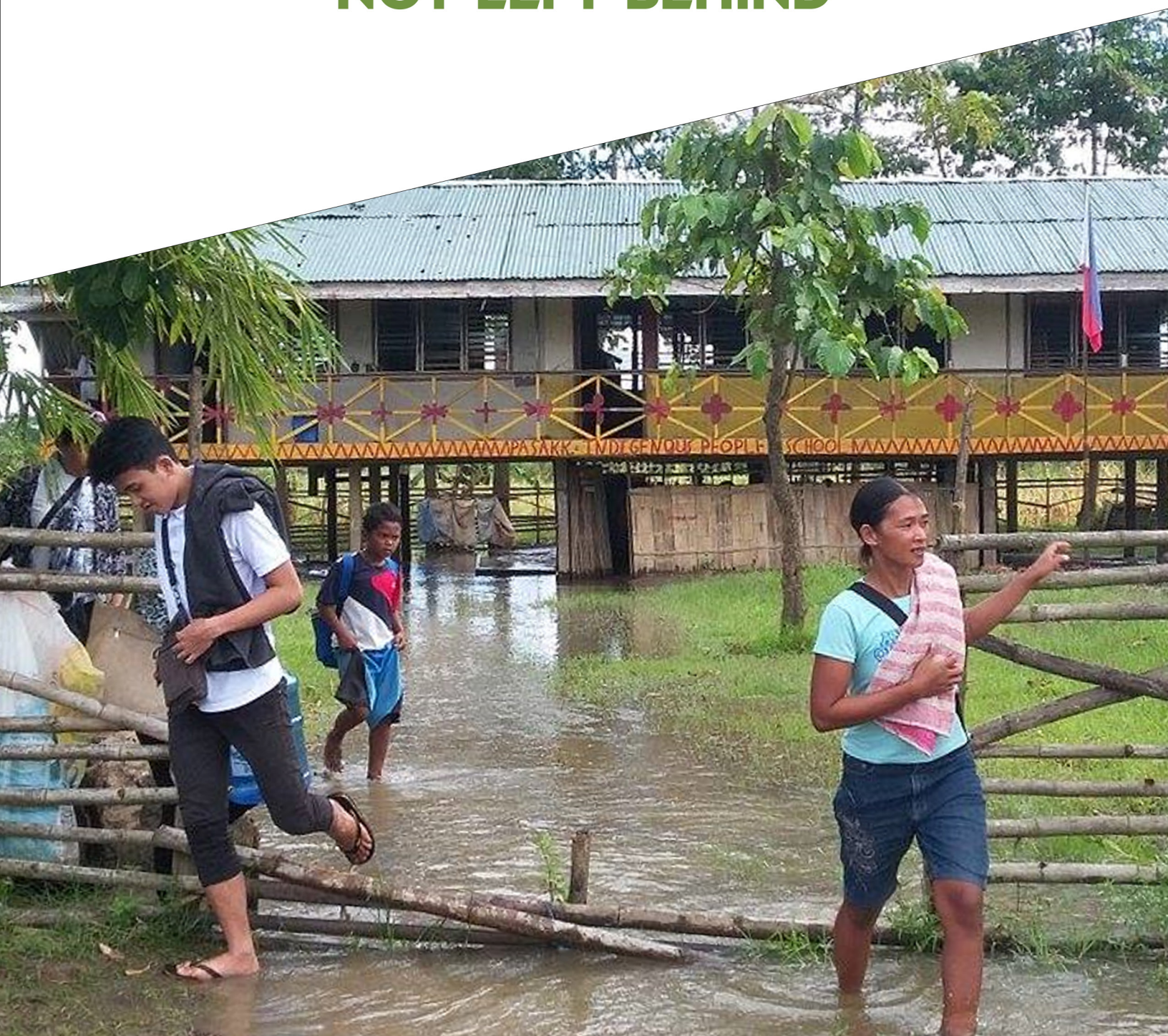


DAYALOGO BRIEF

ENSURING INDIGENOUS PEOPLES ARE NOT LEFT BEHIND



Dayalogo Brief

ENSURING INDIGENOUS PEOPLES ARE NOT LEFT BEHIND

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Published by:

