

**THE HUMAN RIGHTS SITUATION OF INDIGENOUS PEOPLES IN
THE PHILIPPINES**

**SUBMITTED TO THE OFFICE OF THE HIGH COMMISSIONER ON HUMAN
RIGHTS**

For the Universal Periodic Review of the Philippine Government

SUBMITTED BY:

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The Human Rights Situation of Indigenous Peoples in the Philippines

I. Data collecting process:

The information contained in this report was gathered by the Indigenous Peoples Rights Monitor (formerly Indigenous Peoples Human Rights Watch) from a series of national and regional conferences and workshops of indigenous peoples since 2004, and through written and verbal testimonies of victims of human rights violations and their families, focus group discussions with indigenous community members and leaders, fact-finding missions, and other methods. Information from the following groups has also been included: Kalipunan ng mga Katutubong Mamayan ng Pilipinas (National Federation of Indigenous Peoples of the Philippines), Cordillera Human Rights Alliance, Cordillera Peoples Alliance, Legal Rights Center, Tebtebba Foundation, Philippine Indigenous Peoples Links (PIPLINKS), among others.

II. Existing normative and institutional framework and instruments for the promotion and protection of human rights

The Philippine Government is a signatory to UN Human Rights instruments, including the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, and the Covenant on the Elimination of Racial Discrimination. It has also supported the UN Declaration on the Rights of Indigenous Peoples.

The Philippine Constitution has a Bill of Rights for the respect of civil and political rights. The Commission on Human Rights (CHR) was also created as the monitoring body of human rights cases.

The government's Indigenous Peoples Rights Act (IPRA) for to the recognition of the rights of indigenous peoples was enacted in October 1997. The Free Prior and Informed Consent (FPIC) of indigenous peoples was made a requirement for any project or activities implemented in indigenous territories, or any project that may have adverse impacts on them.

Soon after its enactment, the constitutionality of IPRA was challenged in court. The law was upheld by the Supreme Court in December 2000 with an affirmation of the prior right of the State over natural resources, while indigenous peoples have stewardship rights over their land and resources. On the other hand, laws that violate the collective rights of indigenous peoples are also being implemented such as the Mining Act of 1995 which allows 100 per cent foreign ownership of mineral lands and the eviction of indigenous communities; the National Integrated Protected Area Systems (NIPAS)

which provides restrictions to indigenous peoples in their own ancestral domains declared as National Parks; the Forestry Code which declares lands with 18 per cent in slope as public lands, thus making indigenous communities in mountainous areas squatters in their own lands.

III. Facts and data of human rights violations and key issues pertaining to the human rights of indigenous peoples in the Philippines

Indigenous peoples (IPs) in the Philippines are estimated to be 12-15 million, or 15 per cent of the total population. They occupy more than 10 million hectares of the total landmass of 30 million hectares. IPs are one of the most impoverished sectors in the country and suffer from multiple types of human rights violations. This section will cover three areas of human rights violations: politically motivated killings, militarization of the ancestral territories of IPs, and the violation of their collective rights to land and natural resources. *Further information and data are provided in the annexed documents*

Political Killings of Indigenous Peoples and the continuing threats to indigenous leaders and community members asserting their collective rights

Since the Arroyo administration took power in 2001, Indigenous Peoples Rights Monitor (IPR Monitor) has documented 120 extra-judicial killings of indigenous peoples. These killings have occurred in several regions of the country, with the Lumads of Mindanao and the Igorots of the Cordillera being the most targeted groups. While the victims represent many different professions, NGO workers, local government officials, church workers, and members of indigenous leadership structures have been especially targeted because of their political beliefs or their defense of their collective rights against government projects and policies. The 120 victims include 13 women, four of whom were pregnant, and 16 minors.

The systematic extra judicial killings of indigenous peoples and the continuing threats to indigenous leaders have additional adverse social impacts. These incidents have resulted in more conflicts, fear and mistrust among indigenous communities, which is weakening indigenous systems of cooperation and solidarity. Because of the chilling effect of the killings, it also weakened the indigenous peoples movement for the respect and recognition of their collective rights.

(more information on this in the Philippine Report of the UN Special Rapporteur on extra judicial killings, Professor Philip Alston who was on official Mission to the Philippines in February 2006)

Escalating Militarization of Indigenous Peoples' Territories

IPs in the Philippines also suffer from militarization of their territories, resulting to the violation of their individual and collective rights. Militarization of indigenous communities includes the permanent physical basing of the Philippine military within ancestral territories; regular conduct of military operations, including unwarranted searches of houses; imposition of food blockades, curfews and other restrictions;

interrogation and harassment of suspected rebels; and the forced recruitment of IPs into para-military forces. Even with the provision for the Free, Informed and Prior Consent of IPs for any military operation and sustained activities in IP territories, this is blatantly ignored and violated by the military.

The largest military base on indigenous territory is Camp Peralta, a 33,310 hectare base that has been constructed on Tumanduk ancestral lands in Panay, Western Visayas. Despite the presence of 14,000 indigenous residents, the military uses the base to conduct war games and weapons testing.

Internal armed conflict and the increasing number of large-scale development projects have led the government to station troops in indigenous territories. Indigenous peoples frequently suffer from harassment because of suspected association with the New People's Army, a communist rebel group. Because of the rugged terrain and poor infrastructure of many indigenous territories, rebel groups are often active in these areas. Consequently, the military often incorrectly associates rebel activity with indigenous peoples. The military often accuses groups of men engaged in indigenous hunting practices of involvement in rebel activities because they carry weapons. Four hunters have been killed by the military from 2003-2006 in separate incidents in the Cordillera Region because they were suspected to be rebel soldiers.

