

State of the Indigenous Peoples Address 2015

We, the 76 indigenous leaders and representatives from 41 indigenous peoples' communities in Luzon, Visayas and Mindanao, the Kalanguya, Penglima, Magbukun, Lambangian, Ilongot-Bugkalot, Ifugao, Ibaloi, i-Guinaang, Aeta- Abellen, Lias, Manobo, Dulangan Manobo, Mangyan Tagabukid, Dumagat Karahume, Hanunuo, Dumagat, Igorot, Mandaya, Erumanen ne Menuvu, Ayta, Mamanwa, Bagobo, Kadaclan, Alangan, Applai, Obo Manobo, Mansaka, Teduray, Tagabukid, B'laan, Taboli, Ata, Pelawan, Subanen, Tumanduk, Higaonon, Bukidnon, Bontoc, Ati, and Kankanaey, have gathered here in the University of the Philippines, Diliman, Quezon City, from August 9 to 11, to celebrate the International Day of the World's Indigenous Peoples and to present the true state of indigenous peoples in the Philippines.

On Indigenous Peoples in the SONA

We lament the glaring invisibility of indigenous peoples' situation and issues in the State of the Nation Address delivered by President Aquino on July 27, 2015. We are disappointed that we were directly mentioned only once in a speech that lasted 2 hours and 13 minutes, and only in the context of how the Alternative Learning System (ALS) has lessened the number of out of school youth among the indigenous peoples and street children. The ALS is a government program that is not meant specifically for indigenous peoples, and is not always implemented in a culturally-appropriate manner. We demand the recognition and respect for indigenous peoples' schools that we have established ourselves, or with assistance of support organizations.

While we commend and agree with the President's support for the Anti-Dynasty Bill, we further demand that the Freedom of Information Bill be supported and passed immediately.

The President's focus on infrastructure development, encouragement of domestic and foreign direct investments, and on modernization of the Armed Forces of the Philippines is alarming for indigenous peoples. This will increase the pressure on our lands from extractive industries and plantations and worsen the militarization and red-tagging of indigenous leaders that come with the entry of these corporations. We fear escalated harassment and killings of our leaders who oppose the entry of destructive mining, dams, coal-fired power plants and geothermal projects.

While some indigenous communities have benefitted from the Sitio Electrification Program, we are not really the targeted beneficiaries. This electricity comes with the entry of ecotourism, hydropower and even landfill projects without the free, prior and informed consent of indigenous peoples.

For several years now, the President has trumpeted the construction of dams as one of his flagship projects. Last year, he announced plans for the construction of Kaliwa-Kanan and Jalaur Dams, even though there was no free, prior and informed consent of indigenous peoples. This year, he once again announced the groundbreaking for stage 2 of the Jalaur Dam, even knowing that no genuine FPIC has been granted for the project.

Once again, the President has demanded the passage of the Bangsamoro Basic Law (BBL) and challenged those who oppose the BBL to provide alternatives. To President Aquino, we say that

we have always been ready to meet the challenge to provide better proposals and solutions to provisions of the BBL that discriminate against indigenous peoples and violate our rights.

We urge the President to recognize and highlight good practices of indigenous peoples' organizations and traditional structures, as well as government agencies, in strengthening our political systems, enhancing our political participation in local legislative and executive bodies, establishment of IP schools and supporting IP education, and in strengthening our traditional livelihood systems and fulfilling our self-determined development priorities. Mr. President, indigenous peoples are much more than out of school youth that need to be brought to school through the Alternative Learning System.

On Indigenous Peoples' Land Rights and JAO 01-12

We are the last remaining guardians of the forests, flora and fauna, minerals and our water sources. We seek recognition of our rights to our lands and resources so that we can continue to play this role.

For years we have struggled for the recognition of our ownership over our ancestral domains and lands. We have even subjected ourselves to the NCIP's overly bureaucratic process for obtaining Certificates of Ancestral Domains (CADTs). Now, we face yet another challenge with Joint DAR-DENR-LRA-NCIP Administrative Order 01, series of 2012 (JAO 01). The CADT process, which takes a very long time, will now take even longer with the imposition of the JAO. It is clear that the NCIP has surrendered its mandate to ensure protection of our ownership over our lands and resources. While the JAO delays the issuance and registration of CADTs, our lands are being grabbed by the DAR through CLOAs without coordination with NCIP, including fraudulent CLOAs; by DENR through CBFMAs, IFMAs, FLEGT, PLAs, and by allowing entry of mining corporations, large scale plantations, and the National Greening Program; and by the LRA through Torrens Titles over portions of our ancestral lands. How can the NCIP surrender the mandate granted to it by the IPRA to delineate and recognize CADTs by allowing a mere Administrative Order to curtail its power?

