDPP where the plan is about process-oriented activities like cultural preservation and documentation of customary practices, etc. Moreover, tourism projects inside the ancestral domain are not acceptable to the Mangyan in Mindoro, nor to the Lumad in Mindanao. In most ancestral domain areas, the indigenous peoples do not allow mines, dams and other extractive industries, and which the provincial and municipal plans may have considered as business enterprises to spur so-called economic development in the municipality or the province.

In spite of these unresolved issues of boundaries and land uses, almost all the respondents still say that IP development rights should be recognised and enhanced, and a number of respondents assert these rights are not only for “special” or “disadvantaged” groups (some mayors said that the IPs should get out of feeling disadvantaged or needing special treatment but to think mainstream) – these are development rights for everyone, not only IPs, because people in the municipality or province should be able to define the development they want for themselves and their communities.

IP representative in the local government councils. There is the provision in the Local government Code for sectoral representatives such as women, youth, indigenous peoples and other special sectors. The IPMR is tasked to see to it that IP concerns are addressed by the LGU – it is, more or less, a legislative task.

Not all of the respondent municipalities have an IPMR in place because of budget constraints. While it was a directive from the DILG that IPRM posts be filled up, the budget for the post comes from the LGU itself, and not all LGUs have enough resources to shoulder the

costs of maintaining an IPMR and his/her activities and projects. In Mindoro, for instance, the IPMR salary at the municipal level is around 45,000 to 60,000 PhP a month, and the LGU respondents say that there may not be need for a specific IPMR because they are very much aware of the needs of their IP constituencies and are taking care of IP concerns through other government line agencies like the DSDW (Department of Social Development and Welfare) and the NCIP. In the Cordillera, there is a perception amongst the respondents that there seems to be a redundancy in maintaining an IPMR, given that the LGUs all the way to the provincial level are indigenous, unlike the situation in Mindanao and in Mindoro wherein the powers-that-be at all levels, including the barangay/sitio are “lowlanders”, third-generation migrants, non-IP, hence, it may be necessary to really put an IPMR in the LGU to work for specific IP concerns.

For all of the above, it can be said that a project such as Dinteg’s is suited to the priorities of LGUs and line agencies on the ground that have constituencies of indigenous peoples, even if contradictions abound and will continue to be so. The objective of seeing to it that a human rights-based approach continues to guide and ensure that indigenous peoples’ concerns are addressed in governance structures remains valid in this situation wherein indigenous peoples are still marginalised from mainstream development.

Moreover, there is general recognition amongst the respondents that there is need to continue making themselves aware that their IP constituencies have specific concerns that need to be addressed, and to learn of other ways to relate with indigenous peoples. The LGU respondents are open to suggestions on ways forward, but they always mention the difficulties of financing such endeavours and its implementation.

On effectiveness

The LGU respondents mention that their municipalities have an ADSDPP. While some may have had their ADSDPP already approved by the LGUs, others are either being reviewed for approval by the local development councils. The respondents mention various observations regarding the ADSDPP: some of the data have to be updated (some respondents said that

the community demographic profile part is so detailed and it takes a longer time to complete); some projects mentioned in the plan are too general and these have to be subjected to some detailed planning; the ADSDPP is written with many “motherhood” statements about IP rights, development perspectives, etc., while these are most welcome, however, these should be translated into plans and programmes; the ADSDPP has to be re-tuned/ revised/updated so as to be incorporated in the LGU development plan; and, some projects are not the priority of the political leadership of the present local administration, so changes have to be discussed again, etc.

Not one ADSDPP has been formally integrated into the municipal development plans. Some respondents, however, said that some projects mentioned in the ADSDPP had been implemented like barangay waterworks systems, educational scholarships for IP students, small grants for infrastructure projects like school building repairs, livelihood assistance, etc. because these were part of what the municipality needed to do anyway, or because a line agency like the DSWD, had the budget to implement it with the LGU.

There is also the issue of the extent and scope of the ADSDPP. For instance, the ADSDPP of the Buhid-Mangyan covers several towns in two provinces. The LGUs at the municipal level will only be able to implement that part of the ADSDPP that refers to its jurisdiction, hence, the accountability of the municipal LGUs, if they opt to implement the ADSDPP, is to consider what projects to implement. The ADSDPP as a whole is most problematic to implement because all the concerned municipal LGUs of the two provinces of Mindoro will have to come together and agree to an implementation plan of a division of budgets, management tasks, contracts, revenues, security measures, etc, which can become an administrative nightmare indeed.

Another difficulty mentioned by the respondents on the ADSDPP is that the budget for its implementation has to be sourced outside of the regular budget of the LGU (unless, of course, a similar project is already in the LGU development plan), and whose responsibility is this resource generation? According to the LGU respondents, this is a function of the NCIP and the IP communities themselves.

As a plan for development, the ADSDPP is generally seen by the respondents as feasible but its implementation is perceived to be complicated and painstakingly difficult.

Capacity development for IPs. Meanwhile, there is the question of capability. For instance, all the respondents from Mindanao and Mindoro mention the incapacity of the IP communities to plan and implement the ADSDPP because they are unschooled and in need of the basics of literacy and numeracy; so, how are they expected to comprehend, plan and implement the ADSDPP? The ADSDPP was a plan facilitated by either NCIP or civil society groups working with indigenous peoples, and the communities were maybe part of the discussion, being consulted, participating and approving the contents of the plan, but it was synthesised, prepared, written out and formatted for public consumption by the NCIP facilitators or the NGOs assisting the IP communities.

This may not have been the situation in the Cordillera because the LGUs are composed of IPs themselves, and one way or the other, the Igorots are more or less literate, and may have the capacity to plan and implement projects (in the Cordillera, the age-old tribal norms of cooperation or collective work are somewhat still in practice), with the assistance of the LGU or NCIP or an NGO. And, according to the LGU respondents in the project areas, as long as there is a budget for the project, they would be more than willing to implement community projects as planned for in the ADSDPP but these should be synchronised with the municipal development plan.

While the respondents speak of contradictions between the LGUs and other government agencies like the NCIP, DENR, DA, or DAR, regarding the ADSDPP, the respondents all have similar opinions that in spite of these differences, they believe in the “development of the IP” – they are aware that IPs have special concerns due to their cultural practices, but like all their constituencies, IPs also need social services like livelihood, education, etc., albeit in varying levels of absorptive capacity – for example, poorer IP communities in Mindoro and Mindanao may need special intensive education modules of literacy and numeracy. One LGU in Mindoro implemented an outreach programme and they were criticised by some national line agencies because the teachers the LGU sent were not “qualified” as per the Department of Education’s standard rules, and yet, the teachers were found to be effective in teaching the Mangyan children (who were of various ages).

Development planning. The effect of drafting the ADSDPP, and doing information dissemination on IP development rights have made for more aware LGUs about their IP constituencies in Mindoro and Mindanao where the LGUs are non-IPs. In the Cordillera, while insisting that they should all go mainstream and be like all Filipinos, the LGUs are getting to be aware of the need to also address the “special ethnicity” of being indigenous in the midst of mainstream development practices, e.g., the mainstream Filipino concept of cultural or environmental development is a tourism infrastructure project in IP territories which is not acceptable to IPs.

There is also the aspect of the documentation of indigenous knowledge and customary practices which is part of the ADSDPP, but then this can easily be injected into the LGU’s development plan.

It was also quite noticeable that the respondents from the ranks of IPMR and municipal development officers were articulate in discussing IP-specific development needs, and IP-specific cultural concerns. Their field experience interacting and working with indigenous peoples has given them a creditable understanding of the problems at hand, and they have the planning tools to work on something – although they may have to also learn the interactive tools of civil society regarding real/genuine consultation and participation.

On Efficiency

Many LGU respondents said they have not heard of any NGO project on the HRBA being implemented in their areas, nor were there any coordination whatsoever regarding such a project, but those who have known of such a project give recognition to the role of civil society formations or groups in pursuing empowerment activities of indigenous peoples through the planning of the ADSDPP. So, even if Dinteg’s project was not mentioned specifically, Dinteg’s partners in the field were somewhat recognised by some LGU and government respondents. The field teams were more known at the grassroots community level than at the municipal level, hence, these responses of not knowing about the Project with this group/type of respondents.

In terms of the ancestral domain and institutionalising it, there is still much to be done and this may be beyond the reach or scope of civil

society's capacities. But, this is a travesty of inefficiency that impacts on the many good intentions and plans of both LGUs and civil society for the development of indigenous peoples and their communities.

As mentioned earlier, the IPRA is the law that formalises ancestral claims of indigenous peoples, as a communal and collective peoples. The IPRA created the NCIP. The ADSDPP is meant to define the boundaries of the ancestral domain, and there is no ADSDPP in the project sites that has been processed formally by the NCIP, or totally integrated into any LGU plan.

Before the IPRA, there was the Presidential Proclamation of Marcos (PD 389 amended to PD 705) that defined all lands with an 18-degree slope as public or State property, and this practically categorises all lands of the IPs as State property. This decree-law has never been rescinded. The DENR still uses this law to define the watersheds, the National Integrated Protected Areas (NIPAS), hence, no person is allowed to use and much more so, claim the land. The DENR as the government agency tasked to “manage” the public lands of forests, minerals, etc, and natural resources of the State, had issued and still continues to issue permits to businesses, mining companies, vast plantations, etc. to use and exploit large tracts of lands that are within the boundaries of ancestral domains.

The DAR, meanwhile, as the implementor of the national land reform programme, issued the CLOA (Certificate of Land Ownership Award), and many non-IP and even IP farmers were issued this land certificate to lands that were later on found to be inside the boundaries of ancestral domain.

The NCIP is also able to recommend the issuance of land titles -- the CADC (Certificate of Ancestral Domain Claim), the CALT (Certificate of Ancestral Land Title), and the CADT (Certificate of Ancestral Domain Title). It is said that getting a CADT for the ancestral land or domain is considered to be a most secure land title, but as far as Philippine laws on land ownership are concerned, there is still an exhaustive legal bureaucratic process that a CADT undergoes before it is considered permanent patrimony. Meanwhile, there are no CADT holders (approved at the Land Registration Authority) in any of the project sites, only applications to avail of these titles.

All of these laws and directives are in force, and inside the ancestral domain are pockets of land owners with CLOA, CADC, etc. Aside from these, there are government land grants issued by government line agencies like DAR and, DENR, and even LGUs – for mining, for cash crop plantations, forest programmes, etc. that are inside the ancestral domain.

Meanwhile, the ADSDPP is a brainchild of the NCIP, and yet the responsibility of sourcing funds for the implementation of the ADSDPP’s projects, activities, outputs is left to the IP community concerned. The ADSDPP is not the responsibility of local government to implement – they can help out or complement the plan by absorbing some of the costs of implementing ADSDPP, but they are not obligated to do so. NCIP may have had good intentions when they initiated the ADSDPP as an empowering process for the IP, but its authors must have been naive to assume that marginalised IPs will be able to do this on their own without their/NCIP’s involved assistance on a day-to-day basis.

This is the situation of the IPs and their ancestral domain and obtaining any kind of title to ancestral land is an arduous process. Since the IPRA of 1997, there has been no ancestral domain that has been formally recognised and approved by the Philippine courts of law.

So far, nothing has been done to reconcile these conflicting laws and institutional arrangements. So, no matter how well-intentioned civil society organisations are, and no matter that LGUs say they care about their IP constituencies, there is not much change that can be done until the laws are corrected and consolidated to protect the ancestral domain rights of indigenous peoples. Even the NCIP is considered “toothless” on any IP issues and concerns, as one respondent described the agency – and it has even sometimes connived with big business in taking lands from the ancestral domain.

It was in this context of myriad laws and regulations that Dinteg and its grassroots partners were implementing their project’s activities and beating deadlines.

Impact

The LGUs have come a long way since the LGC was promulgated with its policy statement on the decentralisation of governance and for genuine and meaningful local autonomy wherein LGUs shall be enabled “to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals” (Title 1, Chapter 1, Section 2). Since that period in the 1990s, LGUs have, more or less, implemented the Local Government Code’s provisions about promoting “the establishment and operation of people’s and non-governmental organizations to become active partners in the pursuit of local autonomy” (Title 1, Chapter 4, Section 34), and in due course, its executives and other officials have learned the language of development (Title 6, Section 106) and have somehow engaged with NGOs and civil society’s various advocacies on indigenous peoples concerns. There is still much to be desired regarding the engagement of LGUs with civil society organisations. In the early 1990s, many NGOs participated in the LGU councils as accredited members, and this has waned due to many factors, but in the 2000s, it has been observed that there is a bit of an upsurge amongst CSOs to engage and even work with government at the local level.

For all intents and purposes, this just-ended project of Dinteg showed Dinteg’s attempts to engage with LGUs through some of its grassroots partners did not have much impact in relation to the project’s very ambitious objectives regarding the institutionalising of so-called oversight mechanism – even attempting to intervene/engage in the colossal institutional arrangements of the law are too formidable for CSOs to take on when the external and internal contexts do not have what the OECD articulates as the “enabling environment for CSOs” to take up the challenge of participation on an equal footing.

But some effective inroads can be discerned.

Awareness of land rights and laws. Almost all the respondents were aware of the various laws that inform on the ancestral domain issue. They know the contradictory interpretations of these laws, proclamations, and directives. With the IP LGU respondents, they categorise these differences as a conflict between IP belief systems and

national laws. Many of them mention in particular having to coordinate with DENR about the encroachments in the ancestral domain, or raise the question on why there is need for permission from DENR for LGU-IP projects in so-called protected areas which are part of the ancestral domain.

For example, there was this road project for an IP village inside a national protected area (the village was already there before the area was categorised “protected area” by the DENR): the LGU and the villagers already agreed to implement the access road, taking into consideration environmental factors so that the road would be in consonance with the flow of nature in the area. The DENR did not agree to the project and stopped its implementation because it was inside their “jurisdiction” of the protected area. The LGU respondents said this was a case where an IP community’s welfare was “opposed by the government” (their terminology as though they were not government themselves).

Awareness of development rights and perspectives. During the interactions with the LGU officials, the evaluators were quite impressed with the ease by which the local government respondents discussed the development concerns in their localities: they discussed the pertinent aspects of their comprehensive land use plan, the development projects to be implemented in the plan; the various laws to use for IP concerns, etc. The ADSDPP is considered a component of this comprehensive plan that seems to be a work-in-progress – while many of the LGU plans are considered “tapos na or finished”, it gets to be updated and upgraded in terms of resource generation and other implementation details. The LGU respondents mentioned the IP’s right to development, and were aware of rights-base indicators in their knowledge of planning tools, not in the specific human rights-based approach to development as espoused by Dinteg, but in the context of generic project planning using rights indicators which they get training on from other government agencies.

While the LGU respondents are aware of civil society development activities in their localities, and are open to working with anyone, there seems to be an indifference to working with CSOs/NGOs because with or without civil society, the LGUs will just go ahead and follow their development plans, and which they say, have already incorporated the

needs of their IP constituencies. In the Cordillera, there is a refinement of this indifference in that, the LGUs are all made up of IPs, and they do not feel any difference from their constituencies unlike in Mindoro and Mindanao, where there is a marked sense of differences between the poor and uneducated IP and the non-IP officials who govern them.

In the Cordillera, some LGU respondents mentioned that the municipal development plan is generalised with the IP not pinpointed as a priority sector since they are all IPs – the IP factor is not particularised or used as “leverage” because everyone is an IP, hence, so-called IP special rights and basic needs are considered as a matter of course – everyone is treated as a priority.

