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ANTI-SLAVERY SOCIETY
FOR THE
PROTECTION OF HUMAN RIGHTS

REPORT FOR 1984 TO THE
UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS

The Philippines

In 1983 the Anti-Slavery Society presented to the Working Group on Indigenous Populations a long report about the 6.5 million people who belong to indigenous minority groups in the Philippines. We stated then that these indigenous people continued to retain a marked degree of cultural, economic and political independence but that they now faced unprecedented destruction as a consequence of policies being pursued by the government of the Philippines. This year we wish to address ourselves to the question of land and the attitudes of these national minorities to it.

Indigenous law in the Philippines was well developed at the time of the arrival of the Spanish colonizers in the 16th century. Yet the law subsequently imposed on the islands by the Spanish ignored all indigenous concepts of law and land title. The islands were claimed in the name of the king of Spain as if there were no valid pre-existing arrangements for land distribution and utilisation. Between 1898 and 1946 the United States of America took over the colonial administration of the Philippines and continued to recognize Spanish title, maintaining that land occupied by indigenous minorities was unclaimed and therefore within the public domain.

Today, despite independence, Philippines law is still a mixture of Spanish and North American legal traditions recorded and conducted in the English language. It remains as true today

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as it was under the colonial administrations of Spain and the United States of America that tribal land is deemed to be unoccupied and, therefore, available for exploitation by state enterprises or private companies. The alienation of tribal land in the Philippines, like the dispossession that occurred in Spanish America, is part of a long process which began in 1521 and still continues to this day.

Nominally there are provisions in the constitution and the laws of the Philippines for the protection of the land rights of the national minorities. But in practice where conflicts occur between indigenous communities and state or business interests, settlement is invariably made in favour of the latter, usually on the grounds of overriding national interest.

This is a long established pattern. The 1935 Philippines Constitution, for example, contained the provision that no foreign individual or company could own more than 1,026 hectares of national territory. However, at the time this law was enacted the Del Monte Fruit Company was in possession of 10,000 hectares of tribal land. The land was not restored to its original owners. In order to by-pass the law the government created the National Development Corporation which took over the official ownership and rented the land to Del Monte and other foreign enterprises for minimal rents.

In recent years the conflicts between the indigenous population, desperate to maintain its rights over what little land remains it, and the ill-defined and dubious national interest, have become bitter and more violent. The national interest has become increasingly identified with the small elite centred around President Marcos and his family and the transnational corporations prepared to work in partnership with the dictator.

Since 1972 the presidential power of law by decree has frequently been used to rob the national minorities of what little constitutional or legal protection that exists. The Anti-Slavery Society in other interventions and in a full report to the Commission on Human Rights has given substantial information concerning the hydro-electric power programme which if it goes ahead in its entirety will deprive upwards of 2 million tribal Filipinos of their land and livelihood.

Through two Presidential Decrees (1939 and 2041) passed in 1960 more than 40,000 hectares of land were acquired by the National Development Corporation. The land was occupied by tribal peoples, mainly Manobos, who were neither consulted nor compensated. Eventually many of them were forcibly moved from their homes and denied access to land they had farmed for generations. The land acquired by these supra-legal means has since been planted with oil palm to the benefit of the transnational corporation, Guthrie International and, in the view of the indigenous population affected, it has resulted in a serious deterioration in their living conditions.

Finally, the Anti-Slavery Society will provide one further example which demonstrates the vulnerability of tribal land when faced with the power of the present government. Just recently 81 families of the Ibaloy people were forcibly removed from their land in TOL y SUR in the province of Benguet. They had no choice about the matter and their farms were destroyed. At the stroke of a pen families lost their livelihood and their homes. And what was the national interest that had to be advanced with such rapidity and ruthlessness? Nothing less

than an 18-hole top quality golf course and a 50 foot high Mount Rushmore style bust of President Marcos carved out of the mountain side.

It is the view of this Society that the law in the Philippines does provide some protection of the land rights of indigenous peoples but that in the implementation of that law much is sacrificed in the interests of the ruling elite and those business interests supporting it.

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