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**THE QUEST OF THE INDIGENOUS COMMUNITIES  
IN MINDANAO, PHILIPPINES:  
RIGHTS TO ANCESTRAL DOMAIN**

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\* The views expressed in this paper are those of the author and do not necessarily reflect the views of the Working Group or the United Nations

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# RIGHTS TO ANCESTRAL DOMAIN: THE QUEST OF THE INDIGENOUS COMMUNITIES IN MINDANAO PHILIPPINES

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## I. INTRODUCTION

“Indigenous Peoples,” according to the Report for the Independent Commission on International Humanitarian Issues, are the “descendants of original inhabitants of lands that boasted of rich cultures... before they were ravaged by colonizers”. Julian Burger (Report from the Frontier: The State of the Worlds’ Indigenous peoples) added that the indigenous peoples are at the frontline of national development programs, being “driven from traditional homelands, sometimes through force and sometimes through the use of alien laws and decrees.”

The indigenous peoples today are variously referred to as tribal Filipino, ethnic minorities or cultural minorities. Schirmer (1960) described them as “uplanders” who have been largely ignored in the political and social life of the country. (The Philippine Reader) Swenson (1960) likewise described the Tribal Filipinos as those who have retained a high degree of cultural, political, and economic independence, and who have withdrawn to isolated mountain areas to avoid Spanish and American colonial domination. Scott (1982) points out that Tribal Filipinos are called ethnic minorities because their ancestors resisted assimilation into the Spanish and American empires and thus retained more of the culture and customs of their ethnos, or tribe, than their colonized brothers.

This resistance against colonial occupation by the tribal Filipinos is viewed as a struggle to maintain their cultural identity and dignity through the years as distinct peoples. As a consequence, their ancestral domain and territories located in remote mountain areas greatly helped in maintaining what they are today. In the process, they have evolved a “distinct” way of life, a culture which is indigenous and different from the Filipino majority (Tabak, in SOLIDARITY, 1989).

The Asian Development Bank (ADB, 2002) which has recently a policy focused on the Indigenous peoples/Ethnic minority issues, cites two characteristics of indigenous peoples (ADB Report, 2002:3):

- ❖ Descent from population groups present in a given area, most often before modern states or territories were created and before modern borders were defined.

- ❖ Maintenance of cultural identities; and social, economic, cultural and political institutions separate from mainstream or dominant societies and culture.

While the Indigenous Peoples Rights Acts (IPRA) enacted in 1977, defines indigenous peoples as follows:

*A group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on community bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos. ICCs/IPs [indigenous cultural communities/indigenous peoples] shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains. IPRA, Chapter II, Section 3h).*

Factors inherent in this definition include historical continuity, self-identification, and group membership. Historical continuity is characterized by occupation of ancestral lands/domains; common ancestry with the original occupants of these lands; culture in general or specific manifestation; and language and residence. The concept of self-identification is definitely related to group membership, identity and history. However, the thread that weaves these factors together is the IPs attachment to land and territory (ADB report, 2002:4).

## **II. THE PHILIPPINES**

### **A. Historical Background**

The Philippines is an archipelago of 7,107 islands, north of the equator, off the southeast coast of the Asian mainland. It has a total land area of 300,000 sq. km., spanning 1,854 kilometers from North to South. It is bounded on the north by the Bashi channel, on the east by the Pacific Ocean, on the west by the China Sea and on the south Sulu Sea and Celebes Sea.

The archipelago is divided into three major island groups: Luzon, Bisayas, and Mindanao (See Map 1). Many of these islands are of volcanic origin and numerous fault lines crisscross the archipelago, making it one of the most earthquake-prone countries in the world.

Geological studies have shown that during the Pleistocene period, the Philippine archipelago was once connected to the Asian mainland by a landbridge which served as a corridor to the animals and human populations that migrated to these islands which came in trickles. Some of these groups were the ancestors of the present-day indigenous people.

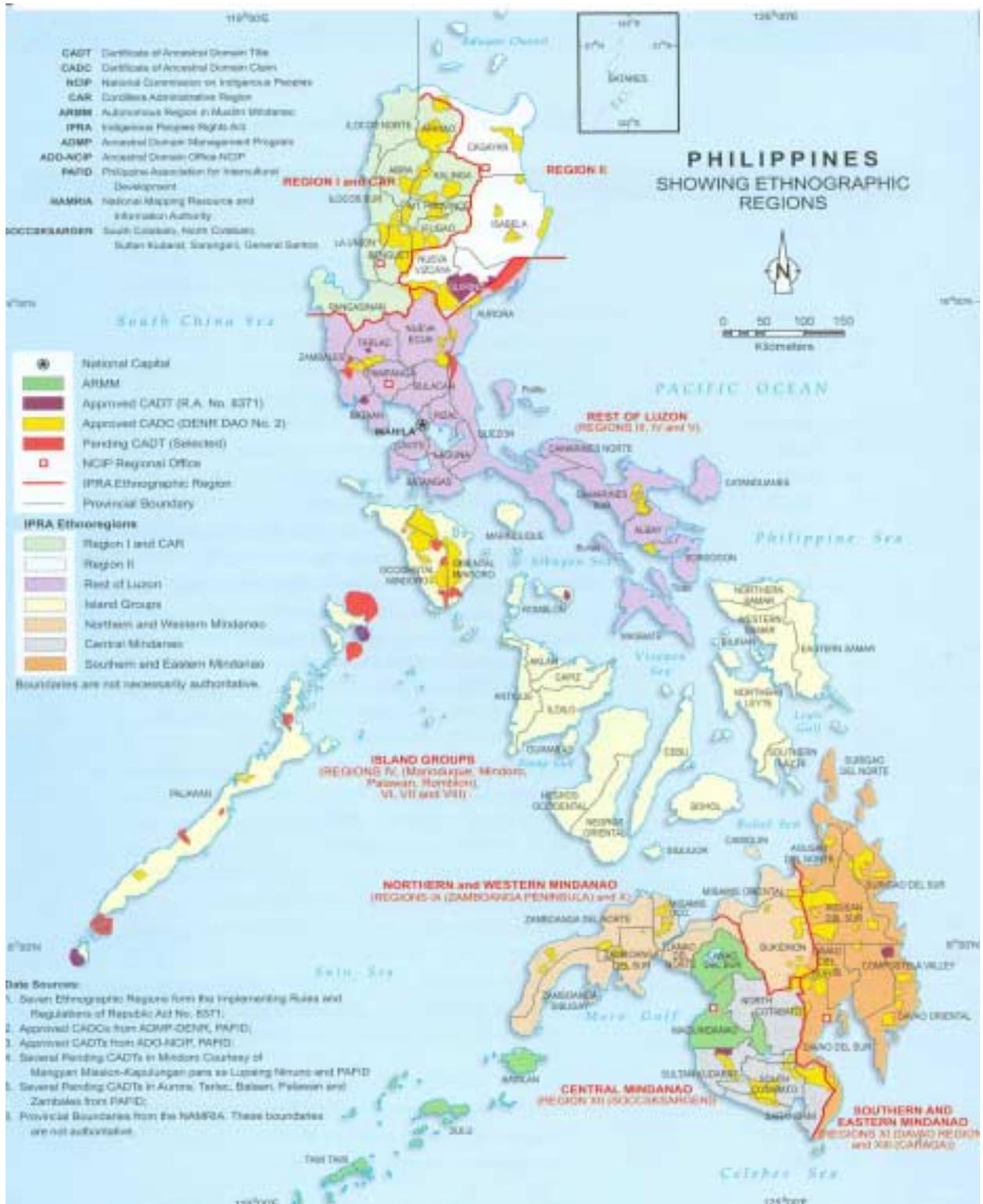
In 1565, forty-four years after the discovery of this archipelago by Fernando Magallanes in 1521, the islands were proclaimed colony of Spain and hence ruled the country for over three centuries (1565-1898). At the turn of the 20<sup>th</sup> century, Spain ceded the Philippines to the United States after her defeat during the American-Spanish war in 1898.. The Philippines was a sovereign of the United States for fifty years (1900-1946) until she gain her independence from the US on July 4<sup>th</sup>, 1946. The post-war republic was under democratic presidents until 1972 when Ferdinand Marcos imposed Martial Law for thirteen years in the country but was toppled down by the EDSA “revolution” in 1986.

The post-Marcos era was followed by the first woman president in the country who restored democracy including a new constitution in 1987. She was succeeded by a former general believed to have brought the country out of economic chaos. In 1998, another president took over the helm, though adored by the masses, was weak and had a questionable reputation. Another EDSA “revolution” (EDSA II) toppled him down during the first two years of his 6-year term. His vice-president, now the incumbent lady president took over the presidency.

