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Statement to the Second session of the UN Expert Mechanism on the Rights of Indigenous Peoples
Presentation under Agenda Item 4B
-UN Declaration on the Rights of Indigenous Peoples
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Thank you Madam Chair for giving me this rare opportunity to shortly speak about our indigenous justice system.

To start with, Madam Chair, I am Timuoy Noval Lambo, a member of the Subanon Tribe of the Zamboanga del Norte province, Mindanao, Philippines. I am representing the Gukom Sog Pito Kodolungan, a group of Subanon families living in a separate adjoining communities and belonging to one common ancestor. Given that the Indigenous Peoples Rights Act is patterned after the draft UN DRIP, we hope that the lessons learned by the indigenous peoples of the Philippines will contribute to the future implementation and interpretation of the UN DRIP with regard to conflict resolution using customary laws.

As a tribe, Madam chair, we have our own established customary laws to govern our people known to our tribe as "Kompongan Nog Botad", a body of unwritten traditional laws, which governs the following:

1. All forms of criminal offenses ranging from simple to the highest form of criminal offense;
2. Family laws governing marriages;
3. Economic activities governing traditional livelihood;
4. Foreign relations; and
5. Religious activities and exercises by the Subanon religious leaders.

Sad to note, Madam Chair, that the exercise of our indigenous justice system had not given due recognition by our Philippine government.

Let me cite to you Madam Chair, one grave example of how the government, through the National Commission of Indigenous Peoples (NCIP), violated our laws by establishing another council of elders for the purposes of obtaining an illegal free, prior and informed consent with regard to mining activities in our ancestral domains. This act of the NCIP caused division and intrigue among our people. In 2004, the Gulang Gukom found them guilty of such act and imposed penalties against this government agency. However, the NCIP failed to comply with such decision.

Another grave incident of violation of our customary laws was committed by a multinational mining corporation in Zamboanga del Norte, Philippines by destroying the Subanon sacred mountain. In 2007, this was brought to the attention of the Subanon highest judicial system for hearing. The Manager of the mining firm was invited to attend the scheduled hearing but instead of attending the hearing under the Subanon customary laws, the company refused the invitation, instead wrote very insulting comments against the authority of the Gulang Gukom. The incident of that Subanon resolution of the hearing of the case was brought to the National Commission on Indigenous Peoples (NCIP) but no action was taken.

In the Philippines, Madam Chair, we have the Indigenous Peoples Rights Act, which affirms that customary laws must be respected, however, despite the existence of this law, government itself has failed to recognize our jurisdiction.

Under this sad experience Madam Chair, the following recommendation be respectfully submitted:

1. Full recognition of indigenous justice system by the Philippine government;
2. All cases involving indigenous peoples filed in the regular courts of justive be referred to the indigenous courts having proper jurisdiction;
3. All cases involving indigenous peoples tried and found guilty beyond reasonable doubt under customary laws and sentenced for a certain period of imprisonment be accepted or admitted to any established government prison cell; and, finally,
4. That government instrumentalities and officials not only be held accountable under national laws, but also under indigenous laws which they violated.

Madam Chair, thank you very much for this opportunity. We hope that this experience will also help other countries and that these cases be brought to the attention of the UN Human Rights Council. Thank you again Madam Chair and may God the Almighty bless us all.