Also, in the Cordillera, there is a more discerning discussion of the “IP question” – a municipal development officer expounded that development should not come from outside, “we have to say this is how it should be; it should match our traditions”; an IPMR made the comment, while the LGUs may be knowledgeable of the concept of ancestral domain, it should be coupled with the rights to self-determination, social justice and human rights, and cultural integrity; and, many others mention something on the same line -- while laws may be able to address the aspirations of the community, realising those aspirations still depends on the IP and how they affirm those rights. These are, in one way or the other, advocacy influences from field experience and from civil society.

In Mindoro and Mindanao, there is a similar comment from the LGU respondents about being “culturally sensitive” and that IPs, should somehow be always present when plans are being discussed on their behalf. Working on the ADSDPP had surfaced border conflicts between the political divisions of the provinces and/or municipalities and barangay, because ancestral domain has been defined by the collective memory of a tribe or group of people’s sense of land ownership, and not of boundaries set by state authorities. For LGUs to make this observation is being culturally sensitive in practice.

Sustainability

While the respondents were aware of the responsibilities they had to do with regards their IP constituencies, they put much of the weight of the

burden on the IP themselves. In Mindanao, the respondents similarly said that IPs should know their rights, learn to be independent; they should be able to respect and work with government and the NCIP; they should be law-abiding members of society, while improving and maintaining their good cultural traits. In Mindoro, the IPs are expected to be steadfast and to stand their ground and not give in to bribes, or threats, regarding their ancestral domain; they should actively participate in the activities of the LGU and be partners in implementation; they should get themselves to school and be educated; they should stop seeing themselves as “a special child” and being dependent on the charity of others; they should also learn to unite and not be divided. These responses indicate the weaker side of the IP, but then these are the perceptions of LGU respondents.

In the Cordillera, it is almost the same perception or expectations of what indigenous peoples should be, but with an underlying assertiveness that the IPs should by themselves decisively plan for their ancestral domain, advance the IP right to development, and in the midst of westernised education that celebrates individualism, IPs should continue respecting IP traditions and cultural knowledge to strengthen the essence of ancestral domain. IPs, however, should be able to cooperate and work with the local government, and respect the law even if the national government gives in to the lobbying pressure of mining companies.

Aside from being “politicos” (traditional politicians, homegrown power brokers or what is referred to as localised “kingpins” similar to feudal Europe’s vassals, petty “warlords” or provincial nobles), local government officials have somehow learned to become “development managers” – in the sense that they are knowledgeable of the language of development, and are able to think of and consider social projects for their IP constituencies, instead of only focusing on infrastructure projects.

With the above-mentioned feedback, and with the LGUs opening up to respond to the concerns of indigenous peoples regarding IP empowerment and social development, there is room for a continuing programme for civil society to persevere in engaging with government entities, and at the same time, coordinating with local government for common activities and campaigning for IP rights advocacies. No matter how minuscule and not imminently distinct at first, such a programme

can make things happen – after all, a wave in the ocean starts with a single ripple, as activists very well know.

The LGUs are the frontline of the national government’s development policies and initiatives, hence, it is really the level of government that CSOs may have more meaningful engagement with than with national-level government bodies. And, the LGUs have the resources that can continue and make durable the projects and activities started by civil society.

Although, given the chasm of development perspectives and work methodologies between these pillars of Philippine society, it may take some time before LGUs really embrace the advocacies of civil society groups due to CSOs’ emphasis on human rights, justice and democracy.



C. SUMMARY AND CONCLUSION: LESSONS LEARNED AND RECOMMENDATIONS

Lessons learned

Dynamics of local government and civil society. There is less friction today between the LGUs and civil society compared to some two decades ago. While there still seems to be that adversarial stand-off as indicated by the responses of LGU respondents, LGUs seem to have accepted that NGOs/civil society are here to stay, no longer to be mistrusted and be wary of (which was how NGOs were perceived when the Local Government Code was being implemented in the 1990s with the directive from the authors of the LGC that NGOs should be one-fourth of the LGU development council’s membership).

This waning of mistrust might be due to the confidence that might have been built when the “development discourse” and its implementation were decentralised to the LGUs, instead of remaining at the “exclusive playing ground” of national government line agencies, and civil society, for that matter. As demonstrated in this evaluation, the LGU officers were very articulate about the local development that they were implementing, and explaining what they thought about the IPs and the ancestral domain issues.

Aside from this growing confidence in governance of the LGUs since the mid-1990s, there was this situation that after a few years since the passing of the LGCCode, the NGOs somehow lost interest in participating in the local government councils due to the tediousness of continually asserting their presence in the LGU development councils; and so, they went back to their role as watchdogs, or as alternative development advocates, or to the “parliament of the streets”. During this period in the mid-1990s, NGOs had felt that they were being subsumed into the LGU system, instead of being treated as partners or co-equals in the development process.

It was observed during the field phase of this evaluation that the LGU-CSO relationship has somewhat become a matter-of-course, and each development actor knows their role in the development process. By now,

they seem to have a certain level of respect for each other's development perspective, as they recognise that both their camps want the best for the welfare of the indigenous peoples.

Diversities of indigenous peoples in the Philippines.

There is a wide difference of the development divide between the IPs of the Cordillera and those of other places in the Philippines. Due to the "choices" of colonial history, the other IP areas were "left behind" so that the Cordillera "advanced" vis-à-vis the Philippines' republican governance systems and processes, so that at this point in time, the IPs in the Cordillera govern their LGUs, are educators in the local universities, own and run their business enterprises, are elected to the national Congress, are baptised Christians, live in westernised houses, etc. – Cordillera IPs are very mainstream, but with one distinct difference from the rest of mainstream Filipinos, they are classified as "indigenous peoples" due to their persevering adherence to their cultural, social, political and economic traditions, and they remain proud of that distinctness.

The rest of the IPs in the country, however, can be seen as the Cordillerans at the turn of the 19th century when the American Thomasites arrived in the mountain provinces and brought public education to pacify the mountain peoples there. The rest, as the cliché goes, is history. A very respected Lumad elder once told this evaluator that if they had received the formal education that the Igorots were given at the turn of the 19th century, they would not be so "backward" as they are now; and this goes for the Mangyans, the Agta, the Tumandok, etc. – totally marginalised by mainstream society, so they remain poor, oppressed, and exploited.

Recommendations

The following are culled from the write-up as submitted above:

For all of the above, it can be said that a project such as Dinteg's is suited to the priorities of LGUs and line agencies on the ground that have constituencies of indigenous peoples, even if contradictions abound and will continue to be so. The objective of seeing to it that a human rights-based approach continues to guide and ensure that indigenous

peoples' concerns are addressed in governance structures remains valid in this situation wherein indigenous peoples are still marginalised from mainstream development.

Moreover, there is general recognition amongst the respondents that there is need to continue making themselves aware that their IP constituencies have specific concerns that need to be addressed, and to learn of other ways to relate with indigenous peoples. One of the more effective ways of doing this is to activate the IPMR post because then the issues and concerns of IPs are imbedded in the local development council. Meanwhile, the LGU respondents are open to suggestions on ways forward, but they always mention the difficulties of financing such endeavours and its implementation.

In terms of the ancestral domain and institutionalising it, there is still much to be done and this may be beyond the reach or scope of civil society's capacities. But, this is a travesty of inefficiency that impacts on the many good intentions and plans of both LGUs and civil society for the development of indigenous peoples and their communities.

In spite of these unresolved issues of boundaries and land uses, almost all the respondents still say that IP development rights should be recognised and enhanced, and a number of respondents assert these rights are not only for "special" or "disadvantaged" groups (some mayors said that the IPs should get out of feeling disadvantaged or needing special treatment but to think mainstream) – these are development rights for everyone, not only IPs, because people in the municipality or province should be able to define the development they want for themselves and their communities.

With the above-mentioned feedback, and with the LGUs opening up to respond to the concerns of indigenous peoples regarding IP empowerment and social development, there is room for a continuing programme for civil society to persevere in engaging with government entities, and at the same time, coordinating with local government for common activities and campaigning for IP rights advocacies. No matter how minuscule and not imminently distinct at first, such a programme can make things happen – after all, a wave in the ocean starts with a single ripple, as activists very well know.

The LGUs are the frontline of the national government's development policies and initiatives, hence, it is really the level of governance that CSOs may have more meaningful engagement with than with national-level government bodies. And, the LGUs have the resources that can continue and make durable the projects and activities started by civil society. ■



**III. SELECTED OUTPUT
DOCUMENTS FROM THE HUMAN
RIGHTS BASED APPROACH TO
DEVELOPMENT PROJECT**

PROFILES OF PROJECT SITES

IBALOY, KANKANAHEY, KARAW and KALANGUYA of BOKOD, BENGUET, CORDILLERA

Bokod is a 4th class municipality of Benguet, Cordillera. It was granted a Certificate of Ancestral Domain Claim (CADC) covering a population of almost 13,000 indigenous *Ibaloy, Kankanaey, Karaw and Kalanguya*. They can communicate with each other through the Iloko language. Bokod is host to pine forests from which Benguet Corporation used to harvest pine timber for the mines it used to operate in the adjacent municipality of Itogon and the Ambuklao hydropower dam, a dam supplying power to the Luzon grid. Today, the people are again being threatened by the application for geothermal energy production by Clean Rock Inc. and two other large mining firms applying for exploration - the Magellan and Columbus Mining Exploration Firms.

As requirement to the application of the municipality for CADC, an Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) was crafted with funding from the National Power Corporation (NPC), the then administrator of the Ambuklao Dam. The National Commission on Indigenous Peoples (NCIP) commissioned consultants who drafted the ADSDPP after a number of consultations with community leaders and local officials.

In the series of collective review under the HRBA project, a major critique to the ADSDPP is its adherence to the primacy of the Regalian Doctrine and national laws such as the policies issued by the Department of Energy and Natural Resources (DENR), the Indigenous Peoples Rights Act (IPRA) and subsequent Administrative Orders of NCIP over that of custom laws. Further, the ADSDPP places emphasis on the protection of the watershed for the Ambuklao dam, positioning the Bokod peoples as “social fence.” What the ADSDPP failed to address is the whole issue of dispossession of hundreds of families in the construction of the Ambuklao hydropower dam. Apart from dislocation of peoples and disenfranchisement, the Ambuklao dam submerged sizable tracts of rice land. The impact of submerged rice terraces continues to be felt for as long rice insufficiency is not addressed. As rightful owners of the land

hosting the facility and the natural resources providing viability of the hydropower generation, the people are demanding reciprocal share, in return.

Similar to all indigenous peoples in the province of Benguet, there is no longer any structure in Bokod that can be called a tribe. Today, the peoples of Benguet function as communities in different spheres – the village community, which manages the natural resources and social relationships of a small group of peasant households within a very limited area equivalent to or smaller than the jurisdiction of the barangay; the lineage group, which manages the inter-family relationships of its members as well as the landholdings they have inherited from their common ancestors; the ritual community, which includes a host of kindred, friends, and allies bound to each other by ties of reciprocal obligation that are transmitted from generation to generation, across village boundaries, and across the barriers of language and ethnic differences.

The municipal ancestral domain claim of Bokod covers the villages of the indigenous Ibaloy, Kankanaey, Karaw, and Kalanguya; forests claimed by Benguet Corporation as its own; the Ambuklao dam which used to be owned and operated by the National Power Corporation but is now in the hands of Aboitiz Power and the proposed site of a geothermal power plant.

The national government has long wanted to have a geothermal power plant installed in Daclan, Bokod. The indigenous communities have, however, consistently refused to cooperate. But this has not dissuaded the Clean Rock Renewable Resources Company from attempting to conduct a geothermal exploration of the area.

In February 2009, the NCIP accompanied Clean Rock on a field investigation, and in April, facilitated its information, education, and consultation activities among the people of Bokod. In May, the NCIP asked the people to formally decide on Clean Rock's plea for their free and prior informed consent (FPIC) to its proposed geothermal exploration activities.

The people said no to Clean Rock. Later in the month, they put their decision in writing as a Resolution of Absolute Rejection signed by the 89 members of the Council of Elders of the Ancestral Domain of

Bokod. The Provincial Board of Benguet endorsed the Resolution after conducting a Provincial Board Inquiry to validate its contents.

In August, however, the NCIP informed the people that it would re-conduct the process of seeking an FPIC from them on the Clean Rock project. The Shakilan ni Ikolos Indigenous Peoples Organization of Bokod registered a complaint about this through the Chair of the NCIP's Provincial Consultative Body. But the complaint was ignored by the NCIP. On the 20th of the month, the NCIP had 82 members of the Council of Elders vote on the Clean Rock project by secret balloting, and reported a result of 48 to 34 in favor of the project.

Following this, the people of the various barangays of Bokod sent the NCIP and Clean Rock one petition after another, reiterating their stand against the geothermal project. Again, their petitions were ignored.

On the 1st of October, the NCIP convened the people of Bokod for negotiations for a Memorandum of Agreement between them and Clean Rock. But according to Shakilan, *“There was no negotiation. Instead, Atty. Alfonso Aroco lectured on the IPRA, Engr. Edgar Molintas lectured on the advantages and disadvantages of geothermal. According to him, exploration has already been done by PNOC [the Philippine National Oil Company]. The company [Clean Rock] needs only to refer to PNOC office.”*

According to one Daclan elder, the various families of Bokod who have landholdings in his village are being approached by an influential figure in Benguet politics who also has land in Daclan. He is asking the families, one by one, to enter into a Memorandum of Agreement with Clean Rock – and thus disregard the collective position of the people of their municipality on the issue.

To date, Clean Rock has not yet set foot in the area but also, has not withdrawn its interest in the project.

IBALOY, KANKANAEY and KALANGUYA of KABAYAN, BENGUET, CORDILLERA

Kabayan is the ancestral territory of 3 major ethno-linguistic groups: Ibaloy, Kanakaney and Kalanguya. Kalanguya is one among the numerical minority ethno-linguistic groups in the Cordillera. Each ethnolinguistic group speak its own language with Iloko as the common lingua franca. Latest census shows a population of 12,657 people in 2,063 households.

Kabayan is a 4th class municipality. It is one of the commercial temperate vegetable growing towns in the province of Benguet with almost half of agricultural land used for this. Rice production cannot supply the consumption needs. While agriculture is the main source of income, with temperate vegetable as major cash crop, the people engaged in small scale mining. Small scale mining has long been operating in 3 barangays but at present, a cease and desist order was issued from the office of the provincial mining regulatory board, a body created under RA 7076 or the Peoples Small Scale Mining Law to regulate small scale mining activities.

Horizon Mining Company has pending application for large-scale operation.

The river systems are being projected by the national government for hydro-based projects, intended at barangays Eddet, Adaoay and Gusaran. The Agno River, one of the 5 major river systems in the Cordillera, with headwaters at its adjacent municipality Buguias, traverses the municipality down to Bokod to Itogon, exiting at the Lingayen Gulf in Pangasinan. The Agno River hosts 3 hydropower dams: Ambuklaw, Binga and San Roque dam.

While a large chunk of pine tree areas have been cleared for agricultural production, forested areas remain significant. Communal forests are maintained, supplemented by family/clan pine tree farms.

Kabayan hosts the 3rd highest mountain in the Philippines, Mount Pulag. Of the coverage of Mt. Pulag of about 11,550 hectares, around 10,000 hectares are located in Kabayan which is one third of the

municipal land area of 28,000 hectares. It is one of the government's declared protected areas in the country under the National Integrated Protected Areas System (NIPAS) and forms part of the 70,561 hectare Upper Agno River Basin Resource Reserve supplying the 3 hydropower dams along the Agno river.

