A Review of the Philippines Engagement and Treatment of its Indigenous Peoples: Barriers to the Implementation of the Indigenous Peoples Rights Act

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Iyaman, sak-en si Minnie Degawan, Kankanaey Igorot ay i-Sagada. Gawis ay agew tako am-in ya iyaman isnan nay nadagupan tako ta men-adalan tako am-in.

Thank you for the opportunity to share our experience here in the Philippines on this very important issue. These opportunities to share experiences are valuable for Indigenous Peoples as it brings together our lived experiences and lessons.

I will not be presenting a power point presentation, but rather I will narrate a story – as what we are more used to in our communities. I will share on the screen some photographs of the Cordillera – its people and its territory, just so you will not be bored with my image.

The history of the engagement of the State with the Philippine Indigenous Peoples is similar to that of other Indigenous Peoples around the world. Prior to colonization, the Philippines was composed of self-determing communities who have developed their own governance systems and rules of engagement with others outside of their communities. While the different communities were distinct from each other, and their natural resource management systems were dependent on their particular ecosystems, there were similarities. Most of the rules were never written down, but were rather passed orally from one generation to the next through various cultural methods – songs, stories and rituals were the means of transmission of these rules and knowledge systems.

When colonization came about and a one-nation State was established (Philippines from King Felipe of Spain) not all the communities in the archipelago were absorbed into the imposed governance system. The communities who resisted – actively and passively – were then classified as “lesser” than the majority who were integrated into the imposed system of governance. So, it was during the Spanish colonial period that the dichotomy started, where on the one hand you had the Chistianized Filipinos and the others who managed to resist colonialism. It was though the education system that discrimination was institutionalized against those who resisted.

During the American period some groups who resisted Spanish rule were finally subjugated and were absorbed into the bureaucracy. The colonial government strengthened its hold on the Indigenous communities by appointing indigenous leaders into positions of leadership. This allowed for the creation of a more stratified class system within indigenous communities. Furthermore, the colonial government established the Bureau of Non-Christian Tribes which served as the framework for the State to relate with the Indigenous Peoples. This system would be inherited by the succeeding governments. The very name of the agency reflects the objective of the engagement.

When the Philippines achieved independence from direct colonial rule, the State went through various systems of relating with indigenous peoples. There was the Commission on National Integration, which did not hide its intention of fully integrating Indigenous Peoples into the majority system. While it no longer referred to Indigenous Peoples as non-Christians, it changed the terminology to national cultural minorities – this time now stressing on the minoritization of IPs.

During the Marcos regime, the agency was named Presidential Agency for National Minorities (PANAMIN) - the stress was on the benevolent nature of the president. It sought to perpetuate the notion that the Indigenous Peoples had no agency of their own, but are rather wards of the president. Ironically, it was during this time that development aggression became the norm. This was the time of large scale land grabs for logging, mining and power generation. PANAMIN became notorious after it manufactured the myth of the Tasaday.

In 1985 PANAMIN was dissolved to give way to the Office of Northern/ Southern Cultural Communities (ONCC/OSCC). This time the stress on the cultural distinction of the indigenous communities. When the Peoples Power Revolution ousted the Marcos dictatorship and Corazon Aquino came to power, the bureaucracy was revamped and placed the agencies responsible for Indigenous Peoples under the office of the President. It was at this time that ancestral land rights was gaining acceptance among some in government. More importantly, a new constitution was created that recognizes some basic rights of Indigenous Peoples, such as for example, the provision for autonomous regions in the Cordillera and Bangsa Moro. These positive developments came about because of the sustained struggles of IPO’s that used a variety of tactics to advocate for their rights.

In 1997, the Indigenous Peoples Rights Act was signed into law.

IPRA is a comprehensive law that serves as the framework for government’s relations with Indigenous Peoples. Aside from recognizing the concepts of ancestral domain and FPIC, IPRA also brought into being the National Commission on Indigenous Peoples as the State vehicle to address Indigenous Peoples concerns.