## **B. Demographic Information**

The total population of the Philippines is 78 million people according to the year 2000 population census (NSO, 2000). According to the National Commission on Indigenous People (NCIP), the total population of indigenous peoples in the Philippines in 1998 was estimated to be between 12 and 15 million. However, the latest survey of the National Statistics Office conducted in 1995 shows that the IP population might even exceed 20% of the national total. Moreover, the NCIP reports that the majority (61%) of the IPs are in Mindanao; while 33% thrive in Luzon; the other groups (6%) are distributed among the Bisayan Islands. The Summer Institute of Linguistics estimated that there are 171 different languages in the Philippines (Hendrickson, et. al. 1991). Of these, 168 are living languages and three are extinct. The Philippine languages belong to the Austronesian linguistic stock under the Malayo-Polynesian sub-group. There are three subgroups: northern Philippine group whose languages belong to the different indigenous people in the Cordillera region and Central Luzon; Central Philippine group occupied the southern Luzon region (Tagalog, Bikol) and the Bisayan islands; and the southern Philippine groups whose languages belong to the IPs of Mindanao.

The Philippines, the only Christian country in Asia, is predominantly Roman Catholic (83%); the non-Catholics are composed of various Protestant Christian denominations, and other Christian sects. The Muslim Filipino composed about 8% of the country’s population.



**Map 1. MAP OF THE PHILIPPINES**

### **C. Creation of Cultural/National Minorities**

The indigenous communities are also categorized as the “cultural minority” to differentiate them from the lowland Christian majority. Scott (1982) avers that the concept of cultural minority, emerged in response to historical processes. In earlier account of Spanish Chronicles, there was no distinction whatsoever between the various inhabitants of the Philippine Archipelago, except for ethno-social classification and the distinguishing of tribal groups. However, the later accounts distinguished the inhabitants from one group to another mainly by whether, they had submitted to the Spanish rule or not. They were either *Infieles* (pagans) or *Indios* (Christianized lowlanders).

Thus, the event which led to this distinction of minority/majority is clearly political and religious subjugation. Those who had submitted to Spain were usually from the coastal lowlands and were converted to the Christian faith and had become acculturated to the Hispanic culture – they were known as the “majority”. While those who inhabited the hinterlands, refused to submit or accept the Christian religion, were desirous of preserving the culture of their ancestors, were designated as the “minority”.

The United States Government, took over the Philippine Islands from Spain at the turn of the 20<sup>th</sup> century. From their experience with the American Indians, the colonial administration classified the Filipinos as “Christians” and “non-Christians” in order to facilitate administrative and social control. In 1901, the Bureau of Non-Christian Tribes was established in order to institutionalize effectively the “non-Christian” label differentiating tribal Filipinos, from the Christian majority. Moreover, the Christian Filipinos, who possess the wealth of the country and control the political system and social services, have finally declared Tribal Filipinos as “cultural minorities”.

Because of their physical and cultural isolation from lowland Christians, the cultural minorities became the wards of the American colonial government. This function continued until the onset of the Republic up to the present. The Commission on National Integration (CNI) was organized from the Commonwealth period up to 1968 and replaced by the Presidential Arm for the National Minority (PANAMIN) which existed until 1985. When the new regime came in 1986, the indigenous communities were placed under a new office – the Northern Cultural Communities (NCC) to take care of the Indigenous population of the northern region (Northern and Central Luzon), and the Southern Cultural Communities (SCC) to look after the welfare of indigenous peoples in the Bisayan and Mindanao regions.

Based on linguistic and cultural criteria, the cultural minorities are composed of about 80 groups as against 20 groups who constitute the majority. They are, however, numerically fewer and also much less powerful than their counterparts.

### **D. State Policies Toward Indigenous Peoples**

The indigenous peoples in the Philippines was a creation of history (Rodil, 1994) because prior to the advent of the Spanish colonizers they already had customary precepts and practices of land use and ownership. Although they vary in their concepts of the value of land, landownership was based on communal usage (usufruct) and sharing of produce among the kinsmen and neighbors.

Those indigenous peoples at varying levels had developed social and political structure to regulate their relations within their communities as well as with outsiders. Thus, because of their strong ties to their lands and resources, any group which may enter or violate their territory usually led to intermittent conflict.

During the Spanish colonial period, the government introduced laws that denied the natives their customary precepts of land use and ownership. Through the policy of “encomienda,” the Regalian doctrine was introduced, wherein land grants were issued by the King of Spain and managed by an “encomiendero.” His duty was to collect tributes/taxes and enforced the economic policies of the government on their constituents. Under the Regalian Doctrine, the Maura law was enacted which stipulated that all pueblo lands were protected lands; they could not be alienated because they belonged to the King (Corpuz, 1977). However, notwithstanding colonial policies, the unassimilated IPs continued to practice their customary laws and belief system related to their land and resources.

The concept of the Regalian Doctrine of Spain was retained by the American colonial government. Laws were made to reinforce the States’ control over the public domain, for the reason that there was no effective system of land registration during the Spanish period. Some of the laws passed included the following:

- Land Registration Act No. 496 of 1902, which declared all lands subject to torrens system and empowered the State to issue a parcel of land to any legitimate claimant.
- Philippine Commission Act No. 178 of 1903 ordered all unregistered lands to become part of the public domain; only State had the authority to classify or exploit these lands.
- Mining Law of 1905 gave the Americans the right to acquire public lands for mining purpose.
- Public Land Act of 1913, 1915, and 1925 through which: Mindanao and all other areas of fertile lands considered by the State as unoccupied, unreserved or unappropriated public lands would be available to homesteaders and corporation irregardless of their occupancy by the indigenous people.

During the Commonwealth period (1935-1946) in the Philippines, the 1935 constitution mandates, gave rise to a number of laws that continued to deny the indigenous people’s customary land use and ownership, such as Presidential Decree 705 enacted in 1975 which further delimited ownership among indigenous people especially those lands with a slope of 18% or more. Thus, this PD 705 made the indigenous communities of the Cordillera virtually “squatters in their own land” because most of these lands are located in mountainous areas that are within the 18% slope.

Moreover, the Philippine constitution of 1987 has retained the Regalian Doctrine which is stipulated in Section 2, Article XII of the Constitution. Nonetheless, this Constitution contained also provisions recognizing the “rights of the indigenous cultural communities within the framework of national unity and development” (Article II,

Section 22) and the creation of autonomous regions in Muslim Mindanao and in the Cordillera (Article X, Sec. 15-19).

The State's constitutional recognition of indigenous rights in the "context of national development" did not, however, alter the situation of the indigenous populace. There were government policies and programs implemented on the IP territories such as the reforestation program, National Integrated Protected Area System (NIPAS) Act of 1992, Mining Act of 1995, and Overseas Development Assistance (ODA) projects. Although the objectives were noble, especially for the protection of the forests and assist the IPs in their livelihood to combat poverty, the IPs, on the other hand, were limited to access to their lands/territories in order to carry out subsistence activities.

Following the 1987 constitution's mandate, the Republic Act (RA) 8371 also known as the Indigenous People Rights Act (IPRA) was enacted in 1997. This was believed to be a landmark piece of legislation and a milestone to the indigenous people's clamor for their ancestral domain, a right they claimed to uphold.

### **E. The Indigenous Peoples Rights Act**

In the enforcement of the 1987 constitution, the IPRA law mandates that the State should create a policy to "recognize and promote the rights of indigenous peoples within the framework of national unity and development" (Philippine Constitution, Sec. 22, Act II) and to "protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being (Philippine Constitution, 1987, Sec. 5, Act XIII and Sec. 17, Act XIV).

There are four key elements of the Indigenous Peoples Policy along which programs and projects be developed:

#### *1. Right to ancestral Land/Domain*

The law restores the rights of indigenous peoples over their ancestral lands and domains. Ancestral land under IPRA refers to lands occupied by individuals, families, and clans, who are members of indigenous cultural communities including residential lots, swidden farms, rice terraces, private forests and tree lots. These lands must have been occupied, possessed and utilized by them or their ancestors from time immemorial continuously to the present (Section 3b IPRA). While ancestral domains are defined as areas generally belonging to cultural communities including lands, forests, pasture, residential and agricultural lands, hunting grounds, worship areas, and lands no longer occupied exclusively by indigenous communities but to which they had traditional access, such as home ranges of IPs who are still nomadic or shifting cultivators. Domains also include inland waters and coastal areas and natural resources therein which had been held or possessed by the IPs and their ancestors in the past.

Over these lands/domains the IPs have the right of ownership and to develop and manage lands and natural resources, right to stay/reside in territories and not to be displaced there from, right to resolve conflicts according to customary laws. Moreover, the law stipulates that IPs and

their communities have the responsibility to maintain ecological balance and restore denuded areas and manage the resources in their domains.

Rights over ancestral domain is manifested through the application of particular tribal community to obtain the Certificate for Ancestral Domain Claim (CADC) which is issued by the NCIP after assessment of documents submitted. The CADC has a tenure of 25 years but renewable wherein the community though they exercise all the rights to their claim, yet serve as stewards of the domain. An overriding provision, however, was added to strengthen the ancestral domain claim known as the Certificate of Ancestral Domain Title (CADT). This means that the claimed domain will be titled and no external forces can intrude into their domain or take away the lands and resources therein.

## 2. *Right to Self-Governance and Empowerment*

The law further defines to pursue the range of the exercise of these rights: the right to pursue economic, social and cultural development; the right to use commonly accepted justice systems, conflict resolution strategies, peace building process, and customary laws; to participate in decision-making; to maintain and develop indigenous political structures; to have mandatory representation in policy-making bodies; to determined their own priorities for development; to establish their tribal barangay (village); and to organize People's Organizations (PO).

