

Intervention on Agenda Item: Review of Developments

UNWorking Group on Indigenous Populations

July 27-31, 1998 Sessions, Geneva

by

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Greetings from the Cordillera, Philippines.

DINTEG is a non-governmental organization providing legal services to the indigenous peoples of the Cordillera. It is composed of indigenous peoples and includes among its services legal research for policy advocacy. We are very pleased to be present here and to give the following intervention under the agenda item Review of Developments.

The Philippine government has recently signed into law the Indigenous Peoples Rights Act of 1997 which supposedly recognizes and promotes indigenous peoples rights, including land rights. Madam Chairperson, members of the working group and fellow indigenous peoples, please do not be deceived into thinking that Philippine indigenous peoples are happy with this new law.

The law has two main components, one is the supposed recognition of ancestral land rights of indigenous peoples through the issuance of certificates of ancestral land/domain titles. Such titles are to be obtained by interested indigenous peoples through an expensive and very confusing manner. This provision of the law will disenfranchise hundreds of indigenous peoples who can not afford or understand this process. Additionally, going through such a process will actually mean admitting that indeed, the Philippine government owns these lands and we, indigenous peoples are applying for recognition.

However, the danger of this provision is that it limits the concept and coverage of ancestral lands/domains. Many areas in indigenous territories are not claimed by one specific people and were instead used and managed by two or more communities. The new law does not recognize this reality and instead just recognizes those areas that have one people claiming it. For the indigenous peoples of the Cordillera this means giving up major portion of the area to the public domain. Furthermore, the granting of certificates to individuals will fast-track the commercialization of land and resources. It will now be easier for mining or any other company to come and negotiate with an individual title holder than to negotiate with an entire community. Indeed, this is the main danger of this whole concept of privatizing indigenous lands. The other danger that arises from this whole process is the creation of more landlords in indigenous territories. From experience, it is only the elite, those who have the resources and access to the courts who benefit from such programs and policies.

The second main provision of the IPRA is the creation of a super-body, the National Commission on Indigenous Peoples. This will be composed of seven presidential appointees who have the power to represent the 7 million indigenous peoples of the Philippines in all negotiations, discussions and meetings regarding indigenous peoples. This body will likewise have the power to enter into negotiations with companies interested in operating in indigenous territory. Madam Daes, isn't this a clear violation of the right to self-determination? How could 7 appointed people claim to represent and make decisions for us. Again, we see this as

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another attempt by government to further oppress us by creating a body that will take away our right to decide for ourselves.

The other provisions of the law are copied from various international standards and documents, including the draft declaration on the rights of indigenous peoples. This is nothing but sugar-coating attempts of government to deceive indigenous peoples and the international community on the real intent of the law which is to hasten the process of integration of indigenous peoples. The track record of the Philippine government when it comes to implementing these provisions is dismal at best. It has constantly violated even its own constitution when it comes to bowing to the will of big business and we don't think that this new law will be any different when it comes to implementation of the positive rhetoric found in it.

Madam Daes, as you see it has become even more urgent that the draft declaration is passed and adopted as soon as possible so that the rights of indigenous peoples are not compromised by national legislation. Furthermore, we urge the members of the working group to consider very seriously the suggestion or request from indigenous peoples of Asia to have a meeting in the region before the Decade ends. Such a meeting of the Working Group will go a long way in educating national governments of the importance of recognizing indigenous peoples rights in actions and not just in words.

Finally, Madam Chair, the indigenous peoples of the Philippines have, through a national consultation conducted last July 21-24, decided to reject the IPRA and all it stands for. This rejection of the new law means that we will not subject our rights to our lands to the limitations imposed by this law. This also means that we will not recognize nor give legitimacy to the NCIP and will continue to represent ourselves in all matters affecting our lives. This is an encouraging response by the Philippine indigenous peoples who have gained strength from our inter-action with each other. Through constant and serious study of the laws and policies imposed by the Philippine government, there is a growing awareness among indigenous peoples of the need to strengthen indigenous systems to counter-act these laws and policies. There is a growing consciousness among indigenous peoples that we could not seek redress from the government as it is the government that is perpetuating oppression against our people. From this awareness also comes the determination that we need to strengthen our ties with other oppressed peoples so the recognition that we seek will come about.

Thank you Madam Daes and we do look forward to seeing you in Asia before the next millenium.