



# THE STATE OF INDIGENOUS PEOPLES IN THE PHILIPPINES

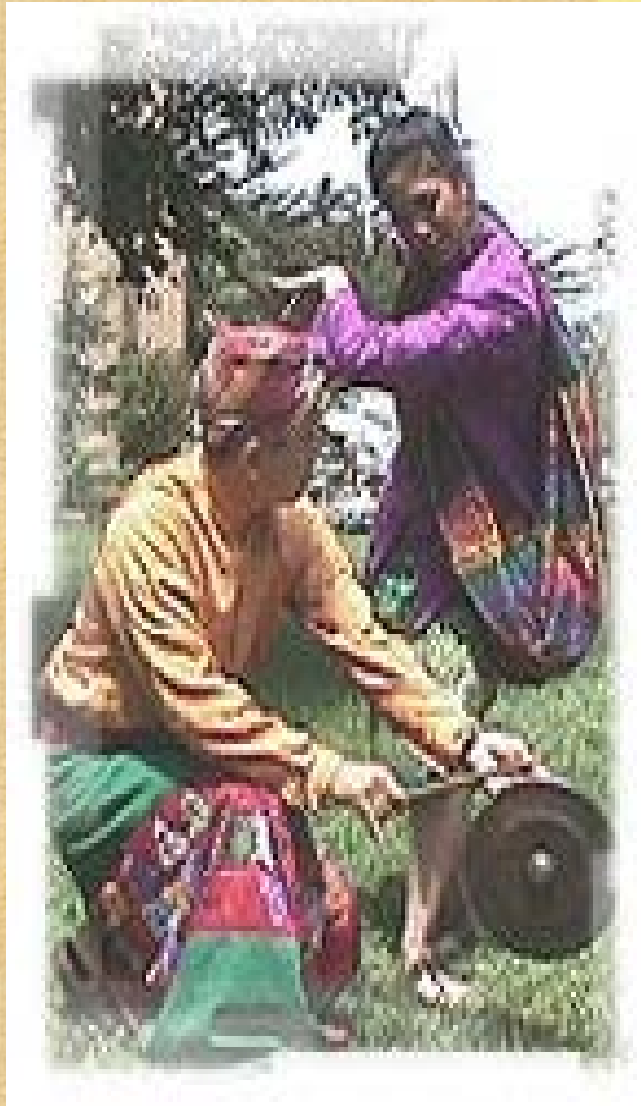


# Definition of Indigenous Peoples



- In the country, indigenous peoples were referred to as “national minorities” by the 1973 Philippine Constitution and as “national cultural minorities” by the 1987 Constitution.

# The Indigenous Peoples' Rights Act (IPRA) of 1997



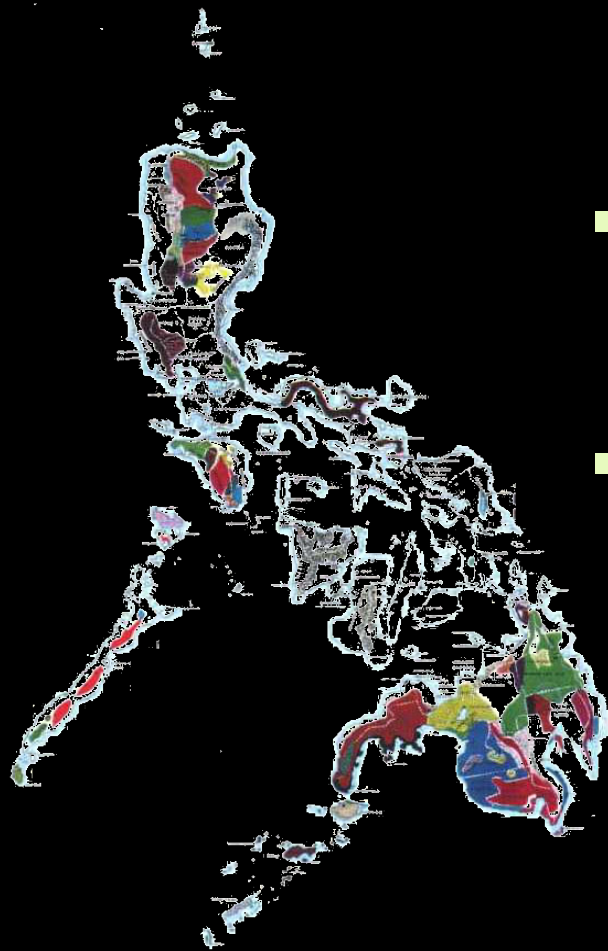
**“A group of people or homogeneous societies identified by self-ascription and ascription by others, who have continually lived as organized communities on community bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions, and other distinctive cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos. ...”**