It is believed that the law can be used by the IPs as a vital instrument for their empowerment—the principle of Free and Prior Informed consent (FPIC) which stipulates that—

*The IPs shall, within their communities, determine for themselves policies, development programs, projects, plans to meet their identified priority needs and concerns; they shall have the right to accept or reject a certain development intervention in their particular communities. Their decision to accept or reject a proposed policy, program, or plan shall be assessed in accordance with their development framework and their value system for the protection of land and resources (Section 3, Part III, IPRA Law).*

## 3. *Right to Cultural Integrity*

In this agendum, several provisions are incorporated such as the constitutional and legal framework, and the conceptual framework for cultural integrity. This includes also procedures for the recognition of such rights including the right to indigenous culture, customs and traditions; right to establish and control educational learning systems; recognition of cultural diversity; right to identify and name; right to community intellectual property; protection of indigenous sacred places; right to protect indigenous knowledge; right to Science and Human Rights.

#### 4. *Social Justice and Human Rights*

The IPRA laws place safeguards in recognition and respect for fundamental human rights. Specific provisions ensures that the IPs enjoy the same rights as other human beings such as the rights to life; development and civil liberties, political rights; freedom of association; equal protection; rights to peace and social justice. Moreover, the law guarantees the IPs right to basic social services; right to employment, health, housing, social security, infrastructure, transportation and communication.

Following the constitutional mandate (Art. 16, Sec 12), the IPRA created the National Commission on Indigenous people (NCIP) designated as “the primary government agency for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the IPs and their ancestral domains (Sec 38, IPRA).

### **III. MINDANAO: THE LAND OF PROMISE AND CONFLICT**

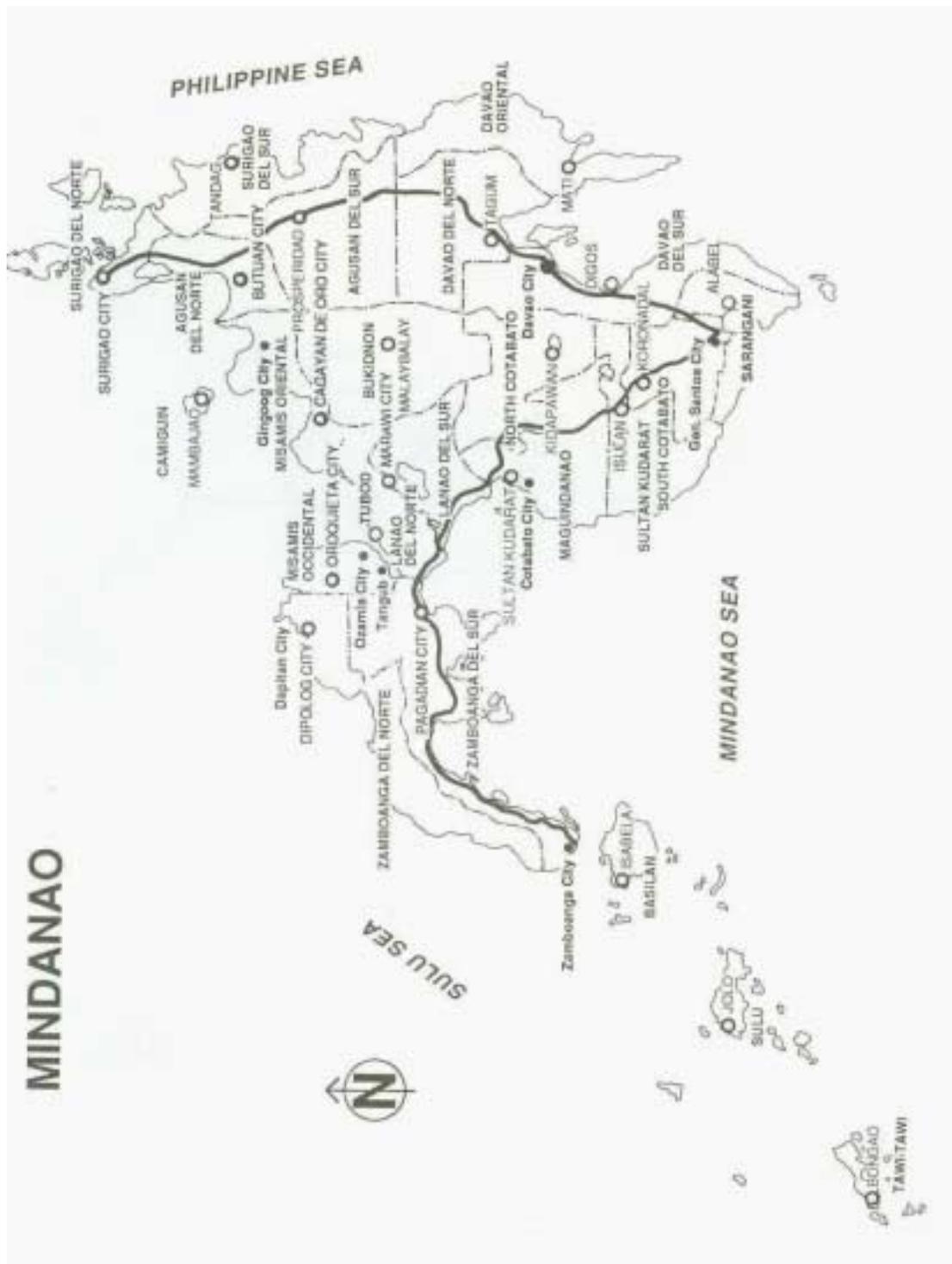
#### **A. Geography**

Mindanao, the second largest island in the Philippines is located between 5°36' and 9°40' north latitude, and 125°36' and 130° east longitude. It has a total land area of 94,630 sq. km. or 34 percent of the total land area of the Philippines. Due to its geological development, the island has a long and irregular coastline with many bays and large peninsulas, number of volcanoes, high mountain ranges, upland plateaus and many lakes.

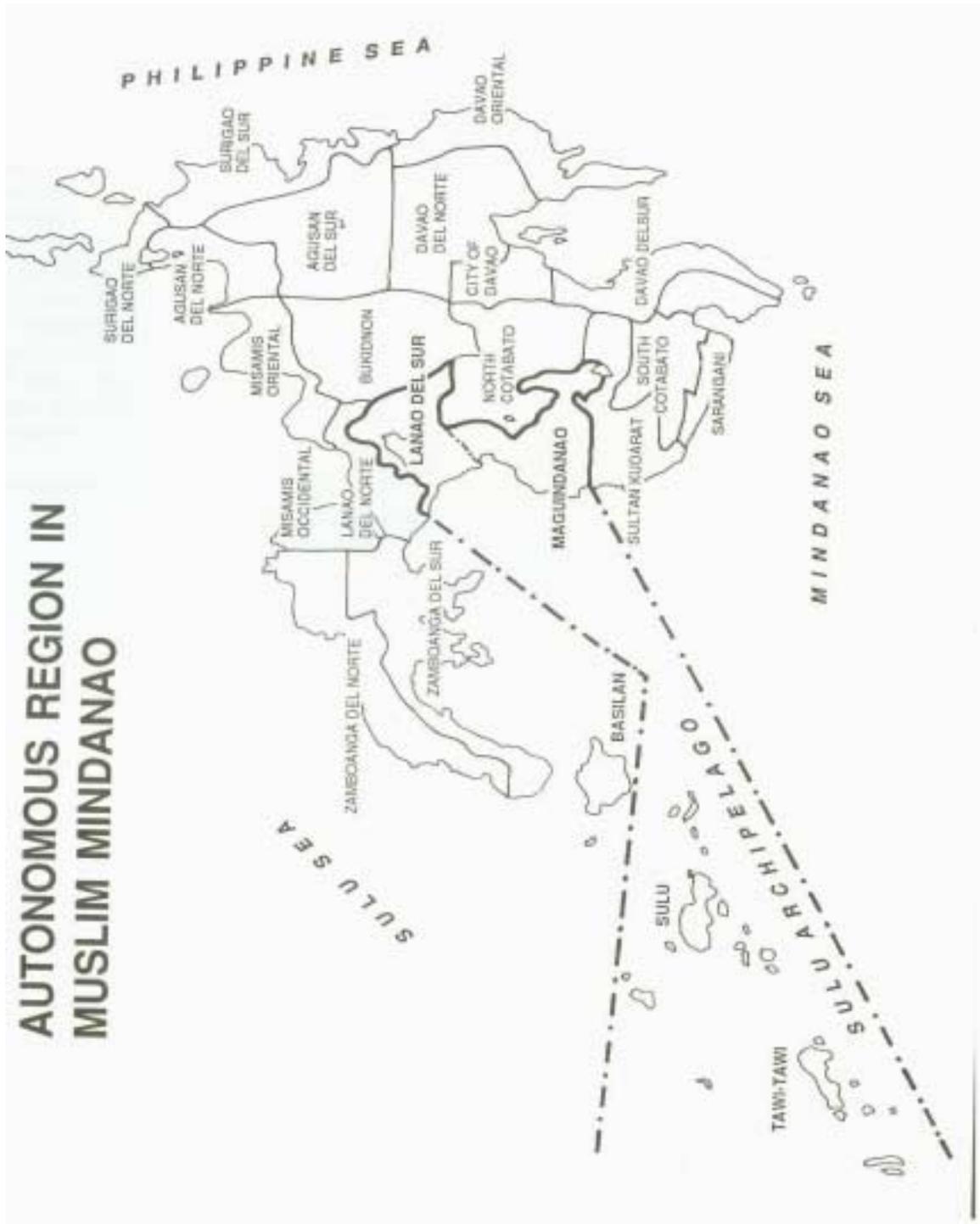
The island is divided into 5 political regions: Region 9 and Region 10 in Northern Mindanao is composed of 5 provinces and 7 cities; Region 11 in southeastern Mindanao has 4 provinces and 5 cities; Region 12 is composed of 3 provinces and 2 cities; Region 13 is located in the northeastern part of Mindanao with 4 provinces and 2 cities; and the Autonomous Region of Muslim Mindanao is composed of provinces that are heavily populated by Islamized Filipinos (Lanao del Sur, Maguindanao, Basilan and the Sulu Archipelago) (Please see Maps 2 and 3 for these designations.)