For the NCIP, DAR, DENR and NCIP, the JAO is a mere administrative order that means collaboration and harmonization but for the IPs, this is matter of life and death. Many indigenous peoples lives have been lost due to the JAO. Likewise, the delay in the issuance in our CADTs heightens our vulnerability to entry of foreign development investors in our domains.

We demand the repeal and nullification of DAR-DENR-LRA-NCIP JAO 01 series of 2012. We demand accountability from the government officials who have allowed the grabbing of our ancestral lands and the killings of our indigenous leaders because of the JAO.

Indigenous Peoples and Mining

Medium and large-scale corporate mining and unregulated and non-community controlled small scale mining are major problems that we, indigenous peoples, face in our communities. Our happy, peaceful and harmonious relations within our communities have been shattered by the

entry of mining companies that have caused division within our families and created conflicts among us. The presence of military detachments in mining areas has limited our freedom to work on our lands, which are the main source of our sustenance. People who are working to defend our lands from mining are being harassed and killed. Strategic litigation against public participation, or SLAPP cases, are being filed against indigenous activists and support organizations. School children are forced to stop schooling because of the presence armed personnel in the area. The mining companies deceive the people by making false promises of jobs, roads and other benefits from the mining operation.

We experience severe environmental degradation due to mining, resulting in significant reduction of agricultural production, pollution of our water bodies and decrease of fish catch. Food security and human health are affected that is directly attributed to the mining operation. Even our traditional small-scale mining practices are not recognized, but are banned or criminalized. With these, we ask: why should we indigenous peoples have to pay the price for the damages caused by these mines, when we do not even benefit from them?

We call for a stop to large-scale destructive mining activities in indigenous territories. We urge Congress to repeal the Philippine Mining Act of 1995 and to pass an alternative law on mining that is pro-people, nationalist, recognizes indigenous peoples' rights, and safeguards the land, resources and environment which is the patrimony of future generations.

Indigenous Peoples and Dams

Large dams are the bane of indigenous peoples, causing displacement, misery and poverty. The implementation of the Jalaur River Multipurpose Project boasted by President Benigno S Aquino III in his last SONA will affect 17,000 indigenous Tumandok in Panay. Numerous other dam projects in indigenous communities around the country are in the pipeline including Pulangi Dam V, the Kaliwa-Kanan (Laiban) dam, the Tinoc mini-hydro power plant, among others. Promises of jobs, irrigation, electricity and water supply are dangled by the government as bait to lure affected indigenous peoples to accept the projects. Yet our experience with past dam projects in the country prove that these promises are half-fulfilled or not honored at all.

Obviously, we, indigenous peoples have much to lose from the construction of these dams due to the submersion of our ancestral lands, farms, forests, sacred sites, burial grounds, traditional boundaries, sources of livelihood, abodes and other vital elements of our lives. The very basis of our life and identity will be lost. Fishes, wildlife and plants will be wiped out. Even downstream communities are threatened by dam projects, increasing our vulnerability to typhoons and earthquakes. All for the sake of the profit-making interests of private corporations who will build and operate these dams.

Our call is stop the construction of large dams and minihydro power plants in indigenous peoples communities and to promote community-based renewable energy projects such as solar power and microhydro plants that will not damage our land, water and the environment. Stop the vilification and harassment of our anti-dam activists.

Free Prior Informed Consent (FPIC) and the NCIP

Intentional divide and rule is a tactic employed by mining and dam companies, in connivance with the NCIP, to destroy the unity of our communities in protecting our ancestral domain. Relationships are destroyed by pitting siblings, parents, cousins, neighbours against each other. People who oppose the project are excluded from FPIC processes in order to secure consent in favour of destructive projects. The NCIP creates “chieftains” and “council of elders”, which are contradictory to the customary governance system of the community. These so-called “traditional leaders” are perceived as “traditional dealers” who can be manipulated to “sell” our ancestral lands to investors. Consent is not genuine as it is achieved through deceit and manipulation. Signatures in attendance sheets are blatantly used as evidence of consent. Those in favor of the project are given “rewards” in the form of cash, vehicles, mobile phones, scholarships among others. Beneficiaries of 4Ps are pressured to give their consent, In addition, the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) operate as investment defense forces in indigenous territories. Genuine indigenous leaders are tagged as insurgents and subjected to surveillance; their lives are threatened.

FPIC should be based on the full disclosure of information needed by indigenous peoples for informed decision-making, free from coercion and external pressure. FPIC should be obtained from the legitimate indigenous peoples affected directly and indirectly by the project, in a manner that is in accordance with their customary and democratic consensus-building processes, in a language that is understood by them, and with the participation of men, women and youth. An independent oversight group should be set up to attest to the truthfulness and transparency of the FPIC process.