Tebtebba Foundation

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ACRONYMNS

AD	Ancestral domain
BARM	Bangsamoro Autonomous Region in Muslim Mindanao
CADT	Certificate of Ancestral Domain Title
CLOA	Certificate of Land Ownership Award
DA	Department of Agriculture
DAR	Department of Agrarian Reform
DepEd	Department of Education
DENR	Department of Environment and Natural Resources
DOH	Department of Health
DSWD	Department of Social Welfare and Development
DILG	Department of Interior and Local Government
ELCAC	End Local Communist Armed Conflict
FPIC	Free, Prior and Informed Consent
IFAGPI	Indigenous Farmers Association of Guinaang, Pasil, Inc.
IPRA	Indigenous Peoples Rights Act
MALUPA	Manobo Lumadnong Panaghiusa sa Arakan
NATRIPAL	Nagkakaisang mga Tribu ng Palawan, Inc.
NCIP	National Commission on Indigenous Peoples
NNK	Naundep ni Napahnuhan ni Kalanguya
PASAKK	Panaghiusa Alang sa Kaugalingnan ug Kalingkawasan, Inc.
PITO	Pidlisan Tribe Organization
BHAPI	Buhid Hanunuo Mangyan Pinagbuklod
TJG	Timuay Justice and Governance
Kamal	Erumanen ne Menuvu Kamal
NIA	National Irrigation Administration
SDGs	Sustainable Development Goals
SAGIBN-LN	Samahan ng mga Katutubong Agta-Dumagat-Remontado na Binabaka at Ipinagtatangol ang Lupaing Ninuno
SILDAP	Silingang Dapit sa Sidlakang Mindanao
TESDA	Technical Education and Services Development Authority
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
VAWC	Violence Against Women and Children

EXECUTIVE SUMMARY

This paper contains discussions, debates, proposals, and commitments during the series of dialogues, DAYALOGO, on thematic issues between indigenous peoples and government agencies from November 1, 2020- January 31, 2021. As much as possible, it intends to present or reflect the shared views and experiences of the participants. It is meant as a written record of where the conversation or dialogue is at the end of the series, and this dialogue will continue to evolve over the coming months and years. The major thematic issues that came out of this process relate to the following: (1) the ancestral domain and its relation to food sovereignty; (2) indigenous natural resource management, livelihood, and food sovereignty; (3) Access to health, education, and social services; and (4) the situation of the non-Moro indigenous peoples in the Bangsamoro Autonomous Region in Muslim Mindanao. Each dialogue partner from the different line agencies gave their comments on the issues and concerns raised as the indigenous peoples' representatives also presented their proposals.

I. BACKGROUND

In its years of work since its establishment in 1996, Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education) has been the recipient of reports on the human rights and development situation of indigenous communities in the Philippines. Thus, in the past several years, it had been conducting the annual celebration of the International Day of the World's Indigenous Peoples in August at the national capital. A day is usually dedicated to a dialogue between representatives of government line agencies and other government offices, and the participating indigenous peoples. In many instances, the basic issues/problems brought to the attention of these government representatives relate to the tedious process of application for the Certificate of Ancestral Domain Title (CADT); the limited or poor access to basic services on health, education, social protection, justice, and infrastructure; human rights violations; and the lack of and violations of the right to free and prior informed consent (FPIC), among other matters.

During this Coronavirus Disease 2019 (COVID-19) pandemic where safety and health protocols do not warrant mass gatherings, travel, and face-to-face engagements, Tebtebba embarked on a series of virtual dialogues as a way to continue the engagement of indigenous peoples with the government.