#### **B. Brief Historical Trends**

The island of Mindanao lies on the strategic location which served as the corridor for movement of population from mainland Southeast Asia in the past. Archaeological studies conducted in Mindanao have revealed the coming of trickles of human populations from 30,000 years B.P. to 12<sup>th</sup> century A.D. who occupied the different islands of the archipelago including Mindanao.



Map 2. Map of Mindanao



**Map 3. Map of the Autonomous Region In Muslim Mindanao**

There were three earlier human populations that settled in the island who were the ancestors of the present-day indigenous peoples in Mindanao. These are the: (1) Aetas (negritos) who came the earliest (30-25,000), were nomadic hunters and foragers. Their present day descendants, now called Mamanwa, are confined only in 3 provinces of Region 13—Agusan del Norte, Surigao del Norte and Surigao del Sur; (2) Proto-Manobo speakers came around 3,000 years B.P. were late Neolithic culture bearers with slash-and-burn subsistence pattern. Their descendants today are distributed throughout the island and considered the largest ethnolinguistic group in Mindanao; (3) Non-Manobo speakers who came perhaps during the late metal age (500 B.C.) with the knowledge of iron smelting and rice agriculture, occupied the southwestern coastal region of the island. Their present-day descendants would include the T'boli, Bla-an, Tiruray, Iranun, Maranao, Subanen, Mandaya, Mansaka, and Bagobo. There were groups that occupied the outlier islands of the Sulu archipelago.

In middle of the 13<sup>th</sup> century, Islam was introduced to the peoples, initially, in the southern Mindanao. Some groups such as the coastal Iranun (later became known as Maguindanao) were converted to Islam; while those who refused conversion remained animists in their religion. Islam was spread towards other regions of the island, but were successful only among certain groups such as those who dwelt along Lanao Lake, the Maranao, and those in the outlier islands of Sulu, the Sama and the Tausug, and the Yakan in Basilan. These groups are within the ARMM.

After the Philippine Islands were declared a colony of Spain in 1565, the Spanish Roman Catholic missionaries commenced their mission work in northern Mindanao in 1590. The Augustinian Recollect Fathers and the Jesuits of the Society of Jesus were the two main groups of Christian workers who labored among the indigenes of Mindanao converting them to the Christian faith and teaching them the ways of "civilization".

The Jesuit missionaries were not only instrumental in the conversion of the indigenous population to Christianity but also for controlling all the inhabitants of the islands. The reason for this move was due to the fact that the indigenous populations were scattered in tiny clusters adjacent to their swidden farms and thus could not be reached by missionaries and government officials. The most feasible way was to congregate or reduce them into compact villages (reduction centers) (Phelan, 1959:44).

However, the natives resisted this policy and moved farther into the highlands. Because Mindanao's population at that time was minimal there was more space available, and the Spanish colonial government encouraged the migration of peoples from the Bisayan region. Jesuit missionaries, however, opposed this move because the reduced natives were forced to leave the mission stations: the more sophisticated migrants looked down upon the lowly natives and it created animosity between them. The migrants who occupied the coastal and riverine zones were given haciendas, (a concentration of land ownership) and brought each community under one system of production relations. The indigenous social structure disintegrated as the colonial system of economical, political and religious ways were super-imposed on the old order.

For the whole duration of Spanish rule, indigenous populations of Mindanao that were uncolonized fought to preserve their tradition; they avoided colonization by

resettling in more inaccessible and mountainous regions and practiced swidden farming (slash and burn) along with hunting and foraging. At the end of the Spanish regime, those traditional communities became isolated from the christianized and colonized nations.

In the early 1900s, the US Colonial Government established outposts in Mindanao to subdue some “rebellious” inhabitants specifically the traditional communities and the Muslim groups. The American administration also opened the door for migration to people from other regions and settled the unpopulated areas. This policy continued until the post-Republic regime.

*C. Demographic/Ethnographic Profile of the Tri-people of Mindanao*

At present, the Mindanao population can be categorized into three groups: the Lumad, the Moros, and the Dumagat. Each group will be briefly described in terms of demography and ethnography.

1). The Lumad is a generic term derived or coined from the Bisayan language which means “native” of a certain place. It is applied in reference to the indigenous peoples who are non-islamized and still adhere to their traditional cultural patterns or life style. The Lumads are sub-categorized into the Manobo-speakers and non-Manobo speaking groups.

The Manobo are widely distributed throughout Mindanao and are in the upland valleys and along large river systems. Because of their dispersed locations, they spoke variants of the Manobo language but intelligible to different sub-groups. They are mainly swidden cultivators, and believers of animism (although most are nominal Christians), with existing political structure—under the datu (chieftain). The present-day Manobo population are mostly found in northern and northeastern Mindanao (Region 10 and 13), and in Southern Mindanao (Region 11). Their population is estimated to be around 2 million.

The non-Manobo Lumad group are mostly distributed in the southern (Region 11) and western region (Region 9) of Mindanao. There are about 18 ethnolinguistic groups that compose this category. They speak different languages but share some linguistic cognates common to most Austronesian languages. Most of these groups have the knowledge of metallurgy such as brass-making, cloth-weaving, and engaged in rain-fed farming including swidden cultivation. Like the Manobo, they are animists, although many have been converted either to the Christian faith or Islam. The population has been estimated at around 1.5 million.

2. The Moros are also indigenous peoples of Mindanao whose ancestors were converted to Islam and referred to as the Muslim Filipinos. They are all included in the Autonomous region of Muslim of the island. There are at least 13 islamized ethnolinguistic groups indigenous to Mindanao. But there are three major Moro groups: the Maranaos who live around Lake Lanao and most of Lanao del Sur and Lanao del Norte provinces; Maguindanao who are found in the provinces of Sultan Kudarat, and Maguindanao; and Tausug, who inhabit many of the islands in the Sulu Archipelago. These groups speak different

languages and have different cultural orientations—their traditional pre-Islamic life style. Islam is mainly the common unifying factor among them. But traditionally they have some commonality with the Lumad groups.

Moreover, the term Moro which was recently adopted, denotes a political identity distinct to the peoples of Mindanao and Sulu. The Spanish colonizers originally used the term for peoples of Mindanao who shared the religion of the Moors who had once colonized Spain. It used to be considered derogatory by the Muslim Filipinos; however, in the 1970s, the term Moro was reclaimed in their efforts to have a distinct Moro identity and consciousness of a nation—Bangsa Moro an Islamic republic. The recent population estimate is between 7 to 8 million people.

3. The Dumagat or “people from over the sea” is a term used by the Lumad in reference to those lowland settlers who migrated to Mindanao. They compose the majority of Mindanao's population. They or their forebears came from other regions of the country like Luzon and the Bisayan islands who were encouraged by the Spanish and American governments in colonial times to migrate to Mindanao to populate the empty areas with Christians as a deterrent to the spread of Islam.

In post-colonial period, migrants flocked to Mindanao in search of land and better opportunities wherein many were successful in their quest and became prominent leaders in politics and business world. They also occupy the higher rung of the social ladder. Consequently also, the Cebuano language became the *lingua franca* of Mindanao and spoken by almost all peoples of the island. The Dumagats, who are mostly Christians, occupy most of the areas in Mindanao and co-exist with the Moros and Lumad groups. As a consequence, there have been intermarriages between the Dumagat and other groups of Mindanao.

The Chinese, on the other hand, who are in the minority, had ventured into Mindanao for opportunities which they successfully achieved. They intermarried with Filipino women and were able to establish business enterprises throughout the island. They largely own most of the commercial establishments from stores to malls and hotels. They were, nevertheless, partly responsible for the growth of the urban centers in Mindanao.

#### **IV. ISSUES ON MINDANAO CONFLICT**

Conflict on the island of Mindanao on different scale had been in existence for many centuries, before the advent of Islam and Christianity. Inter-tribal warfare among ethnic groups were mentioned/cited in the “Ulahingan” epic of the Southern Manobo. The Islamized indigenous populations of southwestern Mindanao, to establish hegemony over the island attempted to subdue tribal settlements by raiding them and made the inhabitants captives to be sold as slaves. The non-Muslim communities repelled them by fighting the invaders. Folk oral history relate of inter-tribal warfare between the Manobo and the Higaonon over territorial boundaries. But most of the conflicts are given resolutions through the holding of the peace pacts such as the

“Tampuda Hu Baegon” (settlement of conflict by cutting a rattan vine to end the enmity between warring groups).

