



# Security among Indigenous Peoples

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**T**HERE can be no security among indigenous peoples in the Philippines if their inherent right to own, manage and control their lands is not respected. Majority still stay in the rural areas, in most cases, in their own ancestral domain. Researches have shown that as long as indigenous peoples are in control of ancestral lands and waters, they can still survive with their subsistence economies mixed with other economic activities such as small-scale mining, marketing of handicrafts, raising of agricultural products and livestock for local markets. Most of them are neither members of social security schemes like the Social Security System (SSS) or the GSIS (Government Security and Insurance System) nor hired in paying jobs. Education services and health services are ruefully inadequate in their territories, which further exacerbates insecurity in their midst.

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It has been shown that if their traditional values and customs of collectivity, mutual reciprocity, labour exchange, social cohesion and accountability remain strong, their social security is in a much better state. Social capital—embracing networks, norms and values of solidarity, justice and equity, reciprocity and trust which allows a community to work in an effective and collaborative manner to achieve certain objectives—is where the wealth of many indigenous peoples lies. If this capital is high, then this gives them a better sense of security, more than any government pension scheme which the majority would not even know exists. Social capital is the insurance mechanism which allows indigenous peoples to survive and sustain their relationship with nature and with others.

An increasing number of indigenous peoples are being forcibly displaced from their lands by extractive industries like mining and logging, so-called development projects like hydroelectric dams, expansion of monocrop plantations of fruits, biofuels, fast-growing trees, and militarization. Others voluntarily leave to seek better economic opportunities elsewhere, often ending up in the town and city centers or workplaces outside the country. Whether the security of those who migrated is better than the ones they left behind remains an unanswered question. Those who find themselves in the urban areas, more often than not, end up with the

ranks of the urban poor. Some are able to find decent livelihoods, set up businesses or acquire property, but these still remain in the minority.

The Indigenous Peoples' Rights Act of 1997—otherwise known as IPRA or Republic Act 8371, which aims to protect indigenous peoples' rights and help bring about sustainable and equitable development for them—is an instrument that should be used to bring about better security. Unfortunately, the constitutionality of this Act was questioned at the Supreme Court at the instigation of the Mining Chamber of Commerce. It took the Supreme Court three years to decide on this and it was only in 2001 that the court upheld its constitutionality. Implementation of the law was in limbo for a time, and effectively, it has been implemented for around five to six years only.

Within this period many indigenous peoples have complained about the weak implementation of the law and the collusion of some personnel of the National Commission on Indigenous Peoples (NCIP) with vested business interests to engage in acts violative of the law. The oft-cited cases are mining companies collaborating closely with NCIP personnel to manipulate and distort the process of obtaining free, prior and informed consent to allow companies to explore and operate. The case of the Subanon peoples of Siocon, Zamboanga del Norte, illustrates this situation. (see Box 1)

## The Case of the Subanon of Canatuan, Siocon, Zamboanga del Norte

**T**HE Subanon of Canatuan in Siocon pursued every means to gain government recognition of their right to their ancestral domain. Thus, they were one of the first indigenous peoples awarded a Certificate of Ancestral Domain in 2003. Even before they got this, however, the DENR issued a mining permit in 1996 without seeking the consent of the Subanon. The government justified this by saying that the Indigenous Peoples' Rights Act which required free, prior and informed consent (FPIC), was only passed in 1997, so the permit granted was not yet covered by this law. This still does not justify the act because the Mining Act of 1995 also required FPIC. To complicate the issue, the NCIP (the body mandated to implement the IPRA) established a body called Siocon Council of Elders which does not have status in the indigenous structure. This body entered into a Memorandum of Agreement with Toronto Ventures Incorporated Resource Development Philippines (subsidiary of TVI Canada), over the objections of the traditional Subanon leadership structure. The Subanon, through their organization, Apu Manglang Glupa' Pusaka, submitted a complaint to the Committee on the Elimination of all Forms of Racial Discrimination (CERD) in August 2007. They alleged that mining had proceeded without their FPIC and this violated their rights to land and resources, rights to FPIC, to culture, self-determination, to security, to a healthy environment, to livelihoods, to food, health, property, to development and religion. The Philippine Government's actions are violations of the state's obligations to the International Convention on the Elimination of all forms of Racial Discrimination. This was heard by CERD, which is requiring the Philippine government to answer the questions raised by Dec. 31, 2007. It also required the Philippine government to submit its report to CERD on June 2008.