# Demographic Profile of Indigenous Peoples

- Population:  
In 1998, the National Commission on Indigenous Peoples (NCIP) estimated the population of indigenous peoples in the Philippines to be between 12-15 million.



## Geographic distribution:



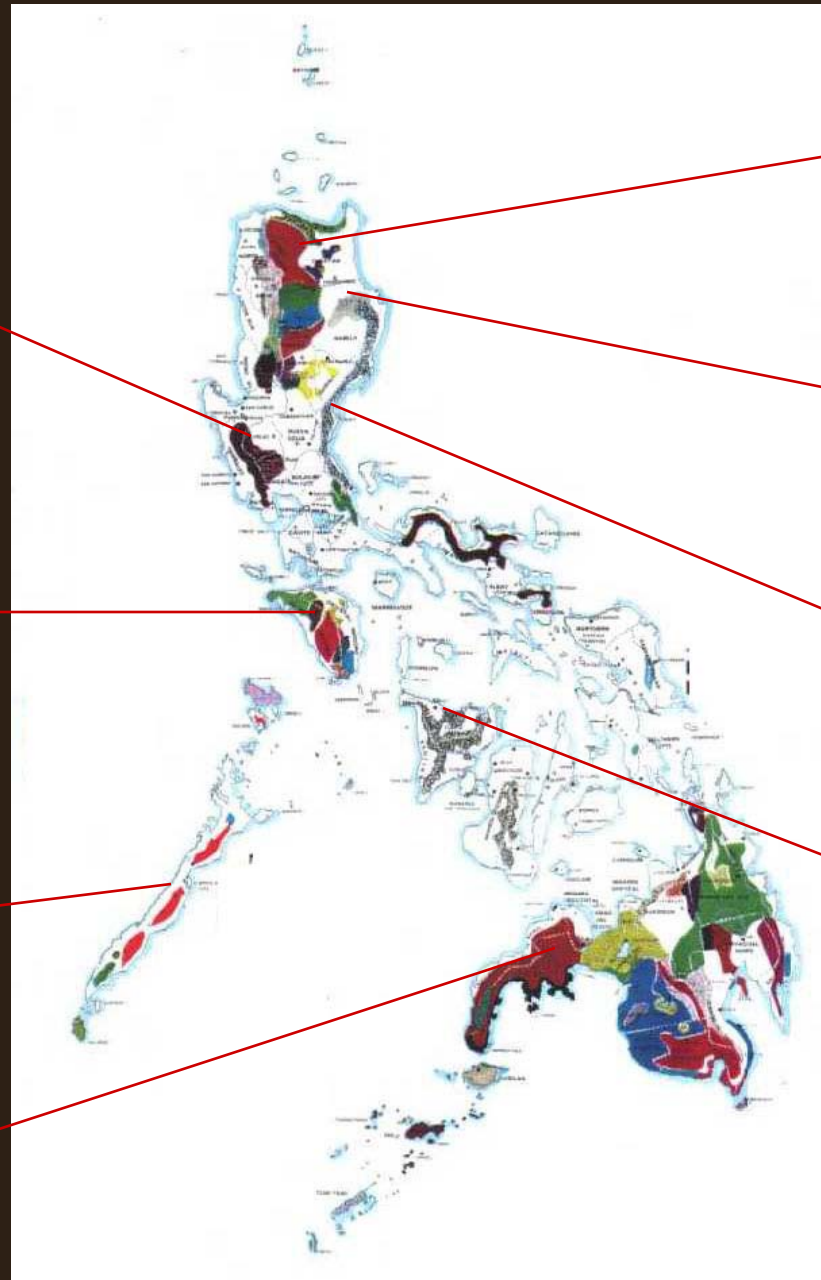
- Indigenous peoples are spread out in more than 100 ethno-linguistic groups located in 65 of the country's provinces.
- 61 % of indigenous peoples is found in Mindanao, 33 % in Luzon, and 6 % in Visayas.
- Lumad peoples comprise the majority among IP groups in the country followed by the Cordillera peoples. Other distinct IP groups include the Caraballo Tribes, the Mangyan, the Negrito/ Aeta, the Palawan Hilltribes, and the groups in the Visayas.