The colonial occupation of Mindanao by the Spanish and American from 1565 up until 1946 had contributed to the causes of Mindanao conflict because they altered the political and social structures of the indigenous peoples. These also had affected their cultural framework as well as their psychological state of being. Consequently, in the modern times, although the conflicts have taken different forms, yet the root cause can still be traced back to colonialism.

The issues can be traced or related to religious conflict between Christian settlers and the Muslim natives; political ideology such as the presence of the National Peoples’ Army (under the communist people’s party); and political movements towards self-determination of the non-Muslim Lumad, and the establishment of the Islamic Republic in Mindanao. These conflicts have a direct bearing to minority/majority stances and are affecting specifically the non-Muslim IPs. For better understanding of these issues, each will be briefly delineated.

- (1) Christian-Muslim conflict emanated during the Spanish colonial period when the Spanish missionaries, specifically, the Jesuits were attempting to put a stop to slave raiding of the Lumad communities which would likewise affect their economic pursuits—that is, slave trading. Moreover, as more Christian settlers were encouraged to settle in Mindanao lands/domains of both Lumads and Muslim Lumads were intruded into by the Christian settlers until the post-republic period. Sporadic conflict between Muslim and Christian arose but was easily quelled by the government. However, the most inauspicious conflict took place in the early 70’s in Southwestern Mindanao region. The conflict was between the Christian settlers, specifically Bisayan Ilongo and the Maguindanao Muslims. The cause was over land which were apparently sold to the Christians by the Muslims but later were forceful retrieved by the latter when the farms were seen productive. Resistance from the settlers led to ensuing arm conflict. The Christian settlers formed their “vigilante” groups which later developed into cultist groups and used by the military to fight the early Muslim resistance who were against the government. The animosity between the Christians and Muslims, however, had weakened over the years especially with the recognition and/or establishment of Muslim hegemony over the autonomous region of Muslim Mindanao. Moreover, the BISHOP-Ulama group, composed of the Christian leaders (Catholic and Protestants) and the Muslim Ulamas from the different Muslim Filipino groups—Maguindanao, Maranao and Tausug—played a vital role in the peace process and continuous dialogue among the groups concerned.
- (2) Movement for Self-Determination of the Non-muslim Lumad has been a burning issue among the more militant and conscientized group of Lumad, inspired and influenced by more radical entities (both national and international). Mainly, the thrust of this movement, according to Rodil (1992), is the fundamental recognition of their rights to their lands/domains and resources therein, and the respect for their culture and cultural heritage. This clamor for such rights had already been brewing which also had

influenced recent legislations, specifically the 1973 constitution and the 1997 Indigenous Peoples Rights Act.

The struggle for self-determination has been realized not for the Lumads of Mindanao but for the cordillera indigenous people in northern Luzon which is now Cordillera Autonomous Region (CAR), composed of the eight (8) ethnic groups occupying the Cordillera territory. Although in Mindanao there has been attempts to organize by different Lumad groups, such as the Lumad Alliance for Democracy in southern Mindanao, with the instigations of some church-based NGOs and other NGOs, yet the movement has not really penetrated the aspiration of the majority of Lumad since most are still not aware of such opportunity. Self-determination for the Mindanao Lumad may still be remote to achieve or reach, but as more Lumad are becoming more exposed to education and modern elements, they may follow two paths: to go along with the mainstream majority or to remain a minority among the majority but are self-contained, and self-determined people who exist along their customary ways and laws.

- (3) Revolutionary Movement in Mindanao was initiated by the national people Army (NPA) which commenced with an amateurish attempt to establish a guerrilla unit in the southern Mindanao when urban-based students fled there after the declaration of martial law (Collier, 1992). This movement was an offshoot of an earlier student activism in the late 60s that swept among universities throughout the country. The Maoist communist version was advocated by an organization or nationalist youth of student called the Kabataang Makabayan (KM or Nationalistic Youth).

Several NPA strongholds were established in different regions throughout Mindanao. Recruits through teach-ins were mostly the youth—men and women among the landless communities and the Lumad from different ethnic groups. The NPA was bent on toppling the existing government regime and to arouse the sympathy of the masses, specifically the poor and downtrodden victims of militarization .

On the other hand, there were counter insurgency groups organized by the military which were cultist groups such as the TADTAD (Chop-chop), SAGRADO CORAZON (Sacred Heart) which are religiously inspired. Moreover, Lumads who met abuses from the NPA because they refused to join them opted to be organized by the military such as the Bolo Battalion. Like the other cultist groups, the members had to go through a ritual process but based on their native belief system (Burton, 1991).

Insurgency has affected the lives of the IPs in Mindanao since the military usually conduct their anti insurgency operation in the territory of the Lumads because they are suspected to give sanctuary to NPAs or are NPAs themselves. As a consequence, the Lumad are caught in the cross-fire and have to flee or evacuate to safer places. Because the military use sophisticated artillery to flush out the NPA, their settlements are destroyed including their farms and domesticated animals (Burton, 1991).

The Lumad are in the state of predicament. They have been yearning to claim for their ancestral domain and to be able to exist in peace like what their ancestors had before Mindanao was invaded. But with the never-ending insurgency in Mindanao, their main apprehension is the future of the incoming generation of Lumads.

- (4) The Moro quest for an Islamic republic with the intent to secede from the Philippine Sovereign has been a formidable problem for the country. This has great implications and repercussion to Philippine hegemony. Its effects on the other inhabitants of the island, specifically the Christian settlers majority and the indigenous people would be devastating which may culminate in a civil war.

The Moro problem was anchored on the Spanish colonial period, wherein the latter was determined to conquer the obstinate Moros, who were later successful but were vehemently resisted against by the Moros both in mainland Mindanao and outlier islands of Sulu. When the Americans took over the colonial rule from the Spaniards, they were likewise, met with similar resistance. The Americans with their better arms and conquering strategies were able to subdue the Muslim Filipinos through education and development programs.

It was in the post-republic period when the national government failed to respond to the basic social needs of the Moro people. This had instigated the Moro people to contest the legitimacy of the Philippine government's occupancy of what they consider their homeland (Mastura, 1984; Glang, 1969 cited in Mercado, 1992). In the 1950's there was an insurrection but was put down; and in 1960's, the Muslim Independence Movement (MIM) articulated the Moro people's dream of Independence—"an aspiration to secede from the republic in order to establish an Islamic state that would embody their ideals and aspirations, conserve and develop their patrimony, their Islamic heritage under the blessings of the Islamic brotherhood and the regime of the laws of nations" (Glang, 1969:1).

In the 1970s the Moro National Liberation Front (MNLF) was organized. Initially it was a separatist movement; it championed the establishment of an Islamic Republic in MINSUPALA (Mindanao-Sulu-Palawan). The MNLF adopted 2 struggles: a political struggle and an armed struggle against the central government. Thus between 1971-1976 violent encounters between Muslim militias and Christian paramilitary groups escalated into a major conflict. There was massive movement of military troops throughout the moroland and also extensive evacuation of both Muslim and Christian.

After five years of armed confrontation, the Philippine government and MNLF signed an agreement in Tripoli Libya on December 1976 accepting the principle of peaceful negotiation in resolving conflict. The Tripoli agreement provided also for the establishment of an autonomous region comprising the 13 provinces in Mindanao and Sulu within the constitutional processes. In partial compliance of the agreement Regions 9 and 12 were declared the autonomous region by the Marcos regime. In the

Aquino government, 1987 constitution mandated the creation of an autonomous region in Muslim Mindanao and was ratified mostly by the Muslims; however, the MNLF refused to recognize the new Philippine constitution.

By then, the MNLF was split between the two Muslim founders—Nur Misuari and Hashim Salamat, the former headed the MNLF, while the later formed another group which became the Moro Islamic Liberation Front (MILF). Under the Ramos administration, a new peace accord starting with the 1995 GRP—MNLF Interim agreement was held to resolve 2 basic issues: question of autonomy and self-governance in local and regional affairs and all Local government Units; and the question of peace and development. This was followed in 1996 with the establishment of the Southern Philippines Council for Peace and Development (SPCPD) which took the place of the Provisional government as stipulated by the Tripoli agreement.

The agreement was accepted by the MNLF leader Nur Misuari who also became the Chairman of the SPCPD and governor of the ARMM. The MILF on the other hand, refused to have anything to do with the ARMM since their purported objective is secession from the Philippine republic and establish an independent Islamic country within Mindanao to be called Bangsa Moro.

In the past four years, (1998-present), the MILF and the Philippine military troops have had encounters which had affected lives of the Christians, Muslims, and the Lumad who are residing in the areas of conflict and are at constant risk. Attempts to draw the MILF to the negotiating table to discuss issues on peace resolution was futile; for the latter was a useless proposition since the ultimate objective is separatism.