In an attempt to clarify and verify basic and complex issues affecting indigenous peoples, these series of dialogues served as a venue to gather and consolidate evidence of good practices, lessons, challenges, and solutions to social issues affecting indigenous peoples in the Philippines. Participants to the dialogues were indigenous leaders, experts, women, and youth from various communities, i.e., the Lumad in Mindanao (Southern Philippines), the Mangyans in Mindoro, and indigenous peoples from Palawan both from the coasts and the mountains. Indigenous peoples from the Cordillera and other parts of Luzon in the Northern Philippines participated as well. The dialogue partners of the indigenous peoples were a number of national, regional, and local government agencies and offices as well as other supportive institutions or stakeholders.

II. CONTEXT

The Philippines legislated Republic Act 8371, or the Indigenous Peoples Rights Act (IPRA), on October 29, 1997 at a time when the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was being negotiated between indigenous peoples and the UN State parties. IPRA contains the basic principles and the essential provisions of the UNDRIP. Thus, it mirrors the international standards on the respect, protection, and fulfilment of the rights of indigenous peoples.

However, there is no monitoring mechanism for the UNDRIP similar to those of the UN treaties. Hence, data on the violations of indigenous peoples' rights may be unreported, masked, and unaddressed. Recognising the importance of quality data to feed into existing human rights and sustainable development monitoring from local to global levels, indigenous peoples' representatives, together with advocates, conceptualised the Indigenous Navigator Initiative which came up with a framework and a set of tools to monitor the implementation of the following:

- The UN Declaration on the Rights of Indigenous Peoples;
- Core human rights conventions as they pertain to indigenous peoples;
- Essential aspects of the Sustainable Development Goals (SDGs); and
- The outcomes of the **World Conference on Indigenous Peoples**.

With the commitment of the Philippine government to achieve the SDGs by 2030, it behooves indigenous peoples to engage the government to ensure that in the implementation of policies, plans, programs, and activities on the SDGs, ensuring that they are not left behind. The Dayalogo series is aimed at bringing to the attention of the government the real situation in the indigenous communities, and for indigenous peoples to present their proposals to the government for the enjoyment of their human rights and for their well-being, including their inclusion in measures toward the achievement of the SDGs.

III. INDIGENOUS PEOPLES IN THE PHILIPPINES AND THEIR SITUATION

The Philippines is home to 70% of the world's plant and animal species and two-thirds of the Earth's biodiversity.¹ Aside from being known as a mega biodiverse country, the Philippines is famous for its diverse culture with 14 to 17 million Indigenous Peoples (IPs) belonging to 110 ethno-linguistic groups.²

Indigenous peoples in the Philippines are widely scattered in the archipelago, although concentration is observed in Mindanao where 61% of the national population is found, and 33% are in the Cordillera Administrative Region, with the rest in the Visayas.³ While the exact population of indigenous peoples in the Philippines is unclear, the latest estimate accounts their number to be between 10% and 20% of the national population, which is projected at 108.8 million⁴ in July 2020. Based on the record of the National Commission on Indigenous Peoples (NCIP), there are identified 95 distinct tribes of

1 <https://www.usaid.gov/philippines/energy-and-environment/bwiser>.

2 https://www.ph.undp.org/content/philippines/en/home/library/democratic_governance/FastFacts-IPs.html#:~:text=The%20Philippines%20is%20a%20culturally,groups%20in%20the%20Visayas%20area.

3 UNDP, 2013.

4 Cities and Municipalities Population Projections_2015CBPP_Phil.pdf.

indigenous peoples in 14 administrative regions of the country, including the Islamic groups.⁵

Despite the Philippines being a resource-rich and middle-income country, many indigenous peoples in the country still miss opportunities to enjoy their individual and collective rights, e.g., right to an adequate standard of living, access to justice, and other civil, political, economic, social, and cultural rights.

Recognized ancestral domains in the Philippines now total more than 5.7 million hectares or about one-sixth of the country.⁶ Despite this number, many indigenous peoples continue to lose their lands and many still have pending claims or unattended requests related to ancestral land claims and titles.