Kabayan as a municipality was granted a Certificate of Ancestral Domain Claim (CADC) as early as 1996. Granting of the CADC at that time was facilitated by the Cordillera Special Task Force on Ancestral Land under DENR AO 2 of 1992. But confusion is looming over intersecting coverage of CADC between Kabayan, Benguet and Tinoc, Ifugao as well as between Bokod, Benguet complicated further by Certificate of Ancestral Land Claim (CALC) applications of individuals/clans. Boundary areas are occupied mostly by Kalanguya located in 3 of the 13 barangays of the municipality.

An Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) was formulated as requirement to the application for CADC. Similar to the ADSDPP of Bokod, it was funded by the National Power Corporation. Management of the ancestral domain is placed to the Onjon Ni Kasicuran Shi Kabayan (ONKASKA), the municipal-wide IPO. Funds from NAPOCOR in the amount of P1.5M earlier allocated for basic social services were reallocated for priority projects identified in the ADSDPP.

The most pressing issue in Kabayan is the overlapping ownership, management, utilization of the ancestral domain between the rightful owner - the local indigenous peoples - and that of the national government. To quote from the ADSDPP, the problem is stated as follows:

“...the indigenous people of Kabayan cannot further develop their ancestral domain. It became a government reservation where the trees are for the concessionaires to harvest, the gold is for mining claimants to mine, and the water from their rivers and creeks is primarily for the generation of power for the Hydroelectric power plants of the National Power Corporation. The Mt. Pulag was made a national park reservation where it is continuously desecrated and the endemic resources pirated by tourists.”

To the indigenous peoples of Kabayan, this is unjust. While the protection and conservation of resources has always been the responsibility of the community, they never benefit from it.”

“...the whole area of the Municipality is either a forest reserve, watershed for the National Power Corporation, or a national park reservation. Executive Order 573 places the whole town of Kabayan as part of the Central Cordillera Forest Reserve. Later, with the construction of Binga and Ambuclao Hydroelectric Power Plants, most part of the municipality was made the watershed for both dams and what has remained on the east was covered by another executive issuance making it a watershed for Magat Hydroelectric power plant. On top of all these proclamations, there is also the Mt. Data National Park Reservation on the West and the Mt. Pulag National Park Reservation on the East. All these issuances whose area coverage are overlapping clearly show that not even a square centimetre of the whole town is owned by the residents who belong to the Ibaloi, Kalanguya and Kankanaey tribes. Yet, the Municipality of Kabayan is recognized as the seat of the Ibaloi culture.”

NORTHERN KANKANAHEY of BESAO, MOUNTAIN PROVINCE, CORDILLERA

Besao through the years has maintained its population at a little more than 10,000. Its official land area is more than 9,000 hectares. But in its application for a Certificate of Ancestral Domain Claim, the municipality is claiming around 17,000 hectares to include around 7,000 hectares officially annexed to the political administrative jurisdiction of Quirino municipality in Ilocos Sur province. The umili of Quirino are without doubt Igorots. They are socio-culturally and linguistically similar as well as geophysically associated with the iBesao as well as the iTubo (of Tubo annexed to the province of Abra) with whom they share common territories and kinship ties and social relations. By self-ascription and ascription by others, these umili identify themselves by their ili and as Igorots or Bago. The Bago tribe has been created and promoted by

prominent politicians as a tribe of those in the boundaries of the Cordillera and adjoining regions. But by all indications, ethnolinguistically the Bago are Igorots of the Kankanaey, Ibaloy or some other Igorot group.

In the historical course of political gerrymandering similar to that in all border areas in the Cordillera, the iBesao were compelled to hand over several ili that constitute the present-day municipality of Quirino annexed to the province of Ilocos Sur. The current dispute is over Pangwew that has been officially integrated as a sitio of Laylaya of Besao and the vast pasture and agricultural areas (around 7,000 hectares) of iBalas-iyán (barangay Laylaya) that are officially designated as part of the municipal land area of Quirino. The municipality of Quirino is laying claim over Pangwew, while the iBesao has not surrendered its long standing claim over Balas-iyán's agricultural and pasture lands and now a small scale mining area and with a pending application for large scale mining by several mining companies, among them, the Cordillera Exploration Co. Inc.

The Ancestral Domain Management Plan (ADMP) crafted by the LGU of Besao municipality as part of its application for a Certificate of Ancestral Domain Claim points out boundary and resource conflicts with adjacent municipalities stated as follows:

The municipality is facing boundary conflicts in all its borders. The conflict with Sagada is mainly due to the right to utilize the water sources while the conflict with Tadian is related to the extraction of pine trees. Likewise, in its neighboring Tubo, Abra, the disputed boundary covers the watershed and mossy forest which has been traditionally managed and forms part of barangays belonging to Besao municipality.

The ADMP defines the larger issues being faced by the iBesao in relation to the right to ancestral land and natural resources as follows:

... the bigger issue is that the municipality is considered a forest reserve by the government, a situation similarly shared by other IPs. Security of land tenure over the built-up areas, the rice fields, swidden farms and all other developed areas is therefore a problem because these are treated by the government as public lands.

Likewise, the pine tree plantations established and managed by the people are considered public forests. With the existing policy of total log ban, extraction is prohibited. This runs counter to the right of the people who have established, managed and protected the pine tree plantations.

NORTHERN KANKANAHEY of SAGADA, MOUNTAIN PROVINCE, CORDILLERA

Like the iBesao, the umili of Sagada belong to the Northern Kankanaey ethnolinguistic group, but they commonly identify themselves as iSagada or the collective term Igorots, coined by the Spanish colonizers for ethnic groups in the Cordillera meaning “people of the mountains.”

The umili of Sagada are not of a common descent. Ancestors of the iSagada originated from different places like the Ma-eng of Abra and the Dallik of Bontoc. These ancestors accordingly established the “mother” villages like Fidelisan, Dagdag, Ankileng, Tetep-an, Demang, Taccong and Antadao. “Through time, these ili expanded into the 19 barangays that presently comprise Sagada” (ADMP 2004, p11).

It was in 1847 that the place was established as a political unit, but it was on 25 June 1963 that the Municipality of Sagada came into existence under Executive Order No. 42 (PHSSA 2007, 30). Sagada was originally made up of Ankileng, Antadao, Balugan, Fidelisan, Tanulong, Demang and Tetep-an. With population growth and settlement expansion, nine ilis now constitute contemporary Sagada.

Subsistence agriculture once dominated livelihood activities in the municipality. To date, Sagada is producing temperate vegetables at commercial scale.

“What the iSagada are actually claiming as their ancestral domain and management areas, based on their community maps, extends beyond the political and CADC-recognized boundaries to the adjacent province of Abra and to the municipalities of Bontoc, Bauko and Besao” (ADMP 2004, 20). The official land area of the municipality is 8,600 hectares with a population at 11,900.

SADANGA, MOUNTAIN PROVINCE, CORDILLERA

Sadanga is a 5th class municipality of Mountain Province, Cordillera with around 10,000 population. Economy relies mainly on farming with rice as major product. Although, rice production is still not enough to supply the needs of the entire municipality. Hunting and legume production are among the major sources of cash.

Based on the 2007 approved Cadastral Survey (CAD.1143), the municipality covers an area of 32,581 hectares inclusive of the contested areas with the neighboring municipalities of Mountain Province. The municipality of Sadanga covers the combined ancestral territories of four cluster tribes¹ that compose the Sadanga municipality, namely the Bekigan-Belwang tribe, the Sacasacan-Demang-Poblacion tribe, the Saclit tribe, and the Betwagan-Anabel tribe. Each tribe has its own common territory called gakay.

Though the 4 cluster tribes belong to one municipality, territorial conflict among them has occurred in the past, sometimes resulting in tribal war. Recently, tribal war erupted between Saclit and Poblacion-Demang. Each of the four cluster tribes maintains peaceacts with the other clusters as well as separate peaceacts with other tribes outside of the municipality. Territorial jurisdictions of each tribe are discussed and reviewed during peaceact negotiations and recommitment ceremonies.

Sadanga is among the several tribes in the Cordillera practicing “tribal war” and where indigenous socio-political beliefs and practices have strong influence on the affairs of the people and local politics. Even LGU officials seek decisions of traditional elders in matters related to land and natural resources. However, the role of elders is slowly disintegrating giving way to the dominance of the LGUs. In the earlier times, there was no conflict with the introduction of the State system of governance in the locality, because it was the elders and tribal leaders that were consensually elected as officials.

They were able to maintain their leadership over the tribe while performing their duties as officials under the State system. Through

¹ Tribe is loosely used here, as it is popularly used to refer to cluster of ili/village sharing a common territory, and not in reference to ethnological framework

the years, State system requires certain degree of qualifications such as literacy, altogether disqualifying tribal elders in State governance system. In any case, tribal leaders/elders are usually appointed as members of the Lupong Tagapamayapa (Committee on Justice) in the barangays.

Four large mining firms are applying for exploration in the municipality: Malibato Mining Co., Lepanto Consolidated Mining Company, Cordillera Exploration Co. and Mt. Franz Mining Corporation.

Sadanga municipality has formulated its Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) in 2008. The ADSDPP was supposed to be the master plan from which the municipal government draws its annual to medium term plans and programs for the sustainable development of its people and protection plan of the ancestral domain, but the local government officials seem unaware of how it should be integrated with their standard processes and procedures such as the prescribed format of Annual Investment Plan. As noted in the course of community-initiated review under the DINTEG project, the approved ADSDPP appear to be lacking in substance, for instance in clearly defining the essence of *gakay*, the traditional land use system as well as related genealogy.

Among the urgent concern was the lack of recognition by the State, through the NCIP, of the distinctness of Sadanga as a tribe. Sadanga is categorized by NCIP as integral part of the Bontoc tribe. While there is vast similarity among the Bontoc and Sadanga, in terms of similar language (varying only in intonations and some terminologies), similar socio-cultural and political practices, similar system of dispute settlements among others, what makes the Sadanga distinct from the Bontoc is the *Gakay*, the common ancestral territory, indisputably identifiable from ancestral territories of the Bontoc.

The denial of the Sadanga as a distinct tribe is not a simple issue of identity. It has great implications on the exercise of their rights as indigenous peoples, the protection of their ancestral domains, and their collective development as a tribe. It is discriminatory to the Sadanga people, denying them of their indisputably distinct ethno-identity and their collective right to their ancestral land and right to self-determination.

Further, it has resulted in the deprivation of basic services and benefits entitled to the tribe as these are channelled through the Bontoc Tribe. In this regard, it was resolved to lobby the government through the NCIP to recognize the Sadanga Tribe as a separate tribe from the Bontoc.

Other continuing concerns include the boundary conflicts with two adjacent municipalities and the continuing encampment of AFP troops, even if this was relocated at least one kilometer away from the nearest residential area.

BANAO, GUBANG AND MABAKA of MALIBCONG, ABRA, CORDILLERA

Malibcong municipality is the ancestral territory of 3 distinct tribes namely Banao, Gubang and Mabaka with Banao composing 46% of the population. While there is much similarity in custom and as they speak the same language, what makes each distinct from the other is the common ancestral territory of each as well as the peacemaking maintained by each tribe to other tribes. As they were consolidated into one municipality, they have come to identify themselves and have acknowledged themselves as Mabagu tribe, the acronym for the three tribes.

The municipality has an aggregate area of approximately 316.10 square kilometers and accounts to about 7.95% of the province's total land area of 3,975.55 square kilometers.

Total population based on most recent census is 3,675 of 700 households. As collective Mabagu tribe, it can forge peacemaking with other tribes while maintaining existing peacemaking of each tribe. Its adjoining tribes are Binongan tribe of Lacub municipality, Banao tribe of Daguioman municipality and Binongan tribe of Baay-Licuan municipality.

Malibcong is a 5th class municipality with an income dependent largely on the Internal Revenue Allotment (IRA). It is one among the remote municipalities of Abra, experiencing non-passable roads during rainy season. There is inadequate crossing structures in rivers and streams. Irrigation facilities cover only 51% (280.98 has.) from 550 hectares

potential irrigable area with inadequate river bank erosion- control structures. Potable water remains in short supply. About 129 households (18.43% of the town's households) have no electricity.

The LGU of Malibcong applied for a Certificate of Ancestral Domain Claim (CADC) in 2004 but was not granted to date. This is mainly because of unresolved dispute over tribal boundaries (called bogis) with its neighboring municipalities of Lacub and Licuan-Baay, Conner - Apayao, Balbalan - Kalinga and Daguioman-Abra. In June 2010, the boundary disputes between Conner - Apayao, Balbalan - Kalinga and Daguioman -Abra have so far been resolved. The boundary dispute between Malibcong, Lacub and Licuan-Baay remain unresolved.

The most pressing concern among the Mabagu tribes is the persistence of mining companies in seeking mineral production. The ancestral territories of the entire Mabaka, Banao and Gubang Tribes are covered with Exploration Permit Agreements (EXPA) by the following companies:

- Cordillera Explo. Co., Inc. currently owned by Nickel Asia covering Baay-Licuan, Malibcong, Daguioman of Abra and Balbalan of Kalinga covering a total area of 15,880 hectares. The application was endorsed by the Mining and Geosciences Bureau (MGB) in April 2012 which has yet to secure Free, Prior and Informed Consent (FPIC) from the affected communities.
- EXPA no. 41 of Vegas Explo. & Mining Corp. covering 16,200 hectares in Malibcong. The application was earlier denied by the MGB but is currently on appeal.
- Financial and Technical Assistance Agreement (FTAA) of Lindsay Resources Corp. covering the towns of Lagangilang, Malibcong and Sallapadan. The application was lodged in 12-Jan-2005 but was denied in 30-Jun-2011. It is now on appeal.

All these applications were subjects of broad opposition from the Mabago tribes and its neighbors, notwithstanding vacillating stance of LGU officials and several prominent families promoting mining.

BUHID of ORIENTAL AND OCCIDENTAL MINDORO

The Buhid ancestral domain is located in the south central part of the island of Mindoro. It consists of 98,624.813 hectares based on the CADT that is yet to be registered and awarded by the Land Registration Authority. It covers parts of the municipalities of Bansud, Bongabong, Roxas and Mansalay in Oriental Mindoro and the municipalities of San Jose, Rizal, Calintaan and Sablayan in Occidental Mindoro. The Buhids have two major organizations– the Sadik Habanan Buhid (SHB) in Oriental Mindoro (with whom the Action is formally in partnership with) and the Habanan Buhid in Occidental Mindoro.

The Buhid ancestral domain is shared with the Bangon, an IP group that used to be part of the Buhid claim for CADC granted in 1998. The Bangon asserted their claim as a separate indigenous group from the Buhid, hence the CADT application was named after the Buhid and Bangon. They have also formulated a development plan separate from the Buhid to be implemented in the identified Bangon areas. There is a written agreement between the two groups about internal boundaries and this also extends to the Free Prior Informed Consent (FPIC) on large-scale projects that are impending to come in the ancestral domain. The Bangon communities cover about 20 percent of the ancestral domain, mostly in the northern part of the ancestral domain. The DINTEG project supported the review only of the Buhid ADSDPP, but the Bangon had been invited in workshops and consultations as well.

Since the formulation of their Ancestral Domain Management Plan (ADMP) in 1998, the Buhid have applied initiative and community participation in the formulation of their plan. This was carried on through its revision in 2007-2009 as Ancestral Domain Sustainable Development and Protection Plan consistent with the Indigenous Peoples Rights Act, wherein they used the clustering approach based on their major rivers. Traditionally, the Buhid used the major rivers as reference for community consolidation and political unit, since it is more permanent than the smaller settlements around the major rivers. At present, they do not use this anymore, as they use the community/sitio as a political unit following the emergence of barangay and sitio-level governance structure employed by the State.