The resolve of the MILF to form a separate sovereign in Mindanao would certainly affect a large populace of the non-Muslim IPs. In the first place, there are many IP ethnic groups who are not islamized that are residing at the autonomous region (which is composed of 4 provinces). However, if the Tripoli agreement would be followed it would include nine more provinces where most of the IPs are found.

How would the Islamic government deal with the IPs situation within the Islamic framework, specifically their rights to ancestral domain? This is a crucial problem that the IPs are so much concerned because their future, they believe, hinges on their gaining of their ancestral domain.

## **V. THE LOSS OF ANCESTRAL DOMAIN: CAUSATIVE FACTORS AND CONSEQUENCES**

At the onset of the Philippine Republic, the country was besieged by the Communist Rebel group (HUKBALAHAP) that operated in Luzon and other parts of the Archipelago. Land was the cause of conflict. Landless peasant farmers had been clamouring for land which they could cultivate so as to enjoy the fruit of their labor. Deprivation of opportunities led to political unrest. In order to repel their activities, a land reform program was instigated through the opening of resettlement areas in Mindanao which was then viewed as the "land of plenty." The Koronadal Valley in Southern Mindanao and the NARRA settlement in South Central Mindanao (Wao, Lanao del Sur, and the Bukidnon provinces) were made available.

Consequently, these settlement programs led to the mass migration into Mindanao by landless farmers from Luzon and the Bisayan regions, and secondly, logging/concessionaires were enticed to put up businesses since Mindanao was still rich with timber and minerals.

On the other hand, the arrival of migrants and the logging activity had great implication on the Mindanao indigenous inhabitants. In the first place, the chosen resettlement sites were within the ancestral domains. This encouraged the indigenous communities to move farther into the hinterlands. Moreover, some unscrupulous migrants who encroached into the ancestral lands, were able to obtain most of the hectareage from the natives through barter such as the exchange of a parcel of land for a piece of cloth, a can of sardines, or a few pesos. The natives, thereafter, moved out even farther into the hinterlands.

Secondly, the logging concessions operated in timberland (part of the public domain leased to the concessionaires) areas which the natives considered their ancestral domain. The indigenous communities, who practiced swidden farming, moved around this domain, which was also the source of their natural resource base—water, wild flora and fauna, etc.—and livelihood. Since the concessions are already leased by the government to private concerns, the native occupants have to vacate their domain and move somewhere else. Moreover, migrant workers brought in to work have influenced the natives residing on the fringe of the concessions. The natives have acquired materialistic taste, and have changed their life style. Because of their desire for material goods, many of them exchanged their lands or collect forest products such as rattan for some cash and canned goods. Although a few of the natives are employed in some logging concessions, they usually receive a measly compensation compared to their migrant counterparts. This unfair treatment of the natives had triggered conflict between the migrants and the indigenous peoples—in some instance had led to bloody confrontation.

The above-cited factors have led to the displacement of the indigenous communities from their ancestral domains. However, certain coping mechanisms have been resorted to for their own survival. Some groups have moved farther into areas where they cannot be disturbed by the encroaching migrants while others have moved down to the lowlands to live with the migrants—they have learned to utilize new farming strategies such as raising vegetables and other cash crops; while some work in

corporate farms for wages; others still come to the urban centers seasonally such as the Mamanua foragers, to beg for food, clothing, and other things. They camp temporarily under the bridge or around the bus terminal for a few weeks and move on into the next city.

This massive land grabbing and consequent dispossession have brought forth destructive consequences for the indigenous peoples. Malnutrition and disease is taking a heavy toll as they are vulnerable to epidemics. This is due to unsanitary conditions, lack of potable water source, and the general lack of food. Because of the far distance of their communities, social services cannot reach them thus infant and children mortality cannot be checked. Moreover, mixing with the migrants has also introduced disease to which many indigenous communities have no natural immunity. All these factors are due to the loss of livelihood to generate enough for subsistence and general psychological insecurity necessarily goes along with it.

Another consequence is that the majority of indigenous children cannot attend school inasmuch as there is a severe lack of school or educational facilities in their areas. Thus many became adults without having the opportunity to learn how to read or write. There are, however, non-government agencies that have established schools for the indigenous children and adults such as the Summer Institute of Linguistics. The indigenous peoples have demanded their right to an education, however, the education they are receiving is inadequate and unsuitable to their needs. The Government has neglected to design an education plan that would be attuned to the particular necessities of the people, i.e., it should enrich their ethnic culture and combat prejudice and discrimination.

## **VI. PROBLEMS AND ISSUES OF THE INDIGENOUS PEOPLES**

Beside the issue of the loss of land/ancestral domain by the minority groups or indigenous groups or indigenous peoples of Mindanao there are problems that have beset them for decades of years until the present. These are as follows:

### ***1. High incidence of poverty***

Most of the indigenous peoples in the Philippines are in Mindanao which contribution to total poverty in the country is approximately 31%. This is substantiated by information from various studies which shows that in provinces where poverty is deepest and most severe, the indigenous people population is also the largest. Western Mindanao which ranked second nationwide in terms of rural poverty incidence, the population of this region in 1995 was 1.1 million, of which roughly 46% were indigenous peoples.

Results of the Family Income and Expenditure Survey in 2000 show that poverty incidence in Mindanao is higher than the national average of 40% in the ARMM. Moreover, the Asian Development Bank recent study based on income measure reveals that the regions with the highest poverty incidence are in Mindanao: Caraga region (55%) and ARMM (57%). Poverty according to ADB study continues to be a rural phenomenon with rural areas contributing 74% to total poverty.

Moreover, the situation is aggravated by armed conflict, which prevails in Mindanao, resulting in the dislocation of more than half million families in control and western Mindanao as well as the ARMM.

Consequently, because of poverty, most are confronted by two great problems: poor health and high incidence of morbidity, and the inability to obtain education.

Studies of NGOs and the DOH focused on the health of Mindanao IPs have shown the high incidence of morbidity among their children and women. Factors were traced to poor sanitation, lack of access to health care delivery, and malnutrition. Since most of the IP communities are remote from town centers, they can not avail of health services and most do not have financial means to seek such services.

Literacy rate among the IPs in Mindanao is the lowest compared to the Muslims and other IPs in Northern Luzon. Several factors contributing to such a state are cited: (1) most public schools in the rural areas are located in a barangay quite distant/remote from for the IP children to attend; (2) the public school curriculum is not culturally sensitive, thus the IP children are distraught from the vagaries of westernized educational system. This has led to dropping out from school; (3) financial problems due to poverty have instigated the IP children to stop school and many hardly finished the elementary education while only a few ever reached the secondary or the tertiary level. Although there are scholarships offered to bright IP children, their parents however, would not allow them to push through because they are needed to help in the family chores especially in the quest for food.

## ***2. Environmental degradation and depletion of resources***

In the past, the IP communities around Mindanao dwelt on the forestal uplands and dependent on the rich resources which were the source of their subsistence. When logging and mining came to Mindanao, the forests were destroyed and totally degraded their environment. Consequently too, this led to the depletion of their resources such as the wild plant food and feral animals and forest products which gave them a source of livelihood.

Moreover, the intrusion of the landless lowland settlers who came up to the uplands have employed lowland farming technology (use of draft animal and plow); this contributes to soil erosion and further degradation of the mountain side. Unfortunately, this wanton destruction of the forest was blamed on the IPs who were accused of practicing a destructive method of farming such as the “kaingin” (slash-burn). There is a lack of full understanding on the part of the government agencies of the IP’s cultural precepts on environment. The Lumads have great love for their physical environment—forest, rivers, soil—for these are the abode of the “diwatas” (spirits) and must be respected. Thus, violation of taboos imposed on the care of environment would meet devastating repercussions.

Policies were enacted to prohibit the IPs from using their traditional farming method. It has affected the IP’s subsistence pattern because most do not have lands to till and are not adapted to lowland farming method; also they do not have the equipment such as the draft animal and the plow to use. This has exacerbated their food insecurity

contributing to malnutrition and poor health among them. The government, on the other hand, neglected to offer alternative livelihood strategies to compensate for the loss of their farms.

## **VII. ANCESTRAL DOMAIN AND THE IPRA LAW**

Four years after the enactment of the IPRA, an assessment of its implementation yielded dismal results. The NCIP, the government body mandated to implement the laws was unable to perform its task efficiently. The assessment of the NCIP showed that

- There was a lack or absence of clear leadership that has led to the poor performance of the agency's policymaking and adjudication duties and the coordination in the delivery of basic services.
- NCIP's present structure and staff have impelled the institution from carrying out its duties/functions.
- NCIP officials are by in large not qualified or trained with necessary skills to meet its mandate under the IPRA.
- There were manifestations that the processes of issuing titles and certificated to allow mining and other activities have been compromised if not corrupted.
- Past policies and decisions have been prejudicial to the operations of NCIP and should be identified and changed to better serve indigenous communities (Agoncillo, 2001).

One of the concrete evidence of NCIPs weakness has been in the slow manner in the processing and approval of the certificate of Ancestral Domain Title (CADT) certificate of Land Title (CALT) applications. In Northern Mindanao, there were 80 applications but only 9 CADT applications were processed and two were approved. Reports claimed that several CADT/CALT applications were haphazardly approved and circumvented procedures mandated by law.