We call for a thorough evaluation of the NCIP in the fulfillment of its mandate to protect the rights and interests of indigenous peoples. NCIP personnel who have violated the interests of indigenous peoples should be held accountable for their crimes and punished. We call for a total revamp of the NCIP in order to institute meaningful and thoroughgoing reforms.

Women and Children

Indigenous women play a major role not just in the economic but also social and political systems in the community. However, indigenous women and children are the most vulnerable during community crises brought about by extractive industries, disasters and incessant fighting between the state and non-state troops especially in Mindanao. A documentation from 2013 to 2015 shows that the highest incidence of violation of collective rights of indigenous women happens during FPIC process.

This is true because indigenous women are often regarded as lower class citizens and are not given equal rights in decision-making especially during FPIC processes.

As indigenous peoples, we foremost recognize the value of taking care of our women and children’s health. But the “No-Home Birthing-Policy” of the Department of Health is putting additional strain on indigenous women. The lack and inaccessibility of basic social services and insensitivity of health care providers in many indigenous communities amplify the burden of pregnant women who have to hike for distances just to get to the nearest health facility.

Meanwhile, indigenous youth and children are being discriminated in formal schools because of their cultural beliefs and affiliation, physical features and language. The community problems they face take so much time, effort and other resources of the elders off from their youth and children.

Hence, we call for the institutionalization of the recognition of the right of indigenous women to participate in community decision processes specially in the FPIC process of investment projects. The government need to recognize their crucial role in the community economy and the mediation and arbitration processes.

We address the government to support the self organization of indigenous youth towards their cultural exercise. We call for a more extensive youth participation in matters that relate to their awareness raising and capacity-building. The scholarship programs that are intended for indigenous youth and children should be accounted for to ensure that the benefits are given to the real beneficiaries of the program.

The “No-Home-Birthing Policy” of the DOH is discriminative to the indigenous peoples who opt to give birth under the care of their traditional midwives. We call for the Department of Health to repeal the “No-Home-Birthing Policy” and to recognize and respect traditional birthing and healing systems, reproductive health and traditional contraceptive methods of indigenous peoples. We demand that local civil registrars register and issue birth certificates to indigenous children that were born at home. The state should uphold the reproductive health rights of indigenous women while it should exhaust all efforts to put a stop on violence against indigenous women and girls.

On Indigenous Peoples and the Peace Process

We recognize and support the struggle of our Moro brothers and sisters for peace and against oppression and historical injustice. However we, the indigenous peoples, are victims of a conflict which is not ours. We are caught in the crossfire between the government armed forces and the MILF because our ancestral domains are the unwilling hosts of armed conflicts. Now, we are also victims of peace and a peace process that does not want to include us and does not want to hear us.

In seeking to uphold the rights of the Moro people, the BBL, as presently written, violates the rights of indigenous peoples found within the proposed Bangsamoro territory. In its present form, the BBL recognizes only one Bangsamoro identity, a single ancestral domain, and self-determination only for the Bangsamoro people. Subsuming the identity of indigenous peoples under a single Bangsamoro identity is tantamount to forced assimilation and internal colonization, which is prohibited under international law. Recognition of the ancestral domain of the Bangsamoro, but not the ancestral domain of indigenous peoples is a violation of our right against non-discrimination and indigenous land rights. We need to fight any attempt to diminish the rights of indigenous peoples in order to uphold the rights of another people. The right to self-determination of indigenous peoples is not lower than that of the Bangsamoro.

We call for the immediate delineation and titling of our ancestral domains. The BBL must be amended to recognize and provide a clear mechanism for titling our ancestral domains within the

proposed Bangsamoro territory. We demand the recognition of our identities as non-Moro indigenous peoples and the right not to identify ourselves as Bangsamoro. The BBL must recognize our immediately enforceable right to give or withhold consent to entry of any project into our territories, as well as our right to benefit from the operation of such projects.

For the past 18 years, the Autonomous Region of Muslim Mindanao, which the Bangsamoro seeks to replace, has not implemented the IPRA. Proponents of the BBL seek to perpetuate this injustice when they refuse to include implementation of the IPRA in the text. We call on the Philippine government to ensure full inclusion of indigenous peoples' rights in the BBL.

Education

When we oppose projects that affect our communities, we are automatically identified as members of the New Peoples Army and are harassed and vilified by the military. Even our initiatives for a culturally sensitive and appropriate education for our children is being questioned and tagged as subversive by the military. In fact, from 2011 to 2015 alone, there have been eighty two (82) documented incidences of military violations involving 57 schools in Mindanao. The harassment of school administrators, teachers and community leaders include threats, intimidation and even burning of school buildings. Likewise, in our quest to protect our children and community schools, we are being caught in the crossfire between armed groups.