Aetas

Mangyans

Palawan  
groups

Lumads



Igorots

Caraballo  
groups

Dumagats

Ati &  
Tumanduk

# Historical Disenfranchisement and Resistance of Indigenous Peoples

## Pre-Colonial Period:

Small and independent communities had their respective socio-cultural, political, and economic systems corresponding to different stages of development

Ex. Moros of Mindanao (feudal);

Igorots of Cordillera (semi-primitive communal);

Aetas (primitive communal)]



- **customary concepts and practices of land use and land ownership**
- **“collectivism”**
- **“caretakers of their resources.”**





# Spanish Colonial Period

The Regalian Doctrine was imposed which declared the entire Philippines as owned by the King of Spain (i.e., *encomienda* system and Maura Law).

- Military expeditions and religious missions were launched
- “majority-minority dichotomy and its attendant problem of marginalization and discrimination” emerged
- National minorities became so as a result of their non-“Christianization” and non-integration to the colonial structure



# American Colonial Period

- ❑ **Politico-military, economic and cultural means were used to subjugate and integrate indigenous peoples to colonial social structure**
- ❑ **The Regalian Doctrine was essentially upheld and promoted as a system of private ownership.**



# Laws undermined the communal land concept

- Torrens system of land registration (Land Registration Act No. 496 of 1902);
- Philippine Commission Act No. 178 of 1903 (all unregistered lands became part of public domain);
- Mining Law of 1905 (Acquisition of public lands by Americans for mining purposes); and
- Public Land Acts of 1913, 1919, and 1925 (Mindanao and all other fertile lands the State considered unoccupied, unreserved or otherwise unappropriated public lands became available to homesteaders and corporations).



## The Post- colonial period :



❑ Postcolonial regimes did not change the western concept of land use and ownership.

❑ 1935 Constitution stated:

“All agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State.”

- ❑ 1987 Constitution also retained the Regalian Doctrine stating: “All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, fauna, and fauna, and other natural resources are owned by the State.”
- ❑ The Constitution also recognized the “the rights of indigenous cultural communities within the context of national unity of development.”



# The Current Situation of Indigenous Peoples in the Philippines

- **Indigenous peoples are confronted with a distinct problem - national oppression.**
- **National oppression is the State's historical non-recognition of the right to ancestral domain and to self-determination of indigenous peoples.**



# Manifestations of National Oppression

- 1) Non-recognition of Ancestral Land
- 2) Development Aggression
- 3) Subversion of Indigenous Socio-political Systems
- 4) Militarization
- 5) Commercialization of Culture
- 6) Worsening Poverty and Food Insecurity among IPs

## 1) Non-recognition of Ancestral Land

- **Issuance of Certificates of Ancestral Domain Claims (CADCs) and Certificates of Ancestral Land Claims (CALCs) by virtue of the DENR Administrative Order 2. (DAO 2)**