The approaches of the Buhid in the formulation of their ADSDPP may not have used rights-based language, but it is evident in the process and content of their ADSDPP. Self-governance, ownership, participation, sustainable environmental protection, and upholding cultural integrity have been evident from the process of their formulation of their ADMP up to its review and revisions.

SUBANEN of DUMINGAG, ZAMBOANGA DEL SUR, MINDANAO

Present day Subanens of Dumingag, Zamboanga del Sur comprise 40% (18,000) of the municipal population of 46,000. They live along the rolling foothills of Mt. Dapiak and Mt. Paraya. Indigenous peoples in the entire Zamboanga peninsula are called Subanens.

Subanens in Mt. Paraya are in general, engaged in sedentary dry agriculture of corn, rice and other root crops. Staple food is rice or corn mixed with casava/canaca referred to in their local dialect as sagaksak. Majority eat rice either once or twice a day of rice with sagaksak or plain root crops for the other meals.

In 2009, around 3,000 children ages 6-12 were recorded as not attending school in the entire municipality, mostly belonging to Subanens. There is no disaggregated data available to make comparative analysis on situation of Subanens in relation to the 60% non-Subanen counterparts. The lack of disaggregated data demonstrates inadequate particular program and policies for the clearly marginalized and impoverished Subanens in the municipality.

An ADSDPP was crafted as road map for the development of the Subanens. However, even the Municipal planning officer recognizes that the ADSDPP lacks substance. While the centerpiece program of the LGU development agenda is on organic agriculture, the Municipal Development Plan does not contain particular development agenda for Subanens taking into account their particular physical and socio-economic context.

A Certificate of Ancestral Domain Title was issued to the Subanens in 2004 covering 23 of the 44 barangays of Dumingag, extending to sections

of barangays in adjoining municipality and a section of barangay in bordering province of Zamboanga del Norte. Three barangays were not included in the CADT as conscious expression of the objection of these Subanens to the CADT system under IPRA. The CADT system was viewed by them as instrument of mining companies and the government to facilitate the utilization and extraction of natural resources to the detriment of the Subanens. The current CADT encompasses a total land area of 20,097 hectares, 32% of the 61,850 hectares land area of the municipality. An overlapping claim on the boundary by Zamboanga del Sur and Zamboanga del Norte remains unresolved to date.

Mt. Paraya is referred to by the LGU as Dumingag's "last bastion of natural resources." It is reported to have retained an estimate of 80% primary forest cover, and as such, it has been proposed as a provincial park by Zamboanga del Sur province as well as proposed for protection under the NIPAS by DENR Region 9 (<http://www.birdlife.org>). It is among the three major mountain ranges in the Zamboanga peninsula, all of which are inhabited by Subanens. The other mountain ranges are Malindang and Pinukis.

Other than being proposed as Provincial Park, the ancestral territory of these Subanens is targeted for expansion by Toronto Ventures Mining Co. The area is claimed by the Mining and Geosciences Bureau (MGB) to be rich in gold, copper, chromites and iron. In 1996, 3,483 hectares was applied for mining chromite by VL Chrome Corporation but was later cancelled. VL Corporation is owned by local politicians, mainly Congressman Vicente Llorente.

Historical records account that in pre-colonial times, Mt. Paraya served as natural fortress for Subanens to avoid pirate attacks from Muslims while they maintained their coastal settlement for trading. During the Spanish colonial period, they retreated farther into Mt. Paraya while many were forced to move to mainland Mindanao.

The Subanens are alarmed of the existence of the once paramilitary-religious cult organized mostly from Subanens by the AFP in the 1980's as counter-insurgency force. This group was called KKKK (Katawhang Karon Kontra Komunista or 4K) or people's now against communist. They now occupy parts of the ancestral territory called Small Vietnam

Region. The Subanens are alarmed that the same group might be used by the mining companies to harass those opposing large-scale mining.

BLAAN of KORONADAL CITY and MAGSAYSAY, DAVAO DEL SUR, MINDANAO

Blaan is among the 18 major indigenous peoples in Mindanao, collectively referred as Lumads. They number about 450,000 (<http://www.ncca.gov.ph>, August 2010) concentrated in the mountain ranges of South Cotabato (100,000) and Davao del Sur (95,000) with the third largest but considerably fewer concentration in Sultan Kudarat (14,000). The rest are scattered in Mindanao, in fewer concentration, and in other parts of the country. There is no municipality where Blaans occupy a numerical majority. Blaan population predominates in only few barangays in these provinces. For instance, in Koronadal, Blaan population is placed at 14,244, or 9% of the total population of 158,273 (<http://www.nscb.gov.ph>, 2010 census) predominating in 4 barangays (Assumption, Cacub, Saravia and San Jose) of the 27 barangays of the City. In Magsaysay of Davao del Sur, Blaan population is around 18,260 or 43% of the municipal population of 43,172 (<http://www.nscb.gov.ph>, 2010 census) predominating in 9 of the 22 barangays of the municipality. In the municipality of Tampakan, Blaans comprise 15% or around 3,800 individuals.

Blaans subsist from swidden farming with corn now supplanting rice as major crop and subsequently as staple food. Blaans live in small numbers in scattered settlements.

A recent KALUMARAN² research affirmed the account of the National Culture and Arts that among the Blaans, “culture change is in advance stage.” Although there are still Blaan communities in the interiors whose indigenous socio-cultural and political systems still persist, in varying degrees. In the same research, result showed ownership of ancestral territory among the Blaans as clan or family-based.

In some of the areas the Blaan still controlled, the Blaan had headmen whom they called Bong To (big man). He was supposed to own enough

2 Kusog sa Katawhang Lumad sa Mindanao, alliance of organization of indigenous peoples in Mindanao

disposable resources (gongs, jars, beads, metallic weaponry, horses, cash) for use in mediating and settling conflict within his community, with other communities, with Bisaya migrant settlers, or with the government. He was thus supposed to be datu (wealthy). He was also supposed to be fulong (knowledgeable and wise) because decision-making on disputes, crimes, and other problems rested on his shoulders. He was known as both Bong To and Bong Fulong if he was an especially knowledgeable and wise leader. There were Bong Fulong who were not Bong To. But Bong To consulted and often deferred to such Bong Fulong on complex matters. If a Bong To believed that he could or should not decide upon an issue on his own, even with the benefit of advise from a Bong Fulong, he simply convened the people of his community in a meeting. There was no intermediate structure between the Bong To and the community – no council.³

In areas they did not control, or wherever there was no longer anyone wealthy enough to act as Bong To, the communities simply met in assembly to deliberate and decide upon issues. If one or a few of their members were wise enough to be regarded Fulong or Bong Fulong, this person or people’s opinion would weigh heaviest, but it would not necessarily be carried by the assembly.

With respect to participation of Blaans in local governance, the big issue that surfaced in the course of the human rights based approach to development (HRBA) project of DINTEG, was the misrepresentation of Blaans in the local government. In many LGUs, tribal leaders recognized by the local government are not the traditional fulong, datu or leaders of the community. Most of these LGU-recognized tribal leaders were co-opted by influential companies and politicians. Their tribesmates have branded them as “tribal dealers” because instead of representing the interests and demands of the Blaans, they have become cohorts in disenfranchising the Blaans of their ancestral territories. ■

3 Casiño (2000) and Rodil (2002) differ on this. According to Casiño, the Blaan have councils of leaders, but according to Rodil, they have none. Earlier DINTEG interviews conducted in Kiblawan are consistent with Rodil. Casiño says the Bong Fulong are the leaders of the Blaan and makes no mention of the Bong To that Rodil wrote of. Again, DINTEG findings are consistent with Rodil

DECLARATION OF THE CORDILLERA PEOPLE'S DEVELOPMENT CONFERENCE

We, the 210 participants of the Cordillera People's Development Conference held on November 7-9, 2013 in Baguio City, Philippines, representing indigenous peoples' and community organizations, genuine non-government organizations, professionals, business, academe, church, women, youth, peasants, workers, urban poor and government personnel from different provinces and cities of the Cordillera and other regions, are deeply concerned at the state of development in the Cordillera, the Philippines and the world.

We continue to face underdevelopment as government has not departed from the neoliberal paradigm in its national economic development plan. This paradigm continues to regard our land and resources as resource base, forcing us to sacrifice for corporate greed and plunder in the name of national development.

The situation calls on all of us, civil society as well as government, to seriously reflect on our own practice of development and to take immediate and decisive action to steer development so that it truly benefits the majority of Filipino people.

The Cordillera Development Situation is one of Underdevelopment

We have coined the term development aggression to describe the plunder of our natural resources which has caused underdevelopment instead of development. We have experienced the destruction of our mountains and forests caused by more than a century of large-scale corporate mining. We continue to suffer the long-term impacts of mining and dread the further degradation of our land, life and resources by impending mining applications and energy projects. Meanwhile, environment-friendly and equitable practices of traditional small-scale mining, a long-time source of livelihood for many of our communities, have been overtaken by destructive and chemical-dependent mining technologies.

Our major rivers were dammed and our communities displaced to generate electricity for industries and consumers tied to the Luzon Grid. Despite having given up their homes, rivers and lands for the construction of these dams, affected communities and remote Cordillera villages belatedly received the benefits of electrification. Today, we are swamped by destructive corporate energy projects such as geothermal plants, megadams, mini-hydro and windfarms in different parts of the region that promise huge profits for corporations but threaten more destruction for our people and the environment.

Meanwhile, the manipulation of government processes by the National Commission on Indigenous Peoples (NCIP) for obtaining free, prior and informed consent has caused human rights violations and divisions in indigenous communities targeted by mining and energy corporations. Community consent for destructive projects is forcibly secured by the government and private corporations, rather than freely given by the people. Concrete experiences of communities and recent studies show that the Indigenous Peoples Rights Act (IPRA) and the NCIP have been used as instruments for development aggression by large corporations, rather than for the protection of indigenous peoples rights.

Agriculture, the major livelihood of our people, remains at a subsistence level notwithstanding the inroads of the cash economy and agriculture liberalization. Agrochemicals, hybrid and genetically modified seeds, and invasive species, are aggressively promoted and marketed by transnational corporations for profit; to the detriment of sustainable agriculture with food crops that should address basic food sufficiency. These expensive agrochemical inputs and genetically modified organisms not only cause debt and bankruptcy of farmers and damage our environment and health; they also cause the extinction of superior indigenous varieties of rice and other food crops, upon which people depend for their food security. Meanwhile, local agricultural products face unfair competition due to inadequate government subsidies and the importation of agricultural crops from developed countries, imposed by the government's international obligations under the Agreement on Agriculture of the World Trade Organization.

Agriculture services, like irrigation, as well as other basic social services like health, education, water, electricity, communication and

transportation are direly inadequate in the Cordillera region due to a long history of government neglect. These basic needs receive a minuscule share of the government budget compared to the allocations for defense and debt servicing. Strikingly, or as perpetuation of government neglect and institutionalized discrimination, the Cordillera region has the smallest share of the budget among all the regions in the country despite its resources having been long exploited for the benefit of those in power and foreign interests.

Meanwhile, dole-out projects that are supposed to contribute to the realization of the Millennium Development Goals such as the Pantawid Pamilyang Pilipino Program (4Ps), and KALAHI-CIDSS have proven ineffective and have failed to alleviate widespread poverty and underdevelopment in the region.

And worse, the culture of corruption entrenched in government allows those in power and in position to siphon off much of budgets or funds for their own personal gain. Institutionalized bureaucrat corruption has further deprived the masses of the people of much-needed resources for immediate welfare and for long term development.

Our continuing opposition to development aggression has become a national internal security issue under Oplan Bayanihan. Our territories have become virtual encampments of the military. Their operations and bombings have caused numerous human rights violations and have terrified the civilian population. AFP troops have even militarized the delivery of development and humanitarian services as these are utilized for counter insurgency under the pretext of “peace and development.” Development workers have been terrorized and vilified and the delivery of people’s projects threatened.

PAMANA (Payapa at Masaganang Pamayanan) is supposed to be the national government’s peace and development program in areas of armed conflict in the country. PAMANA is a deceptive program as well as being totally bankrupt and misdirected as it persists in giving exclusive favor to an armed paramilitary force such as the Cordillera People’s Liberation Army (CPLA). The CPLA was rewarded by government with more than P200 million worth of projects, while arbitrarily discontinuing the peace negotiations with the Communist



Party of the Philippines – New People’s Army –National Democratic Front (CPP-NPA-NDF). Obviously, PAMANA is meant to prop up the counter-insurgency strategy of Oplan Bayanihan, rather than to seriously address the roots of the armed conflict in the Philippines.

Instead of addressing these burning issues, the government has embarked on its third attempt to set up the Cordillera Autonomous Region through another Organic Act that is fundamentally no different from the two earlier organic acts which were both rejected by the people because these did not substantially address the particular problem of national oppression of Cordillera indigenous peoples.

Our Vision of Development

We uphold and promote genuine indigenous peoples’ self-determined and sustainable development, which is guided by the basic development principles of people’s participation, respect for indigenous peoples’ rights, gender equality, social justice, self-reliance and sustainability. We also subscribe to the rights-based, ecosystem and integrated area development approaches.

Genuine development builds upon the existing indigenous values of community solidarity, collective over individual interest, labor cooperation, volunteerism, and service to the people as opposed to dole-out projects that breed corruption, dependency and divisiveness among the people. The indigenous values of community over individual interest, and of nurture and management of resources for present and future generations are further nourished, as opposed to profit and the exploitative regard of resources.

Our vision of self determined sustainable development incorporates development justice, that of redistributing the fruits of development to the most impoverished sections of our society, comprehensively addressing inequality, and using resources for the people’s welfare.

Our self-determined sustainable development aims for villages with viable agriculture for food sufficiency, livelihood in commerce and industries, and basic social services; all consistent with the village’s sustainable natural resource management and environmental quality.

Such self determined and sustainable development is built starting at the village level, and is envisioned at the regional Cordillera level within the political framework of Genuine Regional Autonomy, under a truly sovereign and democratic Philippine state which is no longer of the pyramid social structure, and that truly addresses the Filipino people's welfare.

The Cordillera People's Movement for Genuine Development and Self Determination

Through the years, committed development work by the people's movement has advanced and accumulated experience on genuine people's development. Trailblazing development projects in the Cordillera such as micro-hydro and irrigation projects, rice/palay cooperatives, organic gardens, herbal medicine and the like have achieved concrete gains in community-based health, sustainable agriculture, village level appropriate technologies and disaster response. These community-based projects have helped advance a development consciousness and practice that is truly self-determined and sustainable.

These local and need-based initiatives of indigenous peoples' organizations and non-government organizations in the Cordillera have contributed to the wider effort of attaining genuine development in our country. At the national and international levels, we support broad-based people's development campaigns aimed at challenging the dominant neo-liberal underdevelopment paradigm of imperialist globalization, and promoting genuine people's development alternatives. System change is necessary to reverse the pyramid social structure of Philippine society where genuine democracy, peoples' development and self determination will be possible.

We have learned valuable lessons from the decades of development work accomplished by the Cordillera mass movement and genuine development NGOs. Our forebears, as well as the martyrs and heroes of our struggle, commit us to participate in the Cordillera people's movement for national democracy and genuine regional autonomy. We must defend our ancestral domain and right to self-determination towards achieving a just, self-reliant and sustainable development in the region and in the country.