We condemn the miserable plight of the victims of military operations in schools that are run by indigenous communities. We do not appeal for an increase in the number of textbooks, chairs and classrooms that the President bragged about in his last SONA, but what we demand is for the immediate withdrawal of military troops in our ancestral domains so that our internally displaced brothers and sisters can go back to their respective communities.

We also call on the government to respect the right of the indigenous peoples to practice their customary way of resolving conflicts that may arise in their territories on matters of education or otherwise.

We need a culturally sensitive education that is appropriate to our cultural context. We appeal for the recognition and support of the government on the initiatives of indigenous communities, church, private and civic organizations on indigenous education. We commend the effort of the DepEd on the IP Education framework but we call for a wider participation of community elders as teachers and we support traditional methods of teaching youth and children.

We also support the call that the government reject all attempts to be used as an instrument by the military and its subsidiary units which include para-military groups.

We remind the government on its obligation under the Convention on the Rights of The Child to respect the right to education, and for indigenous children not to be denied the right to enjoy their own culture.

Governance and traditional knowledge

We highlight the widespread efforts by indigenous peoples all over the country to revitalize and strengthen our traditional socio-political and decision-making systems. While we are making great strides towards securing genuine indigenous participation in local legislative bodies, we also recognize that much more needs to be done in weeding out self-proclaimed and politician-appointed tribal chieftains and indigenous peoples mandatory representatives (IPMRs). We call on all government agencies to recognize our genuine IP leaders and customary governance and decision-making systems. We should be represented not only in legislative bodies but also in executive bodies and all government agencies that have relevance for indigenous peoples. We demand accountability for those who have divided our communities by recognizing and installing fake tribal leaders.

Our traditional knowledge is a heritage from our ancestors, handed to us for many generations. Our traditional knowledge is developed from our intrinsic relations with nature, and cannot be separated with our management of our lands, territories and resources. Innovations have been created collectively, (not motivated by profit), but driven by adaptation to changes and the aspiration to improve the well-being of not only individuals but for the common good. As such, it can never be private property and cannot be reduced as a commercial or tourism commodity. The right to access and use of such traditional knowledge is held collectively by families, clans, and tribes guided and regulated by complex systems of customary laws and norms. Hence, traditional knowledge must be respected and safeguarded from mis-appropriation for private gains.

Indigenous Peoples have sustainably managed hectares of the world's forests and key biodiversity areas through our traditional knowledge. In the Philippines, the remaining key biodiversity hotspots and forests are in Indigenous Peoples territories sustained for generations, where we practice our traditional management systems of our natural resources and territories.

However, our traditional knowledge systems are now threatened with the loss of lands and territories due to extractive industries, mega dams, energy projects and other corporate interests on our natural resources. Discrimination on traditional knowledge which we have practiced over the generations is being promoted as inferior or as a subordinate set of knowledge to western-based knowledge and some religions. There is also mis-appropriation of our traditional knowledge for commercialization and tourism.

On the other hand, there is now a growing appreciation and recognition of the contributions of traditional knowledge of Indigenous Peoples as a response to the present multiple crisis in the environment, economic, and socio-political arenas that we are experiencing today. Under the international agreements on the Convention on Biodiversity, Climate Change and the UN Declaration on the Rights of Indigenous Peoples, the traditional knowledge of Indigenous Peoples has been recognized as a great contribution to the sustainable use and management of resources, in climate change adaptation and mitigation, in disaster risk management, sustainable agriculture and farming systems, livelihoods, health practices, values education, among others.

While we appreciate efforts and support extended by the government for our schools of living tradition and traditional festivals, we urge the NCCA and NCIP to extend more sustained levels of support with enhanced cultural sensitivity and participation of genuine indigenous leaders and traditional indigenous structures in decision-making and implementation.

We urge the government to enact clear mechanisms for the protection of our community intellectual rights. Our intellectual property system must be reformed to enable adequate protection of our traditional knowledge and traditional cultural expressions. We demand full disclosure from intellectual property users and applicants on their use of indigenous peoples' knowledge, including free, prior and informed consent and benefit-sharing. Any documentation of our knowledge and efforts to compile these in databases must be with our FPIC and must remain within our control.

Indigenous peoples have contributed the least to climate change and yet stand to suffer the most from climate-change related disasters and efforts to mitigate climate change. We demand due recognition of our contribution to climate change mitigation and adaptation through our traditional practices and livelihoods. We urge everyone to learn from our simple and sustainable ways of life in order to avert impending climate disasters.

We call for the various agencies of governments and UN bodies to support the promotion and enhancement of time-tested traditional knowledge and innovations of Indigenous Peoples, as an integral solution to the multiple crisis we are facing and towards a more sustainable development.