## 2. Development Aggression

### a) Large scale mining



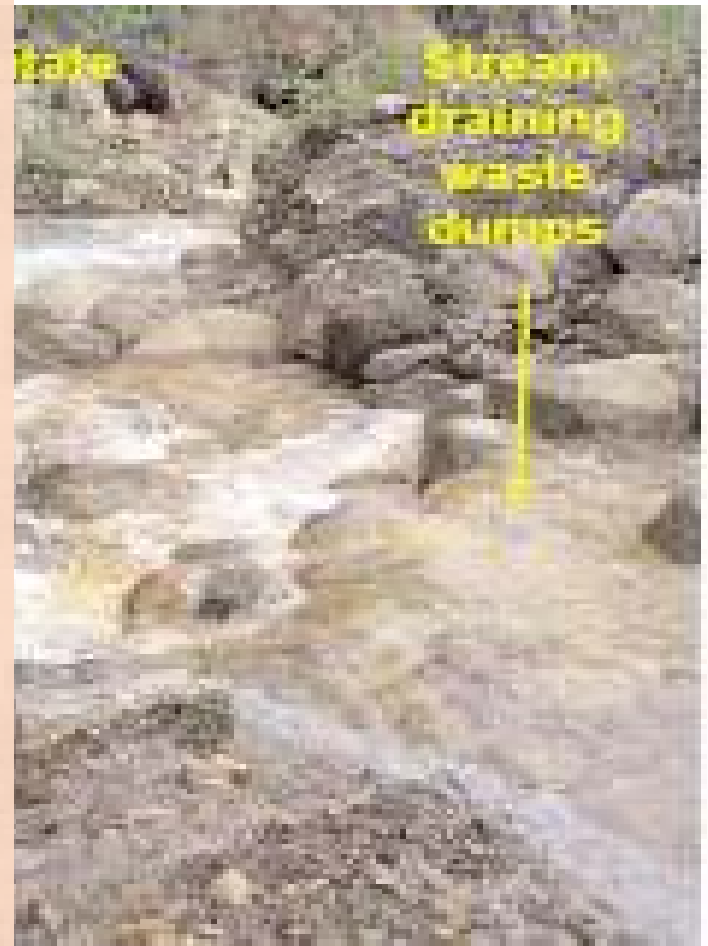
## Impacts of Philippine Mining Act of 1995:

- legalized destruction of the environment on which most indigenous communities depend on for subsistence
- institutionalized the plunder of the country's resources by mining TNCs



# Mining contracts issued as of July 30, 2004:

- 188 Mineral Production Sharing Agreements with an aggregate area of 314, 462 has.;
- 16 Exploration Permits with an aggregate area 62,087 has.; and
- 2 FTAAs with an aggregate area of 51, 955 has.



# Mining firms encroaching on indigenous peoples' lands

- Lepanto Mining expansion - covering another 777 hectares in Benguet Province;
- Pending large scale mining applications - covering 322,203 hectares of indigenous peoples' lands in the Cordillera Region alone (Asturias Chemicals - 17,449 has; Climax-Australia - 185,944 has.; Newmont USA - 118,810 has.); and
- Toronto Ventures Incorporated - threatening to displace Subanen indigenous peoples in Mt. Canatuan in Siocon, Zamboanga del Norte.



Dec 2, 2004: Supreme Court reversed its earlier decision declaring as unconstitutional certain provisions of Mining Act of 1995, DAO 96-40, as well as of the entire Financial or Technical Assistance Agreements (FTAA) executed between the government and Western Mining Corporation (Philippines), Inc.

## b. Large Energy Infrastructure Projects



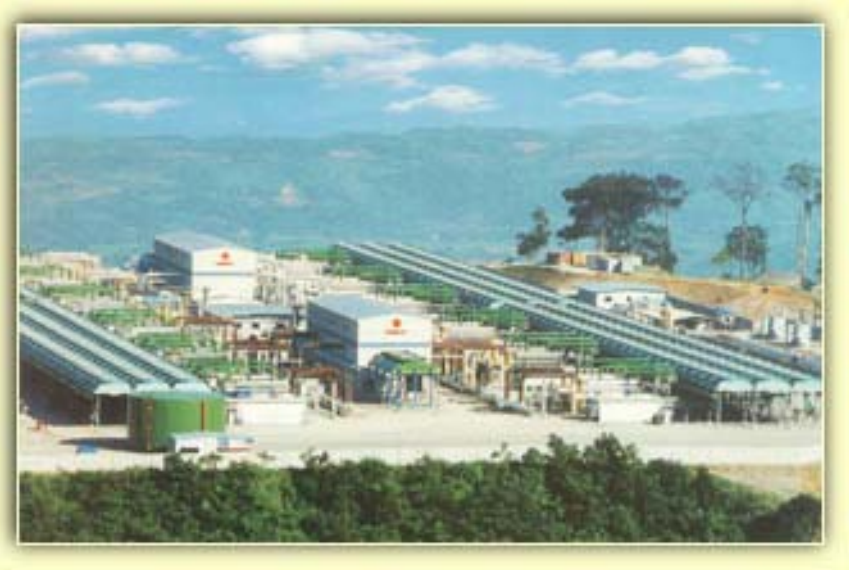
7 megadams operating or are being constructed that affect IP communities