The Government has proclaimed that its flagship development project is to seek more mining investments and one scheme for poverty alleviation. However, this is being done with impunity as rights of indigenous peoples to their lands are not respected despite what the IPRA says. The case of the Subanon is just one among many examples. Such actions and priorities are the sources of more insecurity for indigenous peoples. The failure of the courts of law to provide redress to indigenous peoples who try to seek justice makes matters worse. Thus, they are forced to resort to Treaty Bodies of International Human Rights Instruments, like the CERD (Convention on the Elimination of All Forms of Racial Discrimination).

Development aggression, which is the violation of the basic rights of indigenous peoples in the so-called development process, still remains as the main threat to the security of indigenous peoples. In addition to the Subanon, there are at present other ongoing resistance campaigns against mining. Some of these include the Mangyan of Mindoro Oriental against Crew Mining Corporation (Norwegian company), the Bugkalot, Ifugao and Igorot against Climax Arimco (Australian Company) in Didipio, Nueva Vizcaya, and against Oceana in Runruno of the same province. There are active campaigns also against the expansion of TVI to neighboring provinces in Zamboanga Peninsula in which the Subanon are directly affected.

In terms of what the NCIP has achieved in awarding Certificates of Ancestral Domain Titles (CADT) and Certificates of Ancestral Land Titles (CALT), it claims that between the years 2002 and 2006 it already awarded<sup>1</sup>

- 56 CADTs covering 1,110,018.9365 hectares.
- 150 CALTs covering 4,838.2352 hectares

The total land area covered by both CADTs and CALTs is 1,114,857.1708 which is 18 percent of the targeted 6 million hectares considered as ancestral land area. On the surface, this is not a bad record considering that the NCIP was only able to work fully after the question of IPRA's constitutionality was settled in 2001. What needs to be looked into more closely is whether these indigenous peoples who got their titles were able to develop their Ancestral Domain Sustainable Development Protection Plans (ADSDPP) and whether these are being implemented as they should. According to

NCIP as of 2006 they have 60 areas with ADSDPPs in various phases. Most of these still remain as plans, however. There is still a long way to go before these get implemented. One problem is the lack of coordination between the NCIP and the Local Government Units who also have their own Municipal Development Plans and Provincial Development Plans. It is not yet clear how the various plans converge, especially in territories dominantly composed of indigenous peoples.

Another threat to the security of land tenure of indigenous peoples is the encroachment of the Department of Agrarian Reform on ancestral lands. There are reports of ancestral lands being classified as agrarian reform lands and these get included in the coverage



<sup>1</sup> National Commission on Indigenous Peoples, CY 2006 Annual Report

of the Comprehensive Agrarian Reform Law. While the DAR claims it only covers private lands and not ancestral lands, there are many cases where the ancestral lands of indigenous peoples were illegally acquired by private individuals. While the status of these lands is still in dispute, the DAR should not proceed with moves to include these lands in agrarian reform program.

At the February 2007 consultation of indigenous peoples with the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, another report presented was the conflict between the claims of the Moro Islamic Liberation Front (MILF) for the Bangsa Moro Ancestral Domain and the claims of the Lumad in Mindanao. The Subanon and the Teduray complained that some of their ancestral domain are included in the Bangsa Moro claims. The Subanon of the Zamboanga Peninsula explicitly requested that the whole Peninsula be taken off from the MILF claims.

On the security situation of indigenous youth, children and women, recent researches on these were done by UNICEF Philippines and International Aid. The Unicef undertook a series of field researches in 17<sup>2</sup> Country Programme for Children Areas in the Philippines to assess the needs and situations of indigenous children, youth and women. The results of this will be fed into the 6th Country Programme for Children for 2007 and for 2010-2014. The findings of this study<sup>3</sup> show the following:

- Poverty and low level of income is nearly a universal feature in the lives of the IPs studied. Most of the IPs who are in their ancestral domain work as tenants or laborers in farms which are privately owned by non-IPs.
- There is an utter lack of irrigation systems, agricultural technologies, farm inputs, capital, farm to market roads which lead to low production.
- Poverty is more serious among IPs who do not dwell in their ancestral domains and who do not have land titles and land security. (Ati in Antique and Negros, Badjao in Cebu). These

are the ones who go through serious food shortages.