The situation of indigenous peoples in the Philippines is not unique worldwide. Indigenous peoples in many parts of the world had been bringing the violations of their human rights to the attention of the United Nations bodies. This is especially so on the non-recognition of their right to self-determination and to their land, territories, and resources since they could not get redress from their governments at home. On September 13, 2007, after more than 20 years of lobbying and negotiations between indigenous peoples' representatives and UN member-States, the UNDRIP was adopted by the UN General Assembly. The UNDRIP encapsulates the various rights contained in the core human rights instruments currently available of which almost all member States have ratified. However, being a declaration, it does not have a monitoring mechanism to check the progress of implementation by the member States. In the meantime, violations of indigenous peoples' rights persistently occur worldwide. This decade, however, the same member States have committed to achieve the 17 Sustainable Development Goals by 2030.

All 17 SDGs are relevant to indigenous peoples. Two SDG targets specifically mention indigenous peoples, but the goals on health, education, poverty reduction, food security, peace and security, women's empowerment, and reduced inequalities are generally relevant to indigenous peoples.

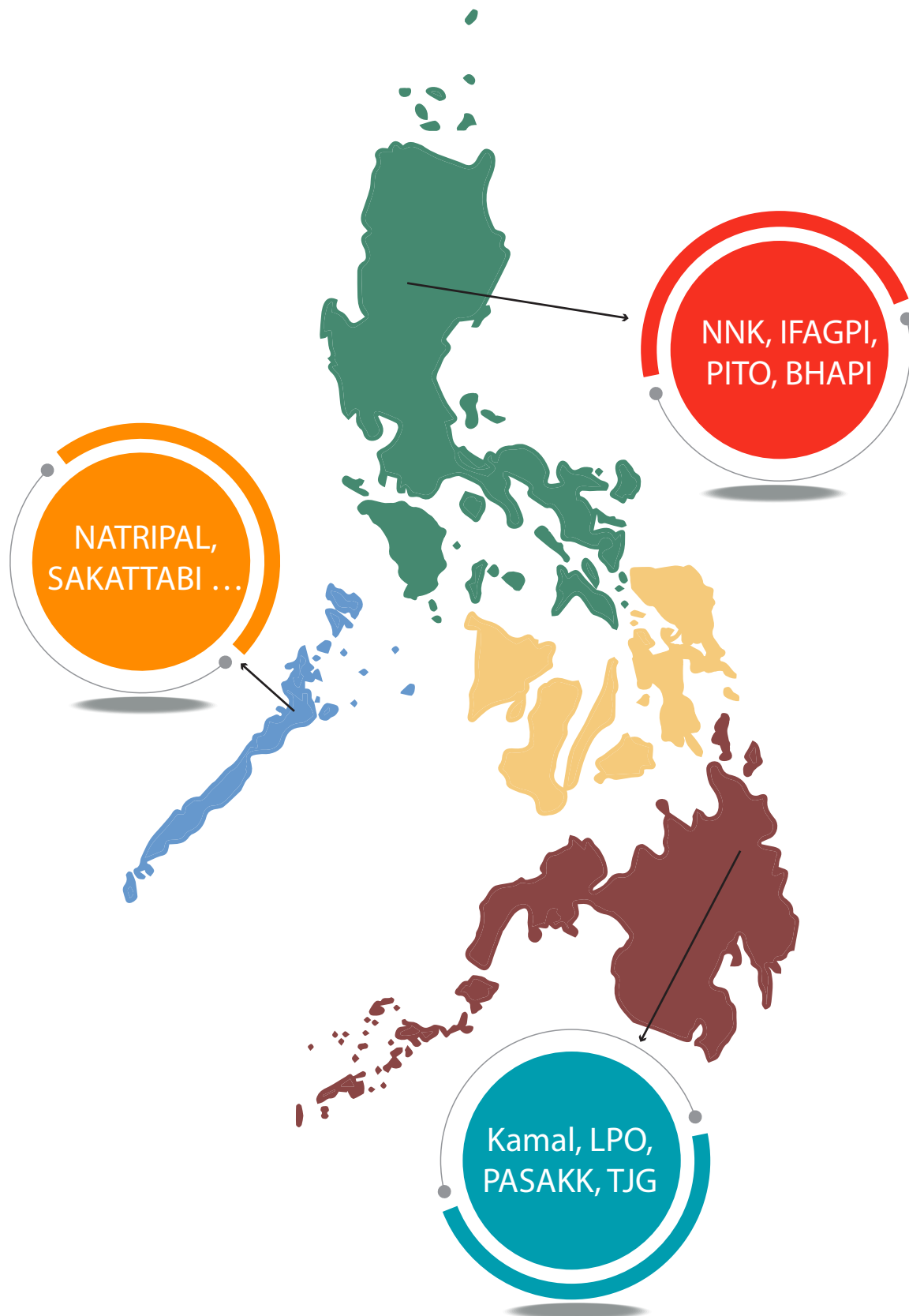
More than a third of the SDG targets are linked to specific provisions of the UNDRIP. These linkages provide the necessary guidance for states, indigenous peoples, and other actors to design their SDG strategies and plans in accordance with the UNDRIP. The two targets specifically mentioning indigenous peoples are:

