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**SECOND MEETING OF THE PERMANENT FORUM ON INDIGENOUS ISSUES**  
**May 12-23, 2003, UN building, New York**

**Presentation on Item no: 6 b: Human Rights**  
**By: Ms. Joan Carling, Chairperson, Cordillera Peoples Alliance**

During the meeting of the Commission on Human Rights held in Geneva in April 2003, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Professor Stavenhagen presented his report on his successful Mission to the Philippines held in December 2002, upon the official invitation of the Philippine government. Prior to the submission of his report, Stavenhagen had a de-briefing with government officials in Manila, of which most of his observations and recommendations were acknowledged. His official report came out in January this year, of which a copy was furnished to the Permanent representative of the Philippine Mission in Geneva, but there has been no official response submitted by the Philippines government until the April meeting of the CHR.

It is then highly deplorable that the response made by Mr. Dennis Lipatan, of the Philippine Mission to the United Nations in Geneva was very undiplomatic, irresponsible and uncalled for. Instead of presenting substantial comments to the content of Stavenhagen's report, Mr. Lipatan's response was clearly an attack to the integrity, honor, independence and credibility of the Special Rapporteur. To mention a few, Lipatan stated that the report of the Special rapporteur is nothing more than a litany of unsubstantiated allegations and ridiculous recommendations and even stating that the Special Rapporteur would do better as a diplomat in Geneva. This response of Lipatan, in behalf of the Philippine government is very unwarranted and deserves to be condemned. It clearly demonstrates the lack of respect of Lipatan to the work of the Special Rapporteur and equally highlighted the lack of sincerity on the part of the Philippine government to address the serious problems of indigenous peoples in terms of the protection of their human rights and fundamental freedoms. We welcome the support of the Chairperson of the CHR and other governments to the work of Rodolfo Stavenhagen as Special Rapporteur.

The Cordillera Peoples Alliance also made a presentation during the Meeting of the Commission on Human Rights, declaring its support to the report of Stavenhagen on his official Mission to the Philippines and commending his work as Special Rapporteur. CPA strongly believes that the independent report of Stavenhagen reflected the concrete problems and situation of indigenous peoples, based on actual testimonies and volumes of documents submitted to the special rapporteur during his visit. This very important report cannot simply be dismissed by the Philippine government as unsubstantiated and indigenous peoples all over the country can attest to the veracity of his report. In addition, representatives of the National Commission on Indigenous Peoples as well as of the United Nations Development Program in the Philippines were present during the regional meetings and national consultation conducted by Stavenhagen during his visit, which was a primary source of information in his report. It is then highly irresponsible for Mr. Lipatan to ignore this fact, and instead chose to malign the integrity of Stavenhagen.

CPA would like to take this occasion to respond to another allegation of Lipatan on the San Roque Dam project regarding its potential adverse impacts such as sedimentation and flooding to the indigenous peoples living in the upstream of the reservoir. Lipatan asserts that this is not possible since the communities are above the elevation of the reservoir. While it is true that the elevation of the reservoir is lower than upstream communities, this will however be filled up with sediments in the bottom, pushing the normal water level higher which can then cause flooding in the upstream during heavy water down fall. as already experienced by a lot of dam affected communities in the upstream. The Report of the Special Rapporteur on this project was based on an independent environmental review conducted by experts. Likewise, the very experience of the Ibaloi people on the Ambuklao dam which is above the San Roque Dam, attest to this possibility, since the Ambukalo reservoir is already filled up with silt, making it un-operational and sedimentation build up of the Ambuklao dam is already more than 18 kilometers long in the upstream of the dam, inundating indigenous communities, ricefields and crop lands. Serious sedimentation problem of a dam reservoir and the upstream is inherent in every large dam project, because it stops the natural flow of water and silt which will then gradually pile up or accumulate at the bottom

of the reservoir and the upstream of the river. It does not mean though that all silt flows down to the reservoir and will spill over as the reservoir will be partially filled up with water and sediments build up on the upstream. It is very unfortunate that Lipatan chose to highlight this issue, ignoring the fact that Ambuklao dam is a living example of this serious problem. We therefore challenge Lipatan to visit the Ambuklao dam and see for himself this serious adverse impact of large dams.

Mr. Chairperson, we believe the recommendations of the Special Rapporteur are very important in order to rectify the situation of serious human rights violations committed against indigenous peoples in the Philippines. At present, the situation of indigenous peoples is even getting worst, especially in militarized areas like Mindanao, Mindoro and the Cordillera. We thereby urge the Permanent Forum to take up the following actions on the report of the Special rapporteur on his Mission to the Philippines:

1. Study and support the Report ; and make a strong recommendation to the Philippine government to seriously consider the recommendations of Stavenhagen for immediate action.
2. To endorse report to the various UN agencies, funds and programs for their study and consideration regarding their work in the Philippines

We also recommend to the Permanent Forum to extend its utmost support to the work of the Special Rapporteur on the situation of human rights and fundamental freedoms, and encourage governments to invite him for a Mission in their country as part of their commitment to human rights protection, especially in countries where there is a request made by indigenous peoples. Further, the independence of the Special Rapporteur in the conduct of his Mission as in the case of the Philippine Mission shall be respected by all parties.

Finally, we recommend to the Permanent Forum to establish a monitoring mechanism on developments in relation to the reports made by the Special Rapportuer as additional tool for its evaluation on the human rights situation of indigenous peoples.

Thank you.