Further exacerbating the problems of militarization within indigenous areas has been the government's establishment of paramilitary groups, known as Civilian Armed Forces Geographical Units (CAFGUs). In some areas, the military has established recruitment quotas, such as in Kalinga Province, which has led to the forced recruitment of indigenous peoples into paramilitary groups. The military has also exploited the lack of jobs and tribal land disputes and other conflicts to draw recruits into the paramilitary force. This has become an effective strategy for divide and rule, further weakening the unity, cohesion and cooperation of indigenous communities. It has also led to the creation of government-supported vigilante groups such as in San Luis, Agusan Del Sur, Bukidnon and North Cotabato in Mindanao.

Violation of the Collective Rights of Indigenous Peoples to their Land and Resources ***“Worsening cases of development aggression”***

The widespread implementation of extractive industries and other development projects in indigenous territories without their consent is outrightly violating their collective rights and is worsening their marginalized situation. This includes corporate mining, large dams and other energy projects, massive agri-business, eco-tourism, among others, which are also seriously undermining the peace, security and development of indigenous communities. Their adverse impact include the destruction of livelihoods, the environment, land, resources and properties and has also caused conflicts, divisions and the erosion of indigenous socio-political systems. In spite of the widespread opposition of indigenous communities to corporate mining, the Philippine government opened more than five million hectares of ancestral land for mineral exploitation by local and

multinational mining companies under the Mining Act of 1995. Of the 23 mining projects given priority status by the Arroyo administration in 2006, 18 fall within indigenous lands.

Further, seven “priority” large dams are to be built in locations that will directly affect indigenous communities. The development of extractive industries such as dams, geothermal plants and large mines typically leads to militarization of the surrounding areas by both military and paramilitary groups to secure “development sites” and neutralize opposition of affected communities. In Talaingod, Davao del Norte, in Mindanao, soldiers deployed near a dam construction site forced fifty families to evacuate and then occupied their homes in November 2005. Likewise, the conversion of ancestral land to agri-business such as palm oil, abaca, coffee, temperate vegetables and other crops is now directly threatening the food security of indigenous peoples, and is weakening indigenous systems of resource management and conservation. Compounding this problem is the conversion of several ancestral lands into eco-tourism projects, managed by non-indigenous business interest groups or by profiteers.

Given the drive for resource extraction and exploitation, the government and private corporations have failed miserably to adequately implement and follow the provisions of the **Free, Prior, and Informed Consent (FPIC)** in development and resource extraction projects and in military activities in IP territories. Fraudulent FPIC certificates have been presented by mining corporations which was accepted by the National Commission of Indigenous Peoples (NCIP) such as in the case of the TVI-Pacific in Zamboanga del Norte, among others.

In exchange for land concessions to extractive industries, indigenous peoples are often promised jobs and basic social services. Such efforts exploit their impoverished state, effectively asking indigenous peoples to trade off their land and resources in order to be provided basic services enjoyed by other citizens. This act is not only discriminatory but also underscores the government’s neglect, if not denial, of basic social services to indigenous communities while at the same time violating the collective rights of indigenous peoples over their land and resources.

IV. Compliance Record and Reasons of the Philippine Government on its inability to comply with international human rights instruments:

Based on the Philippine Reports of the Official Missions of the UN Special Rapporteurs Prof. Rodolfo Stavenhagen and Prof. Philip Alston, there is reluctance on the part of the Philippine government to fully acknowledge the extent and seriousness of the human rights situation of the country. In spite of the recommendations made by the UN Special Rapporteurs to abate the worsening human rights situation, there are no clear mechanisms on how the government will decisively implement these recommendations to arrest the escalating cases of human rights violations across the country.

Even with the implementation of the Indigenous Peoples Rights Act (IPRA), the collective rights of indigenous peoples especially to their ancestral land rights continue to be violated with the situation even worsening. One major reason is the conflicting laws and policies pertaining to ownership, control, management and development of land and resources. Another is the lack of political will on the part of the government to protect and respect the rights of indigenous peoples over the vested interest of corporations, big business, landlords and politicians. There is also an absence of accountability mechanisms for the officials and staff of the NCIP and other government agencies who are proven to be involved in the manipulation of FPIC, accepting bribes or being negligent in their sworn duties and obligations in upholding the rights and interest of indigenous peoples.

V. Recommendations to the Philippine government/ authorities:

1. To acknowledge the Philippine Reports of the UN Special Rapporteurs, Professor Rodolfo Stavenhagen and Professor Philip Alston, and fully implement their recommendations with urgency and priority.
2. To review IPRA and other laws in conflict with IPRA and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in order to ensure the respect and recognition of the collective rights of indigenous peoples. Towards this end, laws and policies in violation of the collective rights of indigenous peoples shall be repealed.
3. To establish an independent body to certify whether the conduct of FPIC was done in accordance with the principles, substance and processes as defined by UN Permanent Forum on Indigenous Issues (UNPFii).
4. To establish a complaint mechanism to address the violation related to FPIC and appropriate measures for redress.
5. To conduct regular dialogues with indigenous leaders and families of victims on concrete measures undertaken to address human rights violations of indigenous peoples and to discuss key issues related to the respect for the rights of indigenous peoples.

VI. Recommendations to the international community to assist the Philippine Government /authorities

1. To assist the Philippine government in implementing the recommendations as stated in the Philippine Reports of the UN Special Rapporteurs.
2. To provide technical and other forms of support to the Philippine government for their implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) .

VII Mechanism for follow up:

1. To establish a mechanism , with direct participation of indigenous experts, that will monitor and coordinate efforts in addressing the human rights situation of indigenous peoples under the Human Rights Council.##