

Indigenous peoples

Profile

According to some estimates, there are close to 100 indigenous groupings, exclusive of the Muslim groups, or 3 per cent of the population. There is a great disparity of social organization and cultural expression among these minorities. Some specialize in wood-carving, basket-making and weaving. Others are known for their embroidery, appliqué and bead-making. They range from the highly technologically sophisticated Bontoc and Ifugaos, who built the renowned rice terraces in the mountainous interior of Luzon, to groupings practising shifting cultivation or hunter-gathering. A significant number of indigenous minorities in central Luzon are Protestant Christians, having been converted by American missionaries in the early twentieth century and educated in missionary schools. For others there is a wide disparity in terms of integration with lowland Christian Filipinos. Some have intermarried. Others have remained isolated. There is little general agreement on the names and numbers of these indigenous minorities.

While some of these indigenous minorities emerged from early waves of Malay or Proto-Malay migrants, about 27 of them, such as the Aeta and Ati are Negritos that were already long-established in the Philippines: they are thought to be the descendants of the earliest settlers to the archipelago, who may have migrated there through land bridges from the Asian mainland some 30,000 years ago.

A common geographical distinction is often made between Igorot (Tagalog for 'mountaineer') on Luzon, and Lumad ('indigenous') for those in Mindanao, with others in Luzon and the Visayas using their collective name, such as the Manobo, Mangyan, etc. Ten upland tribal groups on Luzon have been identified: Ifugao, Bontoc, Kankanay, Ibaloi, Kalinga, Tinguian, Isneg, Gaddang, Ilongot and Negrito. Ifugaos of Ifugao province, Bontocs of Mountain and Kaling-Apayao provinces and Kankanay and Ibaloi of Benguet province were all wet-rice farmers who have for centuries worked their elaborate rice terraces. Groups such as the Ibaloi were the most influenced by Spanish and American colonialism and lowland Filipino culture because of the extensive gold mines in Benguet, the proximity of the city of Baguio, good roads and schools, and a consumer industry in search of folk art. Other mountain peoples of Luzon include Kalinga of Kalinga-Apayao province and Tinguian of Abra province, who employ both wet-rice and dry-rice growing techniques. Isneg of northern Kalinga-Apayao, Gaddang of the border between Kalinga-Apayao and Isabela provinces, and Ilongot of Nueva Vizcaya province all practise shifting cultivation. Although Negritos formerly dominated the highlands, by the early 1980s they were reduced to small groups living in widely scattered locations, primarily along the eastern ranges.

The other concentration of indigenous communities is in central and southern Philippines. The Lumad tribal groupings of Mindanao include Ata, Bagobo, Guiangga, Mamanwa, Magguangan, Mandaya, Banwa-on, Bukidnon, Dulangan, Kalagan, Kulaman, Manobo, Subanon, Tagabili, Takakaolo, Talandig, and Tiruray or Teduray. The Lumad groups of Mindanao have faced, and continue to face, long-term displacement and legalized land dispossession, which is also a threat to other minority groups in the

Philippines. The southern Philippine island groupings of Mindanao are resource-rich and were formerly under-populated compared to the northern island groupings of Luzon. Thus, throughout the twentieth century, there has been a steady migration of Christian lowland Filipinos into areas previously occupied and dominated by Lumad and Moros. These migrations were initially encouraged by the American authorities, when the Philippines was under their rule, and were given further impetus by central government authorities after independence by the development of plantation agriculture, logging concessions and hydro-electric and geothermal energy schemes. The Lumad are now outnumbered in their ancestral lands.

Historical context

The Spanish crown, by virtue of colonization, claimed rights over the islands and the authority to dispose of the land. Later, the US authorities institutionalized their legal powers to dispose of all land, and voided all the previous land grants by Moro or Lumad chiefs, as well as others throughout the Philippines, that had been made without government consent. Only individuals or corporations could register private claims to land ownership. This left no room for the concept of ancestral or communal land, which the indigenous Lumad had held to be sacred and not subject to individual title or ownership. Through the efforts of the Lumad of Mindanao, and their supporters among the lowland Christian Filipino community, two important provisions were written into the 1987 Constitution. Article XII (5) obliges the state to 'protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural wellbeing', while Article XIV (17) commits the state to 'recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions'.