So we can see the evolution of the relationship of the Philippine State to Indigenous Peoples, from one of assimilation, to patronage to cultural artefacts to where we are now. So what is the current relationship, is it constructive, respectful and empowering or is it more of the same, albeit couched in a different language?

The IPRA, crafted as it was after decades of oppression and emerging as a result of a peoples’ struggles carries with it progressive elements. It recognizes the need to have representation by the concerned peoples, the Commission is composed of IPs, though not necessarily of IP interests. It is envisioned as the champion of IPs in the government bureaucracy, hence the presumption that it will adhere to indigenous knowledge and governance systems and values. Sadly, this is not the case.

We have an agency that supposedly ensures that the rights of IPs as enshrined in the IPRA are adhered to by both government and private sector in their dealings with indigenous communities, but sadly lacks any credibility among IP communities, and even with the government itself.

This is evidenced by the lack of budgetary allocation for the agency and how other agencies disregard the Commission. The conflicting policies that exists in the nation’s body of laws is a great example of the lack of any power by the NCIP, the Department of Natural Resources (DENR) still hold sway in discussions regarding natural resources, including protected areas, even if these are within ancestral domains of IPs.

Why is this? Aside from the lack of budget for the NCIP to implement any meaningful programs, there is a lack of capacity among its staff. The NCIP inherited the staff of the old ONCC/OSCC that was essentially looking at providing social services to the cultural communities – so their staff were either nurses, midwives and the like. And the current NCIP is not any better, retired military personnel were re-cycled back into the civilian bureaucracy as commissioners. There has not been an honest to goodness assessment of the staffing needs of the commission to meet its stated objectives. So while there are people within the agency who are sincere in their efforts to work with IPs, the reality of having no budget and technical capacity to do so is a huge stumbling block.

And then there of course, is the third factor. How does the current government view IPs and what is its agenda in regards to ancestral domains? This third factor determines the kind of engagement and what type of relationship the State will have towards IPs.

Sadly, nothing really has changed. While the names of the agencies have changed the basic view that the State has with regards IPs has not changed. We are still the minorities, the ones to be pulled out for entertainment when dignitaries are around, the ones who need to sacrifice for the so-called good of the majority. In short, we remain a resource to be exploited rather than seen as potential partners in nation building.

Ancestral domains remain as resource base for the “development” of the country. Our territories are not seen for what they are – the source of our lives and cultures and contributors to biodiversity. Rather they are regarded as capital, and we, its peoples, mere nuisances to be used to negotiate for bigger royalties when dealing with foreign companies or to be dealt with using the full force and might of the State when we refuse to “sacrifice”.

While IPRA has progressive provisions, these remain on paper only. The reality is that Philippine Indigenous Peoples remain to be among the more endangered peoples. A study has ranked the Philippines as among the most dangerous places to be an indigenous person. This is because the State has not yet fully appreciated the nuances of the IPRA, nor has it come to terms with the fact that, Indigenous Peoples play an important role not just in biodiversity conservation or climate change responses, but we are also citizens and as such should be seen as partners for nation building. The constitutional provision recognizing autonomy has yet to be realized.

To summarize, good policies must go beyond the written form, constitutional provisions are no guarantees for effective engagement between States and Indigenous Peoples. As shown by the Philippine experience it takes political will and sincerity to provide the necessary funding and technical capacity for government agencies to effectively implement the intent of the law. For the NCIP to be an effective champion for Indigenous Peoples rights it has to undergo a drastic reorganization and re-orientation to be able to represent IP interests – a full assessment of its current capacities must be undertaken, including a review of its programs. More importantly, the Philippine government – from its very head to the local government units and cabinet secretaries must undertake efforts to really listen to the IPs, to learn from them. And do away with the outdated view that we are mere pawns in the business of nation building.

I end this story with the hope that through seminars such as these we can all learn from the different experiences of different peoples. I hope that governments take heed of the recommendations arising from gatherings such as these, these are after all, coming from a common desire by Indigenous Peoples to be recognized as partners, real partners, and not merely beneficiaries in the effort to build sustainable, equitable and just societies. Iyaman!