- Target 2.3 aims to double the agricultural productivity and incomes of small-scale food producers, in particular for indigenous peoples, among others, including through secure and equal access to land.
- Target 4.5 aims to ensure equal access to all levels of education and vocational training, including for indigenous peoples.

⁵ <http://arizonajournal.org/wp-content/uploads/2015/11/Molintas.pdf>.

⁶ <https://pia.gov.ph/news/articles/1049557>.

Map of Participating Indigenous Peoples' Organisations and Indigenous Political Structures



IV. OBJECTIVES OF THE DAYALOGO

The Dayalogo series was organized for virtual encounters between indigenous peoples, various government agencies and officials, and other relevant stakeholders at the national, regional, and local levels to establish better working relationships toward a more effective implementation of the IPRA and the UNDRIP, and the achievement of the SDGs. Specifically, the dialogue series had three objectives:

- To relate with the government agencies in the security and development clusters and discuss how to bring about heightened peace and security in indigenous communities, working in partnership toward the realization of indigenous peoples' self-determined sustainable development.
- To come up with specific agreements between indigenous peoples and government agencies which will, then, define the nature and principles of their cooperative efforts for the effective implementation of the IPRA and the UNDRIP, and to agree on joint activities to be undertaken.
- To engage other relevant stakeholders, e.g., Commission on Human Rights, non-government organisations, academia, etc., in this dialogue platform and reach similar agreements with them.

V. SUMMARY OF PARTICIPANTS

Indigenous peoples organizations (IPOs)	12
Indigenous political structures (IPS)	2
Academe	1
Civil society organizations	6
Government line agencies	11
Cooperative Development Authority	Central Office
Department of Agriculture	Office of the Undersecretary for Regulations (Policy and Infrastructure)
Department of Agrarian Reform	1 regional, 3 provincial offices
Department of Education	Central Office, Indigenous Peoples Education Office
Department of Interior and Local Government	Central Office
Department of Health	CAR, Reg. 11, Davao Center
Department of Finance/Intergovernmental Relations Body	Central Office
Department of Trade and Industry	Central Office
Department of Social Work and Development	Cordillera Regional Office

National Commission on Indigenous Peoples	Central Office, Office of the Chair, Executive Director, Commissioners from the Central Mindanao, Cordillera Administrative Region, and Region 2; Offices: Ancestral Domain Office, Office on Education, Culture and Health, Office on Socio-Economic Services & Special Concerns, Office of Empowerment & Human Rights, Office of Empowerment; Community Service Centers, offices in 2 cities and 28 provinces
National Youth Commission	National office, Northern Luzon Office
Technical Education and Services Development Authority	6 provinces, Central office, Office of the Deputy Director General for Communities and Local Government Unit Services, provincial and regional training centers
Total # of provinces for all agencies	30