Another important and controversial issue that emerged was the provisions on Sec 5 (6) Rule II which states that "the IPs shall have the right to suspend or stop any project or activity that is shown to have violated the process of securing free and prior informed consent or have violated the terms and conditions of such granted consent."

The mining industry has expressed apprehension over this rule for they see to it to be biased for the IPs and their priority claims over the natural resources; they view this as rather detrimental to mining and industries. Consequently, there were attempts on the part of the mining industry to bring their issues against IPRA to the supreme court (De Lange, 1998).

In 1998, NCIP issued an Administrative Order No. 3, 13 exempting all leases, licenses, contracts and other form of concessions with in ancestral domains existing prior to the announcement of Implementing Rules and Regulation (IRR), from the coverage if IPRA's provision on free, and prior informed consent.

The Administrative order, likewise, declared that all written agreements with and/or resolutions by indigenous communities prior to IRR shall be considered as “free and prior informed consent.”

Intense reaction from Indigenous people’s organizations and advocates emerged and censured these new Administrative order for being “onerous” and a “sellout” to the interests of the mining companies. These IPO declared that “property rights “ as defined seem to be interpreted in favor of the mining interests.

The greatest challenge against the IPRA took the NCIP and the IPs by surprise when in 1998, a retired associate justice of the Supreme Court filed a petition before the supreme court. The petition contained three major points: 1) the law violates the constitutional principle that all natural resources belong to the state; 2) that the law deprives the state of control over the exploration and development of natural resources; 3) that the law threatens to strip private owners of their properties.

However, after thorough deliberation, the supreme court voted on Dec. 2000 to dismiss the petition for lack of merit and substantiation. Nevertheless, on a separate decision of the Supreme Court justices expressed substantive points that upheld the Regalian doctrine. They emphasized that the IPRA merely gave the IPs surfaced rights over their ancestral domains but the resources therein, are still owned the state.

Upon the installation of Pres. Gloria Macapagal-Arroyo in 2001 an Executive Order was issued creating the office of the President assistance to the Indigenous People Authority (OPAIPA) delineating its function to ensure the effective implementation of the IPRA.

## **VII.1 Impact of the IPRA**

After the IPRA’s enactment there were mixed effects on in the indigenous communities. Some are advantageous, while others were negative effects on the IPs.

1. The long years of legislative action which led to IPRA’s approval and the several debates during its implementation have truly increased awareness of the public including IP themselves. They also had drawn the attention of the state and the civil society, churches, NGOs, and academic institutions to the “plight” of indigenous peoples who had been denied a space in Philippine society and human rights.
2. Many new IP organizations and national Federations and alliance were formed during the period. For example, the Coalition for Indigenous Peoples’ Rights and Ancestral Domain (CIPRAD) which is a net-work of 15 IPOs and 5 NGOs. Another supporter of the IPRA is the coalition of Indigenous peoples of the Philippines (NCIPP) which was spearheaded by the Davao-based Lumad Mindanao.
3. At the community level, IPOs were organized and community solidarity enhanced as a result of community efforts to describe ancestral domain/land.

4. However, IPRA brought about negative effects such as the proliferation of IPOs and support NGOs. This has resulted to engendering disunities among the IPs. Some of the IPOs and support NGO were in accord with IPRA who argued that notwithstanding the imperfections of some of the provisions, they believe that this legal instrument can be used as a stepping stone toward a “more progressive level of political discourse.” (Leonen, 1998). While other IPOs do not share this view, but labeled IPRA a “master act of deception.” They censured the persistence of Regalian doctrine in the law (CPA and DINTEG, 1997).

It is at the community level that the negative effects are felt most. There had been many community-level disputes that had taken place among different IP groups, specifically over boundaries of ancestral domain such as the case in the Cordillera. In northern Mindanao, there was a conflict over ancestral domain claim of a protected area but inhabited by tribal communities; the issue was contested by the Local Government Units. Moreover, the IPRA was used by some groups to legitimize a claim of an “imagined” ethnic identities in order to enjoy rights stipulated in the law.

Some experts, on the other hand, view IPRA as an instrument that will lead toward privatization of the “commons” (Lynch, 1999). In Agusan del Sur in Mindanao, for instance, a certain Datu applied for some 76,000 hectares of ancestral domain (Gatmaitan, 1996). Also, the IPs are apprehensive that privatization will facilitate the entry of corporations and entrepreneurs who can easily negotiate with an individual to be able to enter the indigenous communities (CPA and DINTEG, 1997).

Finally, while the IPRA has already establish the framework for addressing IP concerns, there is a great need to do more such as to in place monitoring and regulatory mechanism to ensure that commercial interests do not appropriate IP lands. Moreover, there is need to adopt a policy that would regulate area-specific and culture-specific ancestral land, but taking into consideration on local nuances, processes, and tenurial systems.

## **VIII. DEVELOPMENT INITIATIVES FOR THE INDIGENOUS PEOPLES**

Development programs for the rural areas by the government in the past had barely reached the indigenous communities. This lack or inadequate assistance of government has been filled-in by the NGO and Church-based agencies to implement programs/projects that would uplift the lives of some of the IP groups. Still there are many who have not been reached until the present.

The IPRA’s provision on social justice and Human Rights clearly stressed the right to their development; however, the development programs/projects would have to be determined by Indigenous communities to meet their identified priorities, needs, and concerns. Thus, the community has the option to accept programs that are congruent with their cultural precepts and aspirations and reject those that are not within the purview of their frame of reference.

## **1. Government Programs and Projects**

Over the past years, the Philippine government did not have a concrete agenda for the so called minority groups such as the indigenous people and the Muslims. It is only recently that in the Medium Term, Philippine Development Plan for 2001 –2004, that poverty reduction is its primary objective. It is the first time that a national government plan has a chapter on Mindanao where most of the IPs are found.

This strategic plans for economic development and social reconstruction may bring forth changes in the lives of the Muslim groups and the IPs if pursued by the government with a determined and strong political will. Some of these are as follows:

- Provisions of basic services, livelihood opportunities, and needs such as psychosocial.
- Implementation of culturally-sensitive programs. In health care, approaches will entail intersectoral collaboration to make them sensitive and conform to cultural norms and practices. For education, indigenous concepts will be integrated into the mainstream. Basic curricula for Muslims and indigenous peoples will be revised to make them more relevant.
- Institutional reforms will be enacted to address political inequity in order to broaden the participation of the indigenous peoples and Muslims in decision-making.
- In the implementation of the IPRA. The focus will be on the return of ancestral lands/domains to indigenous peoples for their utilization.
- Relief and rehabilitation will be brought to conflict affected areas which will entail relocation and resettlement of families.
- Encourage institutions (academic) to offer peace education to be integrated in school curriculum from the elementary to the tertiary level.

## **2. Government Line Agencies have been given their mandate to respond to the needs of the IPs where services are delivered**

- a. **Department of Health** issued policy No. 142 mandating provisions for IPs' concerns. It also created the Indigenous Peoples health Development program which will include water system development, nutrition, community development training, environmental health sanitation and prevention and control of local endemic disease.
- b. **Department of Education** is embarking on two major activities to become more responsive to the IPs needs specifically in preserving

their cultural heritage: to indigenize elementary and secondary curricula and develop an equitable non-formal educational system.

The Basic Education assistance for Mindanao is developed with the end-in-view to expand educational opportunities for the poor and disadvantaged population groups such the IPs, Muslims, and poor lowland settlers.

- c. **Department of Social Welfare and Development** is currently implementing the Comprehensive and Integrate Delivery of Social Services (CIDSS) which aims to extend culturally appropriate projects to indigenous communities in 100 CADC villages to ensure their welfare and development. This will be realized through building their capabilities in managing community-based services; preserving their ancestral domain; and cultivating their cultural heritage by converging government, non-government, and other sectoral resources, experts and technology.
- d. **Dept of Environment and Natural Resources** has regular activities that involve IP specifically in the management of ancestral claims and the Community-Based Forestry Management program (CBFM) the agency is also currently implementing projects to address IP concerns including biodiversity management and conservation, and forest and watershed management with emphasis on community participation and self-help.

### **3. NGOs and IPOs Development Initiatives**

Some NGOs and IPOs who have been associated with the IPs welfare have varied activities, but their concern is their ancestral domain which is the priority to cite a few:

- a.) Philippine Association for Intercultural Development (PAFID) has participated since 1974 in the campaign for tenurial and self-management aspect of ancestral domains in more than 600 indigenous communities. They assist in solving urgent issues that affect IPs.
- b.) ANTHRO WATCH, organized in 1994 is building equipment for mapping and delineation. It also conducts community organization and capacity building, cultural sensitivity training, research on health situation among IPs, and facilitate study tour by IPs for exposure to similar communities with high level of organization.
- c.) PANLIPI and legal Resource Center handle the legal aspects of land issues. They are both active in advocacy and consciousness raising/education with reference to IFPA.
- d.) Pambansang Lupon ng mga Nakatatanda sa Tribu (Council of Elders) is an IPO organized in different regions including

Mindanao which undertakes paralegal training on issues related to ancestral domain and strengthening of IPOs.

Besides the issues on ancestral domain, the NGOs and IPOs also responded to other issues confronting the IPs.