- High dropout rates among IP schoolchildren are due to poverty, bullying and discrimination. 65 percent of children aged 3-5; 35 percent of those between 6-12; and 55 percent of ages 13-18 are out of school.
- Most of the communities have low level of access to formal health services and to medicines. Most IP women deliver at home.
- Birth registration and immunization are hardly done in most communities.

In this study we can see that many indigenous peoples are in dire poverty situations. However, the capacity to cope with this situation is higher among those who still live in their ancestral domains. The NCIP should exert more efforts to secure the land tenure of indigenous peoples and to develop and implement ADSDPPS effectively.

Another report was made by International Aid for their Sarangani MATCH Program (Maximizing Access to Child Health- A Child Survival Initiative). This was conducted in three municipalities of Sarangani (Maa-sim, Kiamba and Maitum) and it was done to compare the situation between indigenous and non-IP groups. Some of their findings are;

- A sample of mothers with children less than 24 months old shows that among IP women 19.3 percent do not have any level of education, 55.3 percent only finished primary school. For the non-IP mothers, 1.2 percent did not have formal education, 27 percent only reached primary grades and 52.5 percent had secondary education.
- For safe drinking water; 4.2 percent of IP households only have access compared to 49.2 percent of non-IP households
- 12 percent among IP women were attended by trained health personnel at birth compared to 46 percent of non-IP women.<sup>4</sup>

These data cited show the dire situation of security

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<sup>2</sup> The field areas were Maguindanao (Teduray), Zamboanga del Sur (Subanon), Aurora (Dumagat), Bukidnon (Bukidnon), Agusan del Sur (Manobo), Negros Oriental (Ati), Cebu City (Badjao) Davao City (Matigsalog/Ata Manobo), Sultan Kudarat (B'laan), Guimaras (Ati), Capiz (Ati), Antique (Ati), Isabela (Gaddang), Mt. Province (Bontok)

<sup>3</sup> Hanayao, Hirai, Unpublished Draft Final Report of "A rapid field assessment of the situation of Indigenous children, youths and women in UNICEF CPC 6 Areas," July 2007.

<sup>4</sup> International Aid, Sarangani MATCH Program : Baseline Information: 1) Household-Based Knowledge, Practices and Coverage; 2) Rapid Health Service Provision Assessment, March 2007.

of indigenous women and children. It is crucial that data disaggregation on indigenous peoples be done because this is the only way that their situation and issues become more visible. With better visibility advocacy for their rights and security can be strengthened further.

## Conclusion

Security for indigenous peoples in the Philippines can be better ensured if their rights to their lands, territories and resources are respected and protected by the Government and the dominant society. The conflicts between ancestral land claims and mining claims, logging concessions and agrarian reform programs and the Moro claims have to be seriously addressed by government and civil society. This cannot continue to be ignored for long because the potential for these to lead to intractable armed conflicts is high. In the light of the enactment of the Human Security Act which can easily be used against indigenous peoples resisting against the violations of their land rights, there is an increased risk of bigger human rights violations against them.

In addition to this, the provision of basic social services should be expanded so that this will reach most of them who still live in remote and isolated areas. It is convenient for the government to say that there is no budget to support the setting up of schools in indigenous territories where the level of enrollment is low. Why should those who opt to live in their ancestral domains, no matter how remote, get penalized through the inadequate provision of basic social services?

The Millennium Development Goals will have to be achieved among indigenous peoples. There is no empirical evidence yet to show that these goals are go-



ing to be achieved among indigenous peoples. In fact, with the initial reports from researches undertaken the data show that poverty and insecurity is still the lot of most indigenous peoples. The non-attainment of these goals for them is yet another example of government insensitivity to indigenous peoples. In the name of indigenous peoples, official development aid is being sought from multilateral and bilateral donors. There needs to be an accounting of how these have been used.

In the MDG reports of the country, there is very scant data on indigenous peoples. I am challenging the Philippine government to first make the situation of indigenous peoples more visible and to address this situation seriously and comprehensively. It is not enough that it crows about CADTs or CALCs given. There has to be a more in-depth research into how the lives of indigenous peoples have changed for better or for worse after the coming into being of the IPRA. ■