At the international level, we uphold the principle of international solidarity with other indigenous peoples around the world, as expressed through the Indigenous Peoples' Movement for Self Determination and Liberation; as well as solidarity with other democratic sectors and peoples. We support and participate in the Campaign for People's Goals and Sustainable Development as a means to voice out our demands in the international processes that define global development targets and goals that impact on our lives. We push for greater indigenous peoples' participation in the debates and discourses on development effectiveness, so that our perspectives and interests may be heeded in the allocation and implementation of international development aid that truly empowers our people.

As we conclude this Cordillera People's Development Conference, we are outraged at the blatant violation of our right to development by government and corporations and the injustice that they continue to perpetrate within the unchanged pyramid social structure of Philippine society. We condemn those who have turned the national government treasury into their private coffers, spending the people's money for luxury and patronage politics, while depriving us of the resources due to us for our own urgent needs and self reliant development. We call on the people to defend our right to development and to take an active role in defining a development course that truly serves the interests of the Cordillera and Filipino people.

Our calls and demands:

1. Stop destructive mining and energy projects. Respect the indigenous peoples' right to self-determination, including the exercise of free, prior and informed consent.
2. Support and promote sustainable agriculture and appropriate technology. Uphold village and need-based initiatives and alternatives that respond to the socio-economic welfare of the people while challenging the framework and content of the government's national development plan. Resist the use of genetically modified seeds and agrochemical inputs.
3. Expose the deception, dole-out nature and corruption attendant to government's development programs like the Pantawid Pamilyang

Pilipino Program – Conditional Cash Transfer, KALAHI-CIDSS and PAMANA. Monitor and call for a review of these programs, while demanding higher allocations for health and education.

4. Stop the militarization of government development work and services. Withdraw Oplan Bayanihan, pull out military troops from the Cordillera and punish the perpetrators of human rights violations. Totally disband the Cordillera People’s Liberation Army.
5. Scrap the pork barrel in all its forms. Hold the culprits accountable for the plunder of peoples’ funds. Rechannel pork barrel to ensure sufficient budget allocations for basic social services and agricultural development in the Cordillera.
6. Provide long-term employment opportunities, job security and just and humane working conditions for the labor force.
7. Ensure disaster risk reduction and preparedness, climate change adaptation and proper waste management programs in Cordillera communities.
8. Review the Indigenous People’s Rights Act, revamp the National Commission for Indigenous Peoples and hold its officials and personnel accountable for their crimes and violation of indigenous peoples’ rights.
9. Pursue Genuine Regional Autonomy within a democratic and independent Philippines. Ensure a democratic, transparent, participatory process and ample time for peoples’ discourse on the organic act that upholds all of the peoples’ demands. Otherwise, it is bogus and must be rejected.

Agreed upon on this 9th day of November 2013, in Baguio City by the Participants to the Cordillera People’s Development Conference. ■

MILITARIZING DEVELOPMENT AND HUMANITARIAN SERVICES CORDILLERA EXPERIENCE¹

Militarization of the Cordillera Region has been felt and understood as twin of “development aggression.” Massive military presence in the Cordillera started in the late ‘70’s in the midst of widespread opposition against the planned construction of 4 hydropower dams along the Chico River and the logging of pine forests by Cellophil Resources Corporation. While these projects were eventually withdrawn, military presence has never been pulled out.

The State perspective of development has been in contradiction to the development perspective of the Cordillera peoples. The State’s framework on development is profit-oriented and extremely skewed towards the benefit of a very few big local and foreign corporations. Such development framework is imposed through anti-people policies and programs coupled with State-sponsored terrorism. The Cordillera peoples have confronted this through a range of resistance, *armed* and *unarmed* resistance.

Amidst the persistence of people’s resistance in the exploitation of natural resources, the government has employed various strategies of quelling dissent. Under the rule of President Gloria Macapagal-Arroyo, “Investment Defense Force (IDF)” was institutionalized to help secure mining interests in the country. The IDF was created in response to the Department of Environment and Natural Resources’ (DENR) Mineral Development Council’ resolution² requesting for a Mining Security Protocol. The creation of the IDF is consistent with the strategy of Operation Plan Bantay Laya (Operation Plan Freedomwatch) and its specific National Internal Security Plan on Indigenous Peoples (NISP-IP). Under the NISP-IP, indigenous territories are considered as “stable base

1 Paper presented by the Cordillera Human Rights Alliance (CHRA) and Cordillera Indigenous Peoples Legal Center (DINTEG) on the occasion of the Cordillera Peoples Development Conference on November 7-9, 2013 at Hotel Henrico, Baguio City.

2 MDC Resolution No. 2008-02: RESOLUTION REQUESTING THE ARMED FORCES OF THE PHILIPPINES AND THE PHILIPPINE NATIONAL POLICE TO JOINTLY ESTABLISH A SECURITY PROTOCOL FOR MINING OPERATIONS

areas” of the Communist Party of the Philippines (CPP), New People’s Army (NPA) and the National Democratic Front of the Philippines (NDFP). A “stable base area” according to the AFP features “...space within which the revolutionary forces do not only replenish themselves but also mobilize the population.”³ The apparent identification of indigenous peoples to the armed revolutionary objectives has been exploited by the State by making no distinction of armed revolutionaries from unarmed peoples resistance. Under the NISP-IP, the quest for self-determined development of the indigenous peoples has been placed as a national security issue.

President Benigno Aquino, despite his statement of addressing the deplorable human rights situation in the country continued the same policy when he introduced Operation Plan Bayanihan in December 2010.

Oplan Bayanihan: Internal Security Policy of the Aquino Regime

President Benigno Aquino III launched Oplan Bayanihan (OpBay) as its Internal Security Policy introducing it as the government’s “Peace and Development Policy.” OpBay is patterned from the US-Counter Insurgency Guide of 2009 that attempts to combine combat strategy and psychological warfare with development perspective. OpBay like the internal security plans of previous regimes, uses combat, intelligence and civil military operations but this time puts premium on changing the public perception of the State and its security forces from human rights violators to partners in development, thus its popularization of Civil Military Operations. OpBay introduces what it refers as paradigm shift such as winning the war to “winning the peace”, civil military operations teams to “peace and development teams.” Consistent with its paradigm shift, OpBay is reeling to highlight the “development” mission of the AFP. In so doing, it is attempting to blur military troops as peace and development actors and military operations, including combat operations as peace and development actions.

3 Slideshow- Knowing The Enemy Part 4 – Concrete Conditions on the Ground by the Armed Forces of the Philippines (AFP)

This paper attempts to present how Oplan Bayanihan is gearing towards militarization of development and humanitarian services and subsequently, militarizing civilian bureaucracies.

Deceptive Posturing of AFP Troops as Peace and Development Actors and Community Encampments for Peace and Development Actions

Under Operation Bayanihan, AFP troops whether embedded in communities or reinforcement troops conducting combat operations are renamed as Peace and Development Teams (PDTs).

In reality, the PDTs are active combatants trained and deployed in the communities, disguised as “development ambassadors.” As AFP troops claim to be development and humanitarian actors, they invoke equal right to the use of public facilities in the guise of development and humanitarian actions. Schools, health centers, basketball courts and other public facilities are utilized as venues for community meetings and lectures by AFP officers, permanent or temporary barracks, military supply depots, and serve as safe haven, with the residents serving as human shields on occasions of combat operations.

Even houses and indigenous socio-political centers such as “dapay” are not spared from military occupation and utilization. Similarly justifying themselves as “development ambassadors,” soldiers are free to roam around the community, cook their food and hang around in private houses. The troops freely play basketball and other games with the youth and children.

Further, AFP troops conduct and implement various projects and activities in the name of development. AFP troops clean pathways and foot trails; construct, repair and paint school buildings, barangay halls, clinics and day care centers; construct footbridges, public toilets and waiting sheds. They sponsor sports tournaments and even mass weddings. Together with LGUs and government line agencies, AFP troops conduct medical and dental missions. Military troops join church choirs, clubs, fiestas, and present themselves as *ninongs* during weddings and baptisms. They participate in agricultural activities such as field preparation and

harvesting. AFP troops conduct and attend community meetings. They conduct youth leadership seminars and donate books, school supplies, medical kits and supplies.

As strategy of building rapport with the community and “winning hearts and minds, “ AFP personnel establish sexual relations with women, including married women and girls, with several cases resulting to abandoned children and unwed mothers. Instances of rape by soldiers were also reported.

While the AFP troops conduct their so-called development actions, they likewise conduct barangay/sitio profiling on members of peoples organizations especially the leaders and those resisting anti-development policies and projects. Daily activities of POs are being monitored. PO members are photographed while leaders are forcibly being summoned to report to AFP encampment base. Active members and leaders of POs are “visited” regularly by soldiers. In several instances, a number of leaders were programmed and enticed to become military assets with promises of employment and cash gifts.

Soldiers are reinforcing anti-social activities such as alcohol drinking, gambling while introducing prohibited drug use and watching pornographic videos and films among young boys.

Another overarching concern in these acts of AFP troops freely mingling with the community and conducting joint welfare missions alongside LGUs and government agencies is the high probability of endangering civilian lives and properties. In a situation of civil war, AFP presence in communities and joint welfare missions attract combat actions from the NPAs. In which case, military presence in communities and participation in civilian affairs violates the principle of protection of civilians as enshrined in International Humanitarian Laws.

Subverting Development Objectives for Military Purposes

Memorandum of Agreements with LGUs

Through out the Cordillera region, the AFP had forged Memorandum of Agreement (MOA) with LGUs in the name of peace, security, progress and development. The MOA involves top level signing, usually signed by the commanding officer of brigades and battalions and the local government units represented by governors and mayors.

The phenomenon of MOAs between AFP and LGUs is indicative of placing greater role and leadership of the AFP in social welfare and development programs that are civilian functions. The act of placing leadership and involvement of AFP in civilian functions is leading to militarization of development services and programs and subsequently militarization of government bureaucracy. In essence, the MOA is blurring development missions and introduces no distinction of civilian functions from military functions. Ultimately, development objectives are being exploited for military objectives.

Strengthening the Paramilitary Group Cordillera Peoples Liberation Army into Socio-Economic Force

Payapa at Masaganang Pamayanan or PAMANA is one among the government's program within the framework of peace and development. It is intended to be implemented in so-called conflict areas. The PAMANA program includes infrastructure projects as roads, bridges, and agricultural equipments with an allocation of P211.8M. The projects under PAMANA are projects which are similar to functions of various line agencies. Clearly, the PAMANA program forms part of "winning hearts and minds" in conflict areas. LGUs and line agencies, such as the Department of Health and the Department of Social Welfare and Development can access the program to support projects that will accordingly address so-called peace and order problems and national security questions.

In the Cordillera, the bulk of the PAMANA program was forged with the Cordillera Peoples Liberation Army as part of the Closure Agreement of the GPh-CBA-CPLA (Government of the Philippines-Cordillera

Bodong Administration-Cordillera Peoples Liberation Army). Instead of disbanding the Cordillera Peoples Liberation Army, the Aquino regime has further strengthened this paramilitary unit by expanding its function under the pretext of transforming the CPLA into “socio-economic force.” The CPLA received from the PAMANA program an allocation of P35 million for socio-economic projects.

There are 48 provinces being covered by PAMANA. In the Cordillera, there are at least 57 barangays in 23 municipalities in all 6 provinces that are included in the program: seven for Kalinga (Pasil, Tabuk, Pinukpuk, Tanudan, Tinglayan, Lubuagan, Balbalan), five for Mt. Province (Sadanga, Bontoc, Natonin, Paracelis, Besao), one for Apayao (Flora), three in Ifugao (A. Lista, Tinoc, Asipulo), one in Benguet (Mankayan) and 6 in Abra (Lacub, Luba, Tineg, Bucloc, Manabo, San Isidro).

Heightening Persecution of Development Workers and Human Rights Defenders Cum Repression of Peoples Development Initiatives

While Oplan Bayanihan is attempting to build an image of the AFP as a development actor, it cannot disguise the fascist nature of the military. Because basic issues on development aspirations of the Cordillera peoples are not being addressed by the government and in fact are being subverted, people’s resistance persists. As communities persist in asserting their self-determined development, the AFP and other State agents employ various repressive actions in an attempt to pacify the resistance. Among these repressive acts is the widespread practice of political vilification of communities, people’s organizations, health, development workers and human rights defenders as “enemies of the state.”

PO projects such as water works, organic farming, and farm tools assisted and provided by development institutions are branded as NPA projects. In some areas, POs and communities are told by the AFP and the DSWD not to accept projects or assistance from NGOs because these are used against the government and are sectoral fronts of the NPA. Some beneficiaries of 4Ps program are also told not to attend and participate in activities sponsored by progressive organizations.

Soldiers label PO meetings and consultations as NPA-related activities. This is the same with human rights trainings, sustainable agriculture and

appropriate technology that are being branded by AFP troops as ini-npa (like the NPA's). When people's organizations ask the soldiers to explain the basis of their allegations, the military say that "human rights are maka-NPA" (human rights are biased for the NPA), and that sustainable agriculture and appropriate technology are allegedly use to supply and provide for the needs of the NPA. Indigenous cooperation practices or the real bayanihan system are not spared from political vilification. Accordingly, ub-ubbo, angkas are ideas of the NPA.

Terms being used by POs such as *kadwa*, *dangadang*, *panagpapada*, *panagdur-as*, *panagkaykaysa*, *organisasyon*, *alyansa*, *asosasyon* (comrade, struggle, equality, development, unity, organization, alliance, association) serve as basis for linking the POs to the NPAs. Socially relevant songs also when played and heard by the military are also basis for summoning community folks to report to the AFP.

Political vilification does not stop with the branding. Individuals, organizations, development institutions and communities are subjected to various forms of human rights violations from State security forces.

In several cases, political vilification of organizations has forced the organizations to change their organizational names.

In their effort to transform the orientation of the people's organizations, there have also been documented cases of AFP attempts to involve themselves in the election of leaders of people's organizations.

In some areas, PO projects are being replicated by the AFP in same barangay instead of bringing this to other needy barangays.

Last year, 28 individuals were listed as Target Persons by the 86th IBPA. Among those listed are members of people's organizations, community development and human rights workers. The 28 individuals were associated with the New People's Army. Most of them were subjected to different modes of surveillance, were threatened and one was even detained and tortured⁴.

4 William Bugatti, human rights activist and among the 28 listed in the Target List was later assassinated in March 25, 2014 in Kiangan, Ifugao (updated version).

In another case, Rene Boy Abiva and Virgillo Corpuz, human rights defenders in Cagayan Valley region are now incarcerated in the Ifugao provincial jail since December 2012 for several counts of murder, which were actually ambushes of NPA against AFP units in Ifugao. Mr. Abiva is working under the Pantawid Pamilyang Pilipino Program of Baggao, Cagayan while Mr. Corpuz is an organizer of drivers under PISTON (Pagkakaisa ng mga Samahan ng Tsuper at Opereytor Nationwide).

Recommendations

As contribution in support of the Cordillera Peoples struggle for self-determined and sustainable development, the Cordillera Human Rights Alliance and Cordillera Indigenous Peoples Legal Center would like to forward the following recommendations:

1. For the Government of the Philippines

- a. To withdraw the internal security policy Operation Plan Bayanihan.
- b. To pullout the AFP “peace and development teams” encamped in indigenous territories.
- c. To terminate its policy of militarizing development and humanitarian services and civilian bureaucracies.
- d. To terminate the PAMANA program and rechannel the budget to concerned line agencies.
- e. To put a stop to the persecution of development workers, institutions, communities.
- f. To be accountable for human rights violations such as rape, bombings, use of women and children for military purposes, use of schools/barangay day care centers and rural health units.
- g. To rechannel military budget to much needed social services.