In the area of education, NGOs such as the Asian Council for Peoples Culture advocate the creation of indigenous schools (culturally responsive primary schools for indigenous children). SENTRO NG GANAP NA PAMAYANAN is currently conducting a policy review and analysis, and documentation of indigenous knowledge for proposed integration into the government's education curricula.

Church-based NGO, the Episcopal Commission on Indigenous Ppeople (ECIP) is providing general assistance to different 16 dioceses and 40 IPOs; and active in relief and rehabilitation work with other NGOs.

The National Confederation of Indigenous Peoples in the Philippines (NCIPP) composed of IPOs responds to the need for livelihood opportunities among the IPs, and provides technical and organizing assistance to IPs' groups. It aims to be effective in assertion, protection, promotion of the IP's rights.

The Tribal Communities Association of the Philippines (TRICAP) is active nationwide especially in advocacy, linking with local authorities agencies to address problems of IPs. Also, it provides legal assistance to IPs charged with criminal activities such as illegal logging and in resolving conflicts arising from claims to ancestral domains.

The experiences of NGOs and IPOs in community-based education health, livelihood and socio-political activities/programs are quite valuable. The challenge that is posed now is how to coordinate their initiatives so that they can contribute to a more sustainable development of ancestral domain.

## **IX. CONCLUSION AND RECOMMENDATION**

In this changing and complex world, there are sectors of human populations widely known as indigenous communities who have preserved their traditional culture and elected to remain in their ancestral domain. Because of their obstinate adherence to their traditions and customs and refusal to integrate into the culture of the majority, they have been adjudged as "savages" and "primitives" and are thus exposed to discrimination and exploitation by the more privileged.

In the Philippines, the indigenous communities are distributed in the uplands of the different regions of the country. They speak different languages and practice their traditional culture. The distinction of the indigenous communities from the majority of the Filipinos is not racial but rather due to their isolation, e.g., residing continually in the hinterlands. They practice swidden farming supplemented with hunting and foraging;

they revere and worship nature deities; and their social life and values are interlinked with their land and surroundings.

Because of their lack of knowhow about the modern world, the indigenous communities have been the object of exploitation by the unscrupulous Christian majority in terms of their lands and natural resources.

One of the regions in the country where such a predicament has existed, is Mindanao Island in the southern Philippines. It is the home of ten major tribal groups and more than 20 sub-tribes, as well as the islamized indigenous groups also known as Moros. In the history of the Philippines two colonial sovereigns have ruled the Islands. Spain from 1565 to 1898 and the United States of America from 1899 to 1945 and the native inhabitants of Mindanao have been subject to colonialism and christianization. Only a few were converted—the majority retreated to the hinterlands to live peacefully in the way of their ancestors.

Since Mindanao was less populated and had vast open spaces replete with rich natural resources, it was opened for exploitation, thus enticing land speculators, businessmen and landless poor farmers to migrate and search for greener pastures. Consequently, hunger for land and wealth led to grabbing of lands and resources of the indigenous communities by the migrants. Eventually, the former were forced to move even farther into the more remote hinterlands. The coming of the migrants and the introduction of commercialization made changes on the cultures of many tribal communities specifically in their cultural and social values and belief system.

Because of government neglect, the Mindanao indigenous are suffering from dire poverty and want. High morbidity is rampant due to disease and malnutrition, adult illiteracy is almost 100% since education has not reached them; and other social services have not been extended to them.

Nonetheless, because of the non-government organization's advocacy to improve the plight of the tribal communities, the Philippines has, likewise, declared not only to offer sustainable development to the indigenous peoples throughout the country but to be in partnership with them. This proposed development program is viewed to be implausible if it is not linked to their ancestral domain which is the material foundation of their culture. Without their own land, they can never develop self-sufficiency.

The indigenous communities are not against development; they are in dire need and would want to improve their socio-economic standing just as much as the majority of the Filipinos. However, because of their bitter experiences with the government agencies and unscrupulous traders, there is a fear of risk to participate in such a program. Unless trust and confidence have been bridged between the people and the government, any of the development program will most likely fail.

However, it is the stance of this working paper that whatever development program is extended to the indigenous people which is apart from their ancestral domain (land and natural resources) will not reach the level of sustainability. This has been shown by reports on the experiences of many indigenous groups all over the world. Some of these reports indicate that development of the indigenous communities is merely an exploitation scheme to get the wealth of their domains such as minerals, oil,

and forest resources. Many of the development programs are not framed within the milieu of their culture.

Most governments of states have failed to understand that land is a very essential element in the existence of the indigenous people and that there is a direct relationship between the culture and their land or immediate environment. Land or the physical environment is the material foundation of the indigenous culture of which the people are a part who interact with deities and spirits; it is land which provides symbols and raw materials for their arts and crafts, songs, dances, and literature. The enculturation process is not only done on the land but is nurtured by it. The ancestral domain is a territorial base that is indispensable as the living space for the community and its sources of food and other needs (Fernandez V: 1983). Land is an essential element in safeguarding the survival and unique identity of indigenous peoples; and the possession of land base permits the preservation of culture, language, values, life-style, and law. (Mouse, 1985:185). Any development in order to be sustainable, therefore, must be anchored or tied to the people's resources and their culture. This would encourage their self-reliance and integrity as a people.

The government, if it is sincere in its aim/objective to help or assist the IPs in Mindanao and elsewhere in the country, must fully implement the IPRA in order for them to live in a just and humane society.

## BIBLIOGRAPHY

Asian Development Report, 2002.

Burger, Julian. Report from the Frontier: The State of the Worlds' Indigenous Peoples.

Burton, E. M. 1992. "The Indigenous Communities of Mindanao Amidst Arm Conflict". Report to the National Peace Commission. Research Institute for Mindanao Culture Research Papers. Xavier University, Cagayan de Oro City.

Collier, Christopher. 1992. "The Theoretical Problems of Insurgency in Mindanao: Why Theory? Why Mindanao?" In Mindanao: Land of Unfulfilled Promise (eds.). Mark Turner, R.J. May, and Lulu Respal Turner, Q.C.: New Day Publisher. Pp. 197-212.

Corpuz, O. D. 1997. An Economic History of the Philippines. University of the Philippines, Quezon City.

CPA and DINTEG. 1997. Critique of Government Laws:DAO2, NIPAS and IPRA. CPA and DINTEG, Baguio City.

De Lange, W.A. Jr. 1998. Mining Firms Plan to take IPRA issue to High Court. Business World. 29 June.

Fernandez, Perfecto. 1983. The Legal Recognition and Protection of Interests in Ancestral Lands of Cultural Communities in the Philippines. In: Human rights and Ancestral Land. UGAT, University of the Philippines, Diliman, pp. 3-16.

Gatmaitan, G. B. 1996. Line Across the Land: The State, Ancestral Domains Delineation and the Manobos of Agusan del Sur. Philippine Natural Resources Law Journal 7 (1).

Glang, A. C. 1969. Muslim Secession or Integration? Quezon City: R. P. Garcia.

Hendrickson, G. R., and Newell, L.E. (compilers). 1991. Bibliography of Philippine Language Dictionaries and Vocabularies. Linguistic Society of the Philippines Special Monograph Issue 30. Linguistic Society of the Philippines, Manila.

\_\_\_\_\_. 1997. Indigenous Peoples Right Act (IPRA).

Leonen, M.M.V.F. 1998. The Indigenous Peoples Rights Act of 1977 (Republic Act. No. 8371): Will This Legal Reality Bring Us to a More Progressive Level of Political Discourse? Philippine Natural Resource Law Journal 9 (1). LRC-KsK-Friends of the Earth, Philippines.

- Lynch, Owen. 1999. Speech on the Implications of the Indigenous Peoples Rights Act at the Roundtable Discussion on Customary Law and the IPRA, held at the Casa Vallejo Hotel, Baguio City, on 15 August 1999, organized by the Tebtebba Foundation, Baguio City.
- Mastura, Michael. 1984. Muslim Filipino Experience. Manila: Ministry of Muslim Affairs.
- Mercado, Eliseo, Jr. 1992. "The Moro People Struggle For Self-Determination." In : Mindanao: Land of Unfulfilled Promise. (eds.) Mark Turner, R. J. May, and Lulu Respall Turner. Q. C.: New Day Publisher, pp. 159-167.
- Phelan, John. 1959. The Hispanization of the Philippines. Madison: University of Wisconsin Press.
- Rodil, Rudy B. 1994. The Minoritization of the Indigenous Communities of Mindanao and the Sulu Archipelago. Alternate Forum for Research in Mindanao, Davao City.
- Schirmer, C. 1960. The Philippine Uplanders. Aboriginal Rights in International Perspective. Background Documents. (Ed.) Sally Swenson, Anthro Research Center, Boston, Ma.
- Scott, William Henry. 1982. Cracks in the Parchment Curtain and other Essays in Philippine History Manila: New Day Publishers.
- Swenson, Sally. 1960. Introduction. Aboriginal Rights in International Perspective. Background Documents. (Ed.) Sally Swenson. Anthro Research Center, Boston, Ma.
- Tabak Research. 1989. Promoting the Rights of the Tribal Filipinos. In: SOLIDARITY # 122. April and June, pp. 40-47