



Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (KAMP)
National Alliance of Indigenous Peoples' Organizations in the Philippines
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National Alliance of Indigenous Peoples in the Philippines**

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Round Table Discussion 1: United Nations System Action to Implement the Rights of Indigenous Peoples

This statement is in behalf of our more than 600 indigenous peoples' grassroots organizations and networks of the National Alliance of Indigenous Peoples Organizations in the Philippines, or Kamp. This sharing is based on their experiences.

In the Philippines, the Indigenous Peoples Rights Act or IPRA was enacted in October 1997. It has been regarded by different UN mechanisms as a landmark legislation. The National Commission on Indigenous Peoples or NCIP is given mandate by the IPRA to promote and protect the rights and well-being of the indigenous peoples in the country. However, for 17 years since IPRA's enactment, there remains no genuine recognition, respect, and protection of our inherent rights as indigenous peoples as enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). In contrast, the NCIP served as a tool for perpetrating development aggression in the course of massive natural resource extraction. Systematic land grabbing, human rights violations, and violations to our collective right to self-determination and to our lands and resources are among the many sins of the IPRA and the NCIP to the indigenous peoples in the Philippines. These are the reasons why indigenous peoples' organizations have called for the repeal of IPRA and abolition of the NCIP.

Intrinsically and in its implementation, the IPRA is doomed to fail to protect and promote the rights of the indigenous peoples. Foremost, its interpretation of the right to self-determination is enshrined in the Free Prior and Informed Consent (FPIC) stipulation of the IPRA, the lone participation of indigenous peoples in any development schemes encroaching on their lands. This sole provision to presumably protect indigenous peoples rights is repeatedly violated by the NCIP. The NCIP has been instrumental in the entry of destructive projects in indigenous territories by facilitating the FPIC of indigenous peoples in favor of the corporations. These FPIC are usually acquired through manipulation, deceit, and coercion, disregarding the indigenous communities' customary systems and practices in decision-making.

To date, there are a total of 251 approved large-scale mining projects covering 532,530 hectares of indigenous lands, most of which have anomalous FPIC. On top of this are the ongoing operations and newly-approved energy projects that destroy what is left of our natural resources and environment on which we depend on for survival.

The IPRA and NCIP generally subsume to economic and development programs of the government which are in conflict with the needs and welfare of indigenous communities, and undermines the collective rights of the indigenous peoples for what is according to them is for "national development and the common good."

The NCIP, despite the existence of its Office of Empowerment and Human Rights, remains silent on the massive military deployment in indigenous communities. The heavy deployment of State forces, programmed in the government's internal security plan Oplan Bayanihan, are even reinforced by private security forces and paramilitary groups. Most of these paramilitary formations are recruited among the indigenous communities. This has resulted to a growing spate of extrajudicial killings, enforced disappearances, harassment, forced evacuation, filing of trumped-up charges, and other human rights abuses committed against indigenous peoples and other Filipinos especially in the rural areas.

As of September 2014, forty-six indigenous peoples have already been killed under the present Aquino administration. Victims of this most heinous human rights violations are usually the defenders of the rights of the indigenous peoples against the onslaught of development aggression, militarization, and political repression.

In the international level, the engagement of the indigenous peoples in the Philippines to the International Convention of the Elimination of Racial Discrimination, Universal Periodic Review, and with the Special Rapporteurs on Extra-Judicial Killings and on Rights of the Indigenous Peoples, have resulted to recommendations to the Philippine Government. However, the implementation of these recommendations, especially on extractive industries and FPIC, killings and other human rights violations, are yet to be seen.

Given these, we are forwarding the following comments and recommendations in the Outcome Document:

- 1) The indigenous peoples' right to self-determination must be recognized.
- 2) The establishment of any national mechanism should be with the meaningful and genuine participation of the IP – our communities and organizations, and should serve the indigenous peoples and protect their rights.
- 3) We support Paragraph 19 and would like to recommend to emphasize on violence against indigenous women caused by development aggression such as large-scale and destructive mining and energy projects, and the militarization of our communities and territories.
- 4) We welcome paragraphs 28, 29, 32 and 40 with particular recommendations to
 - a) Establish an international mechanism to provide oversight, redress, restitution and the implementation of Treaties, agreements and other constructive arrangements between Indigenous Peoples and the Government
 - b) Support implementation of national action plans, strategies and other measures based on the needs and capacity of IP communities, and as support to our right to self-determination.
 - c) Improve the UN mechanisms to achieve the ends of the UNDRIP and to make accountable the government and corporations to their violations of the human rights of IPs based on international standards, and end the culture of impunity.
- 5) To encourage the Philippine government to implement previous recommendations from the ICERD, previous special rapporteurs on Extra-judicial Killings and Indigenous Peoples, particularly on issues of extractive industries, political killings and other human rights violations, use of paramilitary groups
- 6) To repeal the Philippine Mining Act of 1995, revoke Executive Order 79 and support the passage of the people's mining bill in Congress that will uphold the rights of indigenous peoples and re-orient the mining industry to pursue a strategic and systematic national industry
- 7) To revoke Oplan Bayanihan, stop militarization of indigenous communities and human rights violations including extrajudicial killings, enforced disappearances and harassment of indigenous peoples, leaders, human rights defenders and their advocates. Immediately bring the perpetrators of human rights violations to justice, ensure indemnification for the victims and end the culture of impunity.