- h. To resume the peace negotiations with the National Democratic Front of the Philippines (NDFP). Incorporate indigenous peoples development agenda in the Comprehensive Agreement on Socio-Economic Reforms (CASER)
 - i. Ensure the sincere implementation of the Comprehensive Agreement for the Respect of Human Rights and International Humanitarian Laws (CARHRIHL).
2. For Development Institutions and NGOs to actively engage in human rights campaign and persist in resisting attacks against development workers.
 3. For the communities and Peoples Organizations to remain steadfast in assertion and defense of human rights and right to self-determined development.



CONFERENCE ON THE PROTECTION AND UTILIZATION OF NATURAL RESOURCES IN ANCESTRAL TERRITORIAL BOUNDARIES: THE CASE OF BESAO, SAGADA AND SADANGA OF MOUNTAIN PROVINCE

30-31, July 2014

Sagada, Mountain Province

Available Notes and Reference Documents for Consideration in the Conference

From the paper “Case Studies of Boundary Disputes in the Cordillera” by Ben Solang, the following are recommendations on the handling of boundary problems that had been drawn from elders’ conferences in the Cordillera:

1. Resources are and should be for the social welfare of all; they should benefit the common good rather than individual interest. This practice can further be developed through the indigenous concept of mataguan, which means those in need must request and undertake appropriate negotiations with other tribes or ili for access and use of resources. Use of resources, as long as appropriately negotiated, should not be a cause for boundary dispute or, worse, tribal war.
2. The entire national body politic must respect, affirm and uphold indigenous boundaries as established and recognized through time. Changes in ancestral land boundary are possible but occur only in exceptional cases. If they do occur, they are made with the full participation and acceptance of concerned villages or tribes and barangays.
3. We must uphold and enforce indigenous socio-political systems and the role of elders in settling land and boundary disputes. The court system and governmental agencies are enjoined to uphold indigenous boundaries or bugis and to be guided by the indigenous system of settling disputes.

4. We must distinguish the ancestral land or domain of specific peoples (ili, tribe) from the political-administrative jurisdiction of government units such as barangays, municipalities and provinces. We must determine the operation and application of ancestral domain and jurisdictional boundaries.
5. Pertinent government agencies like DENR must stop their surveys and delineation of projects in indigenous territories except where they have been truly requested by the umili or community, tribe, or barangay. ODA-funded programs like the Cordillera Highland Agricultural and Resource Management Program (CHARMP) must consider indigenous socio-political systems in their projects within ancestral lands, such as waterworks and watershed fencing.
6. Any project that affects boundaries must follow the process of substantive consultations with all affected ili, tribes, or barangays and get their consent and terms before the project is implemented.
7. Mediation and bilateral or multilateral settlement of disputes must be emphasized, with the role of elders maximized.
8. We must recognize and maximize the role of the progressive and militant mass movement, with its program and advocacy of indigenous peoples' rights and civil and political rights guided by national democratic politics that promotes justice, genuine regional autonomy and people's development.

Additional suggestions and points drawn from various workshops under the HRBA project that could help facilitate efforts of reaching common understanding on sharing of natural resources:

1. Communities take the position that utilization of natural resources should not be for commercial purposes especially those owned by foreign and big corporations. Communities oppose the privatization of water and mineral resources as well as energy sources such as geothermal power plants and wind farms. Instead, natural resources must serve the needs of the stewards/owners as well as wider communities.

2. Development of agricultural production must be promoted towards attaining food sufficiency.
3. Indigenous communities deserve just share (reciprocal benefits) from the national government for environmental services in protecting and conserving the forests.
4. Internal Revenue Allotment (IRA) must take into account the reality of shared territorial boundaries, custom and local context. The inherent flaw of IRA, which is that the basis of allocation is inequitable as it does not take into account actual state of income/ local economics, i.e uneven development, must be corrected.
5. Indigenous concepts and practices on territorial boundaries as shared territories persist to date. Shared utilization and protection should remain as guiding principles in reaching common understanding on boundary disputes.
6. Communal lands of the ili are not drawn in straight lines. Communal lands bear publicly acknowledged communal boundaries. Study should be made of how communal boundaries may synchronize or possibly conflict with efforts at determining municipal jurisdiction. Where conflict will arise, this should be resolved through mutual agreement/consensus of the concerned ili.
7. Any demarcation of territories by the LGU could be done for specific purpose, i.e. IRA allotment, fully understood by and with the full participation of the umili but shall in no way serve to split up common territories or demarcate common boundaries.
8. Military detachments in ancestral territories impact greatly on the economic, social, cultural and political lifeways of the people, apart from the human rights violations attendant to military presence and activities. Thus, genuine development effort should contribute in calling for the withdrawal of military detachments in indigenous communities.

Historical Notes on Ancestral Territories and Territorial Boundaries in the Cordillera

Before colonization Igorots lived as independent societies referred to as ili. The ili encompasses the interlinkage of economic, social, cultural and political lifeways of the umili. The people, land and natural resources are an integrated whole through which the daily lives of its inhabitants and their relationships within and outside the ili are guided by socialist values, such as the importance of family wellbeing as an integral part of the wellbeing of the entire umili or placing prime importance of the social wellbeing of all members of the ili. This value system continues today, though it is disintegrating due to interplay of external and internal factors affecting the ili.

While each ili has its own defined ancestral territory and practices its own indigenous socio-political systems, a cluster of independent ili are joined together in sharing, possessing and controlling a common territory. The common territory is for the exclusive use of a distinct cluster of ili, communally “owned” and publicly acknowledged by other clusters of ili. In these communal areas, all members of the owning ili share the natural resources. The common territory is often utilized as communal pasture lands, hunting grounds, source of timber and other forest products and source of the river system, with defined sections that can be utilized under a usufruct system. Management and utilization practices in these communal grounds are guided by systems that have been historically and collectively set in place by the owning cluster of ili. It is important to note that intermarriages between adjoining clusters of ili owning a common territory have facilitated access to the common territory through swidden farming and other usufruct system of utilization. It is usually the families joined together by such intermarriages that are engaged in swidden farming in the common territory. Intermarriages between adjoining ili have forged a form of security in freely utilizing the common territory. In like manner, they have played a big role in the process of conflict resolution in incidents of disputes within the common territory.

How were boundaries defined in these common territories? The concept and practice of territorial boundaries differ among the various indigenous groups in the Cordillera region. For example, in peacepact-

practicing societies such as Kalinga and parts of Abra and of Mountain Province, borders known as bugis or bedeng are the product of process of peace pact agreements known as bodong. In these societies, the demarcation of territorial boundaries is clearly set by the bodong.

In the particular case of Besao-Sagada-Tadian-Bauko in Mountain Province, demarcation lines in these shared territories have not been sharply defined by the owning clusters of ili. Access and utilization of natural resources in the common territory is guided by “natural law.” For instance, geophysical features such as mountain ridges and river systems guide range of access of forest products as well as the attendant responsibility of protection and conservation. Also, by “natural law,” it is prohibited to modify the natural flow of river systems. Even if the headwater of a river system is located in the common territory of a cluster of ili, the natural flow of water cannot be freely diverted to other ili who share or are co-owner of the common territory. The logic for this age-old practice is that communities and rice paddies were developed downstream in due consideration of the water source along the river system. Diverting water from the headwater will impact seriously on the people living downstream.

In other areas in the Cordillera such as in the case of Itogon, Benguet, territorial boundaries are unclear. “Land ownership ties are extending beyond the ili corresponding to the ties of rich families called baknang with kinship ties in different ili.”(Gimenez, 2009) In other words, vast land properties of rich families, such as grazing lands of baknang, cut across several ili. Notwithstanding the absence of sharply defined demarcation of boundaries similar to other structures of common territories, clusters of ili know their common territory, which is publicly recognized by other clusters.

In conclusion, there are various structures of territorial boundaries developed through and guided by custom law. Such varying structures persist to date, notwithstanding the forced application of State laws in demarcating barangays, municipalities and provinces.

At this point, it is important to clarify that municipal ancestral domain is far from social reality. There is no such actuality of a municipal ancestral domain. What now exist are municipal political administrative

jurisdictions that, despite boundary conflicts, have assumed social reality. The applications for municipal ancestral domains are recent initiatives of LGUs as they apply for tenurial certificates, first from the DENR and later under the Indigenous People Rights Act (IPRA). While formation of townships and provinces has transformed once independent ili into higher forms of political and social organizations, these have not transformed ancestral territories to become common property of all ili constituting the municipality. Ancestral territories remain until the present as communal territories of distinct cluster/s of ili. A clear manifestation of ancestral territories being possessed and controlled by a defined cluster of ili is in the case of small scale mining areas. In all small-scale mining areas in the Cordillera, only the owning ili can have access to the minerals or have control over who can share the mineral resources. Simply put, mineral resources in these ancestral territories are controlled by the owning ili and not the entire municipality. Other ili in the municipality cannot have free access to these mineral resources. This is also true in the case of water resource sharing. Sharing of water resources within a municipality or between municipalities has to be negotiated with the owning ili. The integration of various ili into a single municipality did not bestow a right to every member ili to tap water resources in any corner of the municipal administrative jurisdiction.

Communal Land Use and Boundary Issues in Besao

BESAO, MOUNTAIN PROVINCE

Besao through the years has maintained its population at a little more than 10,000. Its official land area is more than 9,000 hectares. But in its application for a Certificate of Ancestral Domain Claim, the municipality is claiming around 17,000 hectares to include around 7,000 hectares officially annexed to the political administrative jurisdiction of Quirino municipality in Ilocos Sur province. The umili of Quirino are without doubt Igorots. They are socio-culturally and linguistically similar as well as geophysically associated with the iBesao as well as the iTubo (of Tubo annexed to the province of Abra) with whom they share common territories and kinship ties and social relations. By self-ascription and ascription by others, these umili identify themselves by their ili and as Igorots or Bago. The Bago tribe has been created and promoted by prominent politicians as a tribe of those in the boundaries of the Cordillera and adjoining regions. But by all indications, ethnolinguistically the Bago are Igorots of the Kankanaey, Ibaloy or some other Igorot group.

In the historical course of political gerrymandering similar to that in all border areas in the Cordillera, the iBesao were compelled to hand over several ili that constitute the present-day municipality of Quirino annexed to the province of Ilocos Sur. The current dispute is over Pangwew that has been officially integrated as a sitio of Laylaya of Besao and the vast pasture and agricultural areas (around 7,000 hectares) of iBalas-iyán (barangay Laylaya) that are officially designated as part of the municipal land area of Quirino. The municipality of Quirino is laying claim over Pangwew, while the iBesao has not surrendered its long standing claim over iBalas-iyán, now a small scale mining area and with a pending application for large scale mining by several mining companies, among them, the Cordillera Exploration Co. Inc.

The Ancestral Domain Management Plan (ADMP) crafted by the LGU of Besao municipality as part of its application for a Certificate of Ancestral Domain Claim points out boundary and resource conflicts with adjacent municipalities:

The municipality is facing boundary conflicts in all its borders. The conflict with Sagada is mainly due to the right to utilize the water sources while the conflict with Tadian is related to the extraction of pine trees. Likewise, in its neighboring Tubo, Abra, the disputed boundary covers the watershed and mossy forest which has been traditionally managed and forms part of barangays belonging to Besao municipality.

The ADMP defines the larger issues being faced by the iBesao in relation to the right to ancestral land and natural resources as follows:

... the bigger issue is that the municipality is considered a forest reserve by the government, a situation similarly shared by other IPs. Security of land tenure over the built-up areas, the rice fields, swidden farms and all other developed areas is therefore a problem because these are treated by the government as public lands.

Likewise, the pine tree plantations established and managed by the people are considered public forests. With the existing policy of total log ban, extraction is prohibited. This runs counter to the right of the people who have established, managed and protected the pine tree plantations.

Forms of Customary Land Ownership and Use

The i-Besao have the following land classifications and uses:

1. Family lands – for rice paddies, residential lots, uma (swidden plot)
2. Clan lands (saguday) – uma, batangan (pine lot), kapean (coffee lot)
3. Communal lands – komon is the popular generic term for communal property of the entire ili with specific terminologies corresponding to its use:
 - Pagbakilan – source of timber/logs for houses and granaries
 - Kakaiwan – source of firewood
 - Pagsaengan – source of combustible firewood (firewood to set a fire, used for torch)
 - Pangati – hunting wild chickens

- Pag-anupan – hunting grounds for wild pigs and deer
- Pastolan – pasture areas
- Payas – communal irrigation system

Lands in Besao considered communal or komon are:

1. Mountain ranges along Tinangdangan-Anam-am (southwest part of Besao Proper) that are more commonly used as pag-anupan, pangati and to a lesser extent as pagbakilan, kakaiwan and pagsaengan by the umili of Suquib, Besao proper and Caaguitan-Banguitan of current-day Besao municipality; Balintoogan, Maket-an and Gutang of current-day Bauko municipality and Angkileng of Sagada municipality. These mountain ranges are the headwaters of the river flowing to Besao down to the Abra river in Quirino, Ilocos Sur.
2. Mountain ranges along Pilao-Sisipitan (northeast part of Besao Proper bordering Sagada) used as pastolan, kakaiwan/pagsaengan of Besao proper, Suquib, Payew, Padangaan, Kin-iway as well as Demang, Poblacion and northern Sagada. These are the headwaters of springs and rivers flowing to Besao.
3. Buasao (Lasig) mountain ranges (northern part of Besao proper connecting to Pilao-Sisipitan) used as:
 - Pag-anupan/pagkaiwan/pagbakilan/pastolan of Agawa, Lacmaan, Gueday, Masameyeo and Ambagiw of Besao municipality and Pidlisan, Bangaan, Aguid, Madungo of Sagada municipality
 - Pagbakilan/pagkaiwan of Suquib, Besao Proper, Payeo, Padangaan, current-day Poblacion (Kin-iway)
 - Headwaters of rivers flowing to various ili in Besao
4. Batay (western side of Besao proper bordering Tadian) used as pagbakilan/pagkaiwan of Caaguitan, Besao proper, Suquib, Padangaan, Payeo, and current-day poblacion-Kin-iway

5. Sekan (western part of Besao proper connecting to Batay, bordering Tadian) commonly used as pagkaiwan/pagbakilan of Bunga and Catengan
6. Western side of Dandanac-Tabbak-Palok (bordering Quirino, Ilocos Sur and Tubo, Abra) used as pastolan of all communities of current-day Besao except the communities of Agawa, Gueday, Ambagiw, Lacmaan
7. Angasan-Lamut (bordering Demang-Ambasing-Poblacion of Sagada and Suquib-Besao proper)
 - Pag-anupan, uma of Suquib and Besao proper and Demang-Ambasing–Sagada Poblacion
 - Pag-ikkikan (area for catching migratory birds) of Sagada
 - Headwater of river system flowing to Besao
8. Several payas (communal irrigation system) spanning several ili.

Traditional System of Natural Resource Use

During the American colonization, Besao was part of the municipality of Bangnen (current-day Bauko) in the sub-province of Lepanto in the old Mountain Province. It became a separate municipality in 1963 as part of the process of formation of present-day Mountain Province. Today Besao municipality is composed of 14 barangays. These barangays correspond to the original independent ili before colonization, except for Kin-iway, which was an expansion settlement of Padangaan and Payeo. Besao proper was originally one ili but was divided into 2 barangays in the early '70s. These independent ili are not ethnolinguistically different. They all belong to the Northern Kankanaey groups or what is currently being acclaimed as the Apply tribe. They differ only in some customary rituals, intonations and some lexicon.