- San Roque Multi -purpose Dam Project in Pangasinan;
- Matuno Dam in Ifugao;
- Casecnan Dam in Nueva Vizcaya;
- Bakun Mini-hydro dam in Benguet;
- Kaliwa Kanan or Laiban Dam in Rizal and Quezon (Southern Tagalog);
- Pan-ay River Dam in Panay (Visayas) ; and
- Pulangi hydropower dams (Mindanao). [2]



# Mt. Apo Geothermal Project:

- After 17 years of unabated drillings by the PNOC, arsenic has crept through the veins of Mt. Apo, poisoning rivers and ground water systems, claiming lives of the Lumads of Apo Sandawa and their livestock, and endangering the people's health.





## c. Land Conversion

- Land conversion for industrial estates and commercial purposes caused displacement of Agta and Dumagats; the Aetas of Central Luzon; and the Lumads in Mindanao
- Monocropping of mangoes, pineapples, bananas for export has undermined indigenous peoples' subsistence production of rice.
- In Cordillera, rice terraces are being planted with commercial temperate vegetables, cassava, flowers



# Agro forestry



A total of 4.2 million has. of indigenous peoples' lands are being opened for agroforestry by various concessionaires:

- 5,232 has. to big ranchers through pasture lease agreement.
- 255,438 has. for bio-diversity conservation programs
- 1.4 million hectares have been fenced off
- Timber plantations for "reforestation" secured a combined area of 434,388.44 has.

### 3. Subversion of Socio-political Systems

- **Political misrepresentation**
- **Appointment of illegitimate leaders**
- **Disregard of indigenous peoples' socio-political systems.**



## 4. Militarization



- “Militarization has accompanied the implementation of destructive mining, logging, and energy projects because of the people’s opposition to them. Army troops are regularly deployed in the territories of the Agtas, Aetas, Mangyans, Lumads, and Igorots.”

## Human rights violations (HRVs) committed in militarized areas include:

- forced evacuation due to aerial bombings and indiscriminate firings,
- massacre, murder,
- food blockades,
- torture, arbitrary arrests, and illegal detention.



## 5. Commercialization of culture



- Tourism commercializes indigenous cultures through promotion of local festivals, tourist related infrastructures, and eco-tourism
- Social costs of tourism: drugs, prostitution, gambling
- Encourages consumerism and commercialism
- Cultural practices and distinctiveness are commoditized

## 6. Worsening Poverty and food insecurity among IPs

- **Cordillera region remains to be one of the poorest and most marginalized regions in the country**
- **Mindanao contributes to 31% to total poverty in the country**
- **2000 Family Income and Expenditure Survey indicate that poverty incidence in Mindanao is even higher than the national average of 40%, ranging from 46% in Southern Mindanao to 74% in the ARMM.**



# Food Insecurity among Indigenous Peoples

- Tumandoks of Panay and Dumagats of Quezon eat only twice a day
- Talaandigs of Bukidnon in Mindanao are dependent on occasional labor for survival
- Ibalois of Itogon, Benguet suffer the ill effects of extractive industries such as open-pit mining . Most are now dependent on irregular cash generating income for survival.
- Erumanen Manuvu in Cotabato and Aetas of Zambales are less able to procure food
- Kankanaeys of Besao, Mt. Province need to leave their homes in search for occasional low paying jobs.





- Food shortage is experienced across communities.
- Malnutrition is highest in indigenous communities in the country, especially among the children.



### 3 Major Factors Affecting Food Security:

- Entry of “modern” agricultural technologies such as high yielding varieties;
- Extractive industries, development aggression; and
- Militarization.



- The answer to the problem of national oppression of the indigenous peoples in the Philippines is the recognition of their collective right to self-determination.
- This right to self-determination is enshrined in the UN Universal Declaration of Human Rights and other international instruments.





**For as long as the indigenous peoples' lives are threatened, their struggles to defend their land and resources will continue, until their rights to equality and self-determination are fully recognized and respected.**