However, the state also continued to maintain rights to land, and national development policies continued to be shaped by powerful economic interests and political forces. The Lumad continued to seek the return of lands taken from them through harassment and illegal manipulation and seek the revocation of all plantation permits and logging concessions. They sought self-government within their ancestral lands with their customary laws, and the preservation of their indigenous cultures. In all these matters, the Lumad faced an up-hill battle.

Greater democracy after the end of the Marcos regime led to a number of favourable changes. In the same year, the Indigenous Peoples Rights Act 1997 was adopted, with a National Commission on Indigenous Peoples (NCIP) established under this legislation. The former recognized indigenous peoples' native title to land and their (limited) rights of self-determination and free exercise of culture. It also offered an option of applying for a 'Certificate of Ancestral Domain Title'.

Current issues

The positive steps of the last 10 years in relation to the rights of indigenous peoples, such as the establishment of the NCIP and the Indigenous Peoples Rights Act 1997 have not been as effective in their activities as might have been hoped. This was partly due to legal challenges as to the constitutionality of both, which was not resolved favourably by the Supreme Court of the Philippines until 2002. In addition, the full recognition and implementation of the rights of indigenous peoples that are contained in the Indigenous Peoples Rights Act 1997 still face many hurdles: there have been criticisms that the 2004 removal of the NCIP from the President's Office to the Department of Agriculture has weakened its position and influence, and the disbandment of Task Force 63 (a body and mechanism which promotes inter-agency cooperation on indigenous peoples' issues) indicates the low priority that state authorities are actually giving to the rights of indigenous peoples.

Following recommendations by the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people that the NCIP call for a 'National Consultative Assembly' (with the objective of including indigenous peoples and organizations in the planning and implementation of the Commission's activities), the NCIP convened a National Forum in November 2006. This led to the establishment of the Indigenous Peoples Consultative Body (IPCB), operating at a national, regional and provincial level. The composition of IPCB is tripartite, including representatives of NCIP, indigenous peoples' organizations and NGOs. Despite criticism concerning their membership, the establishment of these bodies has been seen as a positive development towards enhanced participation by indigenous peoples in the making and implementation of NCIP policies.

While some indigenous peoples have been receiving 'Certificates of Ancestral Domain Title', the process involved has been slow: by 2006, the NCIP announced that 44 such certificates had been awarded covering 896,000 hectares. The implementation of the Act has nevertheless been perceived as difficult for indigenous peoples. Even land recognized as indigenous under these certificates can still be lost to development projects, since mining and other projects can be pursued if a certificate of 'Free, Prior and Informed Consent' (FPIC) is obtained from indigenous peoples. A number of indigenous groups have repeatedly claimed that they have been deceived, threatened and even seen some of their people assassinated, in order for companies to receive these FPICs. The most recent assassination of an indigenous Aeta activist occurred in 2006, and many claim that a string of murders of indigenous leaders is linked mainly to their defence of their ancestral lands. New guidelines for FPICs were adopted in 2006, but it is unclear whether these will bring about any improvement. Development projects being undertaken, such as mining, the Subic-Clark-Tarlac Expressway and various eco-tourism projects have caused the indigenous Aetas to leave the area around Mt Pinatubo.

It appears, nevertheless, that some indigenous communities, such as the Tagbanuas of Coron, have been empowered by their control of land through the Certificates of Ancestral Domain Title, though at the same time there were reports in 2005 and 2006 that members of this community were being harassed, and even having their houses burned down by security men linked to development project proponents.

Indigenous land also continues to be redistributed directly to non-indigenous settlers by the Department of Agrarian Reform, through the Comprehensive Agrarian Reform Program.

While indigenous peoples have in theory a right to mother tongue education, under the Indigenous Peoples Rights Act of 1997, this right is still unimplemented. An Institute for Indigenous Peoples' Education has set up a handful of 'pilot schools' to respond in a more receptive way to the culture and traditions of indigenous peoples, but teaching in indigenous languages is not part of the official state curriculum. Privately established indigenous schools, which occasionally teach in their language, continue to meet obstacles from Department of Education authorities in the registration process.