As in the case of the establishment of municipalities and provinces in the Cordillera, the municipal boundaries of Besao were arbitrarily imposed by the American colonizers. Neither the umili nor their elders had been part in the formation of Besao as a municipality. Before American colonization, there was no concept of boundary (patengga)

in the communal grounds, at least in the particular case of Besao and adjacent municipalities. Mountain ridges, rivers and other geophysical considerations have through time been acknowledged to serve as basis of boundaries. Interestingly, the utilization of natural resources in these communal areas is not limited by boundaries. By tradition, access to natural resources for all ili sharing the territory was not delineated. All adjoining ili have access and can freely hunt, gather forest products and pasture cows in the communal grounds without consideration of borders (patengga). The range of access is defined by common sense and natural geophysical considerations, i.e. which is nearest to the community, terrain structures, rituals and social values associated with conservation and protection.

An American-imposed political-administrative boundary, a cement structure was set up at the onset of American colonization on the southwest side in the Tinangdangan - Anam-am ridge as tri-boundary marker between the municipalities of Bangnen (where Besao was annexed), Bauko and Tadian. Living elders of Besao recount that the establishment of the marker did not give rise to intense confrontations as it did not impact on the practice of open access in resource utilization and mutual responsibility in its protection. Elders of adjoining ili had come to acknowledge the marker as delineating the municipal boundaries with adjoining municipalities, as it was essentially grounded on geophysical considerations or what can be said as law of nature.

In so far as living elders can recall, boundaries between independent ili were not sharply demarcated, at least in the particular case of Besao. While the independent ili maintain their own socio-political structures and processes, cluster of ili have been linked/interconnected through their equal access to and use of communal grounds such as pagkaiwan, paganupan, pastolan, etc.

A remarkable communal structure exemplifying social cohesion of numerous families from several ili is the communal irrigation system (payas), which connects several ili. The rice paddies are privately owned by families belonging to different clusters of ili but connected by communal irrigation systems maintained by social organization of maintenance and use. A particular feature of Besao is the relatively vast contiguous inter-ili rice terraces of Central Besao (Besao proper,

Suquib, Caaguitan, Payeo, Padangaan and Kin-iway) connected by several communal irrigation systems. In these contiguous inter-ili rice terraces, there is no delineation of sections of rice paddies belonging to specific ili. Each ili has a certain general area of rice fields but several families own parcels of rice fields in areas belonging to different ili. The same feature is manifested in the cluster of ili in Agawa-Masameyew-Lacmaan-Gueday-Ambagiw as well as in Dandanac-Tambaoan that similarly share common areas of rice terraces connected by communal irrigation systems. The contiguous rice terraces is a communal territory of several clusters of ili, not a single ili.

While various ili share a contiguous area of rice terraces interlinked by communal irrigation systems, each or clusters of ili share communal pasture, hunting and forest grounds with other different cluster/s of ili. For instance, Besao proper, Suquib and Caaguitan share a tri-boundary with ili that are now part of Sagada and Bauko municipalities. Besao proper and Suquib share the communal territory of Buasao with Agawa-Masameyew-Lacmaan-Gueday-Ambagiw and several other ili in Northern Sagada.

Another instance is Batay. While it is not contiguous to the ili of Besao proper as well as Payeo, Padangaan and Kin-iway, it has been maintained as communal territory of these ili including Caaguitan. Common pasturelands of these clusters of ili (Besao proper, Suquib, Caaguitan, Payeo, Padangaan, Kin-iway) extend beyond the ili of Dandanac.

Also, on the northern section of the municipality the ili of Agawa, Lacmaan, Gueday, Masameyew and Ambagiw share Buasao not only with central Besao but with several ili, which are barangays of Sagada in Mountain Province and of other ili that are part of Tubo in the province of Abra.

It appears that in the case of Besao, common territory assumes various forms of interlinkages with different sets or clusters of ili. What can sharply be identified is the residential area of each ili. Beyond the residential area, clusters of ili share common area of rice terraces, sharing communal irrigation canals with other ili while sharing communal forest and meadows with yet other different sets of ili.

While municipal boundaries were delineated much earlier, demarcation of barangay “territories” is an ongoing process, which is related to the Internal Revenue Allotment. At this point, there is ambiguity in the

delineation of barangay territories, given the interlocking communal territories of different clusters of ili or barangays.

Boundary issues:

1. Mt. Anam-am - Tinangdanan mountain ranges (Sagada-Besao-Bauko tri-boundary).

Sagada has been laying claim over Mt. Anam-am on the grounds that it has been the communal pastureland and source of wood for barangay Ankileng. For Besao, Tinangdanan-Anam-am has been the pag-anupan, pangati and pagbakilan/pagkaiwan/pagsaengan of Besao proper, Suquib and Caaguitan. These mountain ranges remain contested to date.

While the boundaries remain unresolved, traditional resource use in the boundary areas persists or is being observed. An example is the case in the early 1990s of Gutang in the municipality of Bauko, which was denied permission by Besao to tap water from the headwaters in Tinangdanan-Anam-am. Under the traditional system it is forbidden to alter the natural flow of river systems. In effect, even if the headwaters of the river system flowing to Besao are located at the communal tri-boundary of Besao-Sagada-Bauko, the utilization of the water resource is still in favor of Besao. Despite a series of consultations conducted with the elders and at the level of LGU, Besao did not grant permission because the river system serves as the major source of irrigation for vast rice fields in central Besao. According to the elders, communities and rice fields were developed correspondingly along the source of water. Diverting part of the water would seriously impact on the lives of the umili in Besao.

2. Buasao mountain ranges (Besao-Sagada-Tubo boundary)

The Buasao mountain ranges serve as common hunting, pasture lands and source of forest products for Ambaguiw, Gueday, Lacmaan, Agawa, Payew, Padangaan, Kin-iway, Besao proper, Suquib, all in the municipality of Besao; Demang, Sagada proper, Pidelisan, Bangaan, Tanulong, all in the municipality of Sagada; and Beew, Kili, Tubtuba in the municipality of Tubo in the province of Abra. All of these communities share the natural resources from Buasao, including but not limited to wild animals, logs/firewood and meadows.

Buasao is the headwater of several river systems flowing down to Besao and Tubo of Abra. Buasao and Anam-am-Tinangdanan are the headwaters of all river systems traversing the municipality of Besao.

Sagada for decades has been requesting to share the use of Buasao's water resources, but its request has not been granted. Recently the Agawa cluster agreed to share the run-off water. However, the adjoining barangays in Tubo raised concerns that this will reduce available irrigation water for their rice paddies.

3. Sisipitan-Banao/Danum – Angasan-Lamut (boundary of Besao-Sagada).

Through the years, the boundary dispute in this mountain range has been intense for both Sagada and Besao. Sagada has been persistent in claiming ownership beyond the ridges or areas which, on the basis of geophysical features, are nearer to and overlooking the territory of Besao. Besao by tradition has been performing community rituals in the Danum/Banao area.

4. Sekan (boundary of Tadian and Besao).

Sekan is the pagkaiwan of Bunga, Catengan and Panabungen of Besao. While boundary is not an issue between Besao and Tadian, the long-standing concern of Besao is the cutting of pine trees by Tadian residents for commercial purposes.

5. Besao-Ilocos boundary.

Despite the absence of intense confrontation, Besao has not abandoned its claim over Patiakang and sitios of Dandanac and the outlying western side covering around 7,351 hectares currently annexed to Ilocos Sur. Small scale mining operations are proliferating in this contested area, with a number of large-scale mining applications filed for exploration.

Boundary and Resource Issues in Sadanga

SADANGA, MOUNTAIN PROVINCE

Sadanga is located in the northern part of Mountain Province. It is bounded on the far northeast by Pasil, Kalinga; northeast by Tinglayan, Kalinga; east by Barlig; south by Bontoc, Mountain Province; west by Tubo, Abra and far northwest by Boliney, Abra. Based on the 2007 approved Cadastral Survey (CAD.1143), the municipality covers an area of 32,581 hectares inclusive of the contested areas with the neighboring municipalities of Mountain Province. The municipality of Sadanga covers the combined ancestral territories of the four cluster tribes that compose the Sadanga municipality, namely the Bekigan-Belwang tribe, the Sacasacan-Demang-Poblacion tribe, the Saclit tribe, and the Betwagan-Anabel tribe. Each tribe has its own common territory called gakay.

Though the 4 cluster tribes belong to one municipality, territorial conflict among them has occurred in the past, sometimes resulting in tribal war. Recently tribal war erupted between Saclit and Poblacion-Demang. Each of the four cluster tribes maintains peacepacts with the other clusters as well as separate peacepacts with other tribes outside of the municipality. Territorial jurisdictions of each tribe are discussed and reviewed during peacepact negotiations and recommitment ceremonies.

Land Use and Boundary Overview

Sadanga municipality formulated its Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) in 2008. The ADSDPP was supposed to be the master plan from which the municipal government draws its annual to medium term plans and programs for the sustainable development of its people and protection plan of the ancestral domain, but the local government officials seem unaware of how it should be integrated with their standard processes and procedures (i.e. the prescribed LGU planning format, such as the Comprehensive Land Use Development Plan). As noted in the course of community-initiated review under the DINTEG project, the approved ADSDPP appears to be lacking in substance, for instance in clearly defining the

reality and essence of the gakay, the traditional land use system and related genealogy.

History

In ancient times, the vast forest in the Central Cordillera Mountain Range was a hunting ground of the Bekigan-Belwang tribe as well as of the Sacasacan-Sadanga tribe. Living elders claim that their territory extended towards Kili, Tubo, Abra, up north beyond Danac, Boliney, Abra and on the eastern portion of the high mountain range, the headwater of Pasil River towards Balatoc, Pasil, Kalinga.

The Bekigan-Belwang and Sacasacan-Sadanga tribes, in their effort to secure their territories, fiercely attacked other tribes attempting to occupy portions of their domain. There are stories that some of these attacks ended in the total elimination of settlements. Other tribes were forced to abandon their settlement and relocate to other areas where they could settle peacefully. This is perhaps one reason why this vast plateau in the Central Cordillera range remains uninhabited.

According to persisting accounts, around two hundred years ago a tribe from the north came to settle in what is now Danac, which became one barangay of Boliney, Abra. The Bekigan-Belwang tribe attempted an attack on the new settlers but failed. For the Bekigan-Belwang tribe, a friendly community in the interior forest could be a source of food supply for hunters during long hunting expeditions and provide a stopover for travelers going to and from Manabo and other places in Abra to procure carabaos. Danac grew into a community and eventually became a barangay of Boliney, Abra.

To secure their territory from further expansion by Danac, a small section of the Belwang-Bekigan tribe settled in the area which is now Daw-angan, upstream of Danac. In the same manner, a fraction of the Danac tribe settled in Baclingayan (upstream of Kili), which became a barangay of Tubo, Abra. Though Daw-angan and Baclingayan are now parts of Boliney and Tubo, Abra respectively, the common territory was never subdivided between them. They are separated only by the political-administrative boundaries.

Hunters who went on hunting expeditions established their *fvito* (animal traps) and *ebeg* (hut) in the vast territory. These structures became permanent turf for those who went hunting regularly. In due time these became proof of ownership, passed on as inheritance from generation to generation.

Sometime between 1940s and 1950s, four fugitives from *Tulgao* (one of whom was identified as *Tayaan*) went into hiding in the area now called *Kolayo*. While in hiding, they introduced land developments in the area such as *uma* or *swidden* farm. They were later followed by other tribesmates from *Tulgao*, growing in number until they became a community (*Kolayo*) that is now a *barangay* of *Pasil*, *Kalinga*.

Sometime in 1997, a *peden* (*bodong* rewarmed) between *Balatoc*, *Pasil* (with delegation from *Kolayo-Tulgao*) and *Bekigan* was held in *Bekigan* that reviewed the boundaries of the tribes. The *Bekigan* argued that historical accounts and the existence of their *fvito* substantiated their ownership in the area called *Mauwey* or *Kakan*. The *Balatoc* acknowledged the *Bekigan*'s argument but rebutted: "Those were your *fvitos* long time ago, but now it became our toilets." It was due to practical reason - far distance - that the *Bekigans* could not possess the area, thus they gave up *Mauwey* that now forms part of *Balatoc*, *Pasil*.

Sadanga Tribes

By history and genealogy, the people of *Sadanga* can be clustered into 4 tribes: a) *Bekigan* and *Belwang*; b) *Sacasacan*, *Demang* and *Poblacion*; c) *Saclit* and d) *Betwagan-Anabel*. *Sadanga*, which became the name of the whole municipality, refers to the village now called *Demang Barangay*. This village grew and expanded towards the east, creating what is currently *Poblacion*, the seat of the municipal government. *Isadanga* refers to those from *Demang* or *Poblacion* *barangays* only. The people from other *barangays* are ascribed to as *Iberwang* if from *Belwang*, *Ibekigan* if from *Bekigan*, *Isaclit* if from *Saclit*, *Isacasacan* if from *Sacasacan*, *Iyanabel* if from *Anabel*, and *Ibetwagan* if from *Betwagan*.

The ancient *Sadanga* existed in small settlements/villages independent from one another. Some of these were abandoned due to epidemics, tribal/clan wars, natural enemies like the *sakoko* (a big bird that preys on

small children) and the search for better settlements. Some merged with other villages to create stronger defense from tribal enemies. Among the old settlements that exist today are Sacasacan-Bekigan and the origin of Betwagan, Mason-ay. Saclit is a relatively new settlement.

Before Betwagan emerged, there were 3 small villages, namely Tallib in the northern part, Amkallin, and Fayyogao in the southern part of present-day Betwagan. Due to economic and social conditions, Amkallin and Fayyogao villagers merged and relocated in what they believed was a better settlement. The Tallib later joined them for protection against the Basao tribe. The Anabel villagers originated from a fraction of Tallib villagers, who abandoned their original settlement to evade attacks from the adjacent Basao tribe.

Betwagan and Anabel were formerly part of the municipality of Bontoc but later annexed to Sadanga.

Stories on Tribal Origin

The Bekigans and Belwangs believe they are descendants of Pagrakayan who married a daughter of the survivor in Chauran village, an area self-destroyed by clan war. Pagrakayan was believed to be the youngest among the siblings of Lumawig.

The Belwangs are descendants of a couple from Bekigan who followed their pregnant pig that gave birth in a swamp above Bekigan. The place was later named by Lumawig as Iyawwang that eventually turned into Berwang or Belwang. The Belwang people however refuse to acknowledge that they came from Bekigan. Instead they claim it is the other way round: that the ibekigans came from Belwang. Another belief is that their ancestors are from Masigi and Jeyjey after these two villages were abandoned. (Accounts on the Masigi, Jeyjey and other abandoned villages are further mentioned in later sections).

The Sacasacans believe they are descendants of Amcabigat, the second to Lumawig among the children of the god Kabunyan whom he sent to live with the people on earth.

The Isadanga (Ayuma) believe that they are descendants of an orphan from Sacasacan who followed his pregnant pig that happened to give

birth in a grassland near the river called Maguron. The orphan was advised by his uncle to build his dwelling near the place where his pig gave birth. Eventually it became a village called Ayuma.

At the back of a hill (Atimbungaren) was another old village named Kattil. Because the village was vulnerable to landslides, the villagers abandoned it and joined the Yumaan. Yummaa or Ayuma was renamed Sadanga. There is also an account of Ducligan, the name of a place now known as Dagchag.

The Saclit people originated from two distinct groups that agreed to settle near each other. They became allies against tribal enemies and in due time through intermarriages eventually developed as one tribe. One of the two groups abandoned their original settlement at Chinap-ayan located at the present border of Saclit and Demang and settled in the place they called Paykek. The other group came from the north, which is believed to be second to Tulgao among the waves of migration by a tribe from the Baratok/Mabaka or Binungans. They first settled in the area they called Fato, now named Buscalan of the Botbot tribe (the third wave of migrants from the northern tribe). This second group settled in an area above Paykek named Chanew. Saclit means to mingle or mix. Having been a mixture of two different tribes, they called their place Saclit.

Several traditional ways of acquiring land are followed by the tribes in Sadanga:

1. Inheritance

The buag-tayan-binadeng (clan-owned lands) are usually passed on as inheritance of the clan (pangapu) until these are privatized by way of payew-uma-residential lot development. In the process of increasing clan size and intermarriages, some remaining tayan-buag-binadeng were reverted as ramuram or communal land.

The tawid (inheritance) system of Sadanga is always in favor of the eldest. This inheritance system progressed into a degree of stratification within the tribe, with the chadakker (older children/first born) who inherits most properties and the fanan-eg, (younger children) who usually

have no inheritance. Those with properties evolved as the kakadangyan while those with no lands are referred to as inkarawa.

The male inherits the property of his father while the female inherits the property of her mother. In cases where the siblings are all male, the second child automatically becomes the heir of the mother's property. In the same way when all siblings are female, the second child becomes the heir of the father's property. The property of a female person who has no child shall be inherited by the closest female relative as priority heir. The heir however has to provide the necessary expenses during the wake such as carabaos, pigs, chicken, rice and wine (basi), which are consumed during the funeral. In the event that the supposed heir cannot provide all or anything at all, the right is waived to other relatives that can do so. Ultimately, the relative who has the resources takes the inheritance.

The same is true for a male person whose properties shall be inherited by the closest male relative if he has no children as heirs. In most instances, it is among the well-off family members who have the resources that inherit the properties. But the heir will have to take responsibility in sustaining requisites for rituals.

2. Perak/Pilak

A form of land acquisition through direct purchase in cash or in the olden times in the form of animals or other valuables such as gongs, gosi (jar), beads (angogo), equivalent to the value of the land being acquired.

3. Seneb/Sukat

Exchanging properties of more or less equivalent value

Traditional Land Ownership in Sadanga

The ancestral domain is referred to as Gakay. It covers the entire territory of the tribe, publicly acknowledged by other tribes. Within the municipality of Sadanga are four gakay corresponding to the four cluster tribes. Within the gakay are various forms of land ownership as follows:

lands. This type of land within the *gakay* are lands that have never been awarded to individuals/families and have thus been communally owned since time immemorial. Being communal, these are open to any member of the tribe for use, such as to develop into a residential lot, *uma* (swidden farm) or *payew* (rice paddies), provided that the individual/family who wishes to do so shall not take more than what he/she/they can till so that others can have their own share.

Tayan-Bwag-Binadeng - These terms in the Sadanga dialect are used synonymously to refer to lands owned by a clan and to refer to the descendants of individuals whom the lands were awarded to a long time ago. Long ago, portions of land within the ancestral domain of the tribe were awarded to individuals or the *ator* (seat of indigenous political institution) as rewards for heroic acts they had done for the community or in exchange for having provided the needs of the community in hard times. Over time, these were passed on as inheritance to the descendants of the awardee. In the case of *bwag* owned by the *ator*, these remain the property of the *ator* until such time that these are awarded to individuals, like in the case of *Tinmuad-Baliw-ayan* to *Gayaden*.

Kwa (sanikwa) Tayan (private ownership) - related to the term *kwak*, which means mine or my own. This refers to lands that are developed into *payew*, *uma*, *saad* (residential lots), *pigpens* and other developed lands intended for private use. These are usually acquired by way of inheritance, *perak* or direct purchase, *sheneb* (trade but not a permanent contract) and through development from the portions of a *tayan* or *ramuram*.

Though *uma* are considered private property of an individual, it only remains so while the individual is utilizing it. Once abandoned and trees and grasses grow, it can be reverted as *tayan* or *ramuram*, lands which anybody can develop and utilize. It remains private property even if abandoned, however, if there are permanent structures introduced by the developer such as: *akop* (stone wall), *retang* (excavation on the metes and bounds of the *uma*) or fruit trees.

Water Resources and Management

There are three small rivers within the Sadanga municipality: the Tallib River in Betwagan, the Dogong River, and the Maranas River. There are also two creeks, the one in Anabel and Agodong in Saclit. All tributaries of the Chico River, these rivers and creeks are sources of irrigation, of limited fish (ugadiw, chalet, etc.), of aggregates for concrete construction and also of potential hydroelectric power.

The river systems in Sadanga are generally communal property of the tribes. However there are portions that are also classified as bwag and awarded to individuals by virtue of established kepkep (manmade waterfalls where fish can be trapped) since time immemorial.

Landmarks in Bekigan-Belwang and Sacasacan-Sadanga Ancestral Domains

1. **Taron:** The vast wilderness of the Central Cordillera mountain range connected to Balbalasang, which was declared by the government as a National Integrated Protected Area System (NIPAS). Taron serves as the hunting ground of the Bekigan-Belwang and Sacasacan-Sadanga tribes. It is rich in natural resources such as timber and various plant species, wild animals, minerals, among others.
2. **Pokis:** The highest peak (about 8,400 feet elevation above sea level) in the region, located on the border of Mountain Province and Kalinga province.
3. **Charanap:** Where tribal war between the Botbot and Tulgao usually happens.
4. **Mapitek:** Above charanap was formerly owned by Saclit but given up to the Botbot.
5. **Amkayuben of the Kawitan range:** Connects Kolayo enroute to Lubuagan. It was forcibly taken by Botbot from the Saclit.

6. **Liyang:** The vast plateau east of Pokis where the Bekigan, Sadanga, Saclit, and Tulgao tribes meet when hunting.
7. **Butiliw:** The extension of the plateau toward Pasil, Kalinga; formerly a part of Bekigan territory but given up to Tulgao, Tinglayan and Kolayo, Pasil.
8. **Mauwey/Kakan:** A part of the Bekigan territory but given up to the Kolayo/Balatoc recently.
9. **Churon:** The headwater of the Pasil River. This is usually what the Bekigan call Taron or their main hunting ground.
10. **Kamanlibeng:** Portion of the Cordillera Range, which serves as a passageway of the Bekigans when taking the route Pokis-Churon-Kamanlibeng to Kaburod (boundary with Baklingayan, Abra).
11. **Kinang-uraw:** A small community located between Danac and Dawangan. It was supposed to be the border between Danac and Bekigan-Belwang territory in a Pagta (peace agreement) with Tinguian tribes.
12. **Digchig:** The source of the Pasil River located in a valley on the eastern side of the Central Cordillera Range. This area was the target of several mining companies including Benguet Consolidated, Inc. (now Benguet Corporation) in the 1970s.
13. **Tungil:** A high mountain above Belwang that one cannot avoid to climb when going to Abra.
14. **Lukutan:** A resting place or campsite where hunters spend the night before traveling for another day across the high Cordillera mountain range when traveling to Baclingayan or Dawangan. It is usually a 6 to 8 hour hike from Belwang.
15. **Siwang:** A portion of the Central Cordillera range which serves as passage trail when taking the route Tungil-Digchig-Siwang to Baklingayan, Tubo or to Danac, Boliney.

- 16. Masigi:** An abandoned settlement above Belwang. The former settlers of this place are believed to be the people of Barlig Proper who were forced to leave because of the sakoko or bird that preys on small children.

- 17. Pinasek:** One of the mountain ridges between Belwang and Baclingayan.

SUBMISSION BY DINTEG¹ - CORDILLERA INDIGENOUS PEOPLES LEGAL CENTER – TO THE CONGRESSIONAL HEARING ON INDIGENOUS PEOPLES BY THE NATIONAL CULTURAL COMMUNITIES COMMITTEE LOWER HOUSE OF REPRESENTATIVES

August 11, 2014
Batasang Pambansa

Introduction:

1. On the day of the World's Indigenous Peoples, August 9, 2014, DINTEG (Cordillera Indigenous Peoples Legal Center) is making this submission to the National Cultural Communities Committee through its Chairperson Hon. Nancy Catamco, as its modest contribution in support of indigenous peoples' demand for protection and fulfillment of their right to self-determined development.
2. DINTEG is an NGO based in Baguio City supporting the struggle of indigenous peoples for their right to self-determination. It was established and sustained by a group of Igorot lawyers, anthropologists and activists.
3. DINTEG is a holder of a 5-year European Union-funded project on capacity building for indigenous peoples on human rights-based development. The project is being implemented in 10 indigenous peoples communities – 3 in Mindanao (B'laans of South Cotabato and Davao del Sur and Subanen of Zamboanga del Sur), 1 in Mindoro (Buhids) and 6 communities in the Cordillera of 8 indigenous groups (Kankanaeys, Ibalois, Karaw, kalanguya, Mabaka, Banao, Gubang, Sadanga).

¹ DINTEG – Cordillera Indigenous Peoples Legal Center is an NGO based in the Baguio City, Cordillera at #55 Ferguson Road, Barangay Andres Bonifacio; email address: dinteg.cordillera@gmail.com. DINTEG was established in 1994 by a group of Igorot lawyers, anthropologists and activists aimed supporting the struggle of indigenous peoples for their right to self-determination.

4. The following recommendations were products of democratic elaboration amongst indigenous communities in the project sites.

Recommendations Seeking Stronger Legislative Protection and Guarantees Related to Ancestral Territories:

5. Pursuant to the right of indigenous peoples acknowledged in the Indigenous Peoples Rights Act and United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples must be fully recognized as owners and stewards of watershed and other natural resources found within their ancestral territories. As such, indigenous peoples must be accorded “primary owners” in projects that utilize their territories and the natural resources therein. Subsequently, in projects, which indigenous peoples have freely consented, they are entitled to just and reciprocal share from the income, benefits or services derived thereat.
6. Amending the mistaken notion that indigenous peoples are treated as “host communities” in projects introduced in their ancestral territories. Indigenous peoples are the owners of the natural resources in their ancestral territories, subsequently, they are co-owners in projects utilizing their land and natural resources.
7. Just and fair consideration must be instituted in relation to the scheme where so-called “conflict areas” are excluded from the coverage of the Internal Revenue Allotment. The national government should be reminded that the so-called “conflict areas” became “conflict areas” in the course of establishment of political administrative boundaries and later in the implementation of an unjust formula of Internal Revenue Allotment. Internal Revenue Allotment must take into consideration actual status of indigenous communities instead of using a standardized formula based on land area and population.
8. Recognition and stronger protection must be instituted on customary concepts, treaties and practices on common boundaries as shared territories. Consistent with this concept of shared territories, demarcating ancestral territories must

conform to customary practices and be done with the full and democratic participation of affected indigenous communities.

9. Any project introduced in ancestral territories must be subjected under well-informed, culturally appropriate and democratic process. Consolidated positions manifesting OPPOSITION such as petitions or opposition democratically resolved during community meetings should be considered as NO consent.
10. Philippine Mining Act of 1995 must be repealed and that Congress must take an alternative bill that upholds indigenous peoples rights and promotes nationalist industrialization as priority bill.

Stronger Safeguards on Military Detachment and Activities in Indigenous Territories:

11. Stronger legislative safeguards on military presence and activities in indigenous territories. Military presence debilitates economic, social, cultural and political lives of indigenous peoples. The entire ancestral territory is the source of survival for the indigenous peoples. As supplement to agricultural production, indigenous peoples hunt in the interiors of their forest and gather forest products, in both daytime and nighttime. Cows and carabaos roam around their territories. Indigenous peoples engaged in small-scale mining activities. All these activities are affected by military presence and activities. It is thus legitimate, reasonable and urgent that military detachments be withdrawn from their territories.
12. The existence of a civil war should not be taken as reason to justify military detachments and activities in ancestral territories. In fact, the reality of a civil war is the context for setting up stronger safeguards and protection of civilians as embodied in human rights and international humanitarian laws.

13. Legislative safeguards prohibiting the phenomena of criminalizing human rights defenders.
14. Substantiating this submission are various petitions, declarations, resolutions adopted by indigenous peoples manifesting their own aspiration for indigenous peoples rights-based development as follows:
 - i. Petition of the peoples of Lacub against mining activities in their territory Abra Elders Declaration, Bangued, Abra, August 24, 2014
 - ii. Unity Pact on the Protection and Utilization of Natural Resources in Ancestral Territories, Sagada, July 30-31 2014.
 - iii. Gabay at Patakaran ng Tribong Buhid sa Pagpili ng Fagtahinan sa mga Lokal na Pamahalaan (IP Mandatory Representation) – Sadik Habanan Buhid, Mindoro

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ACRONYMS

ADSDPP	Ancestral Domain Sustainable Development and Protection Plan
AFP	Armed Forces of the Philippines
AIPP	Asia Indigenous Peoples Pact
AW	AnthroWatch
CALC	Certificate of Ancestral Land Claim
CADC	Certificate of Ancestral Domain Claim
CALT	Certificate of Ancestral Land Title
CADT	Certificate of Ancestral Domain Title
CAR	Cordillera Administrative Region
CARHRIHL	Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Laws
CDPC	Center for Development Programs in the Cordillera
CHR	Commission on Human Rights
CHRA	Cordillera Human Rights Alliance
CorDis-RDS	Cordillera Disaster Response and Development Services
CPA	Cordillera Peoples Alliance
CPLA	Cordillera Peoples Liberation Army
CWEARC	Cordillera Women’s Education, Action and Research Center
DepEd	Department of Education
DENR	Department of Environment and Natural Resources
DILG	Department of Interior and Local Government
DPWH	Department of Public Highways
DOH	Department of Health
EO	Executive Order
EU	European Union
FPIC	Free Prior and Informed Consent
HB	Habanan Buhid
HR	Human rights
HRBA	Human rights based approach
HRV	Human rights violation
ICCs	Indigenous Cultural Communities
ILO	International Labor Organization
IPs	Indigenous Peoples

IPOs	Indigenous peoples organizations
IPRA	Indigenous Peoples Rights Act
IPRM	Indigenous Peoples Rights Monitor
IWGIA	International Work Group on Indigenous Affairs
KAIABANG	Kabanguetan Agkaykaysa Ilaban Biag Daga ken Kinabaknang
KALUHHAMIN	Kahugpongan sa mga Lumad sa Halayong Habagatang Mindanao
KAMP	Kalipunan ng mga Katutubong Mamamayan ng Pilipinas
KASAPI	Koalisyon ng Katutubong Samahan ng Pilipinas
KASTAN	Kakailian Salakniban Ti Daga a Nagtaudan
LGU	Local Government Unit
NCIP	National Commission on Indigenous Peoples
NGO	Nongovernment organization
NEDA	National Economic and Development Authority
NPA	New Peoples Army
OpBay	Operation Plan Bayanihan
PNP	Philippine National Police
SGS	Salabukan Gtaw Nok Subanen
SHB	Sadik Habanan Buhid
TFIP	Task Force on Indigenous Peoples Rights
UNICEF	United Nations Children's Fund
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

DINTEG – CORDILLERA INDIGENOUS PEOPLES LEGAL CENTER

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DINTEG was established in 1994 by a group of Igorot lawyers, anthropologists, activists supporting the indigenous peoples movement in the defense of right to ancestral territories and self-determination.

DINTEG finds its niche in building a network of lawyers, law students, anthropologists, human rights defenders, paralegal activists for them to direct their knowledge and expertise in promoting and defending the rights of indigenous peoples.

EXPERIENCED IN TEN INDIGENOUS COMMUNITIES IN THE PHILIPPINES