VI. THEMATIC ISSUES AND DISCUSSION

The Dayalogo series had four themes:

NO.	THEME	DATE
1	Indigenous Peoples' Agriculture and Food Sovereignty	2020 November 19
2	Indigenous Peoples and the Protection and Sustainable Management of our Environment	2021 January 14
3	Health and Social Services: Addressing Indigenous Peoples' Needs and Priorities during COVID-19 and post-COVID-19 Recovery	2021 January 21
4	Indigenous Peoples Education and Capacity Development	2021 January 28

Major issues emerging from the Dayalogo relate to the following:

- A. Ancestral domain and its relation to food sovereignty
 - A.1 Tedious process of securing a Certificate of Ancestral Domain Title (CADT)
 - A.2 Issuance of Certificate of Land Ownership Award (CLOA) for lands inside ancestral domains
- B. Indigenous natural resource management, livelihood, and food sovereignty
 - B.1 Access to government services and programs
 - B.2 Indigenous food production systems and monocrop plantations
 - B.3 Threats to indigenous knowledge and practices on food security
 - B.4 Resource Instruments pose threats to indigenous communities
 - B.5 Infrastructures, mining, and other large-scale projects
 - B.6 Community-based biodiversity practices and initiatives

- C. Health, and well-being
 - C.1 Lessons and challenges in health in the time of COVID-19
 - C.2 Violence against women and children, and health facilities
- D. Education and capacity development
 - D.1 Barriers
 - D.2 Stories from the ground
 - D.3 Issues
 - D.4 Some initiatives, good practices and collaboration
 - D.5 Education in the time of COVID-19
- E. Non-Moro indigenous peoples in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)

A. ANCESTRAL DOMAIN

The ancestral domain is the material foundation of indigenous peoples' identity, lifeways, survival, economy, and governance. Thus, matters that affect its integrity and the indigenous peoples' enjoyment of their right to develop their own domain according to their own priorities will impact all aspects of their lives.

A.1 Tedious process of securing a Certificate of Ancestral Domain Title (CADT)

The Tagbanua of Puerto Princesa submitted their application for CADT in 2000. It was only in 2013 that the NCIP issued Commission en Banc Resolution No. 158-2013-AD that approved the application for CADT of the Tagbanua peoples of the barangays of Napsan, Bagong Bayan and Simpokan, all in Puerto Princesa City.

The Hanunuo Mangyan of Mansalay, Mindoro Oriental submitted their CADT application in 2005 and, since then and until now, they are waiting, following-up their application, for the delineation of their ancestral domain.

The Teduray, Lambangian, and Dulangan Manobo peoples, whose ancestral domain covers parts of Maguindanao province, filed an application for the issuance of their CADT in 2005.⁷ With its inclusion in the BARMM and with the Indigenous Peoples' Policy of the regional government still not in place, the processing of the CADT is not proceeding, especially with the issuance of Resolution 38 on Sept. 25, 2019 by the Bangsamoro Transition Authority (the transition government) protesting the delineation process of ancestral domains and urging NCIP to cease and desist the delineation process and processing of CADTs in Maguindanao.

⁷ For more information, go to <https://www.mindanews.com/special-reports/2020/08/special-report-3-from-rag-to-armm-to-barmm-the-ips-struggle-for-ancestral-domains-continues/>.

With regard to CADT, the 2012 Joint Administrative Order No. 2 (JAO 2) between the NCIP, DA, DAR, and the Land Registration Authority (LRA) complicates the CADT issuance.⁸

NCIP Administrative Order No. 1, series of 2020, issues the latest rules on the delineation and recognition of ancestral domains and lands, and matters related thereto, including the required documentary proofs to back their application. Each required proof can be produced through a rigorous process which requires technical, logistical, and other forms of support. For ancestral domain owners, many of those who have completed the proofs and underwent the other processes to submit their application, they had to seek the support of non-government organisations and civil society organisations. The tedious process and minimal support from government, especially on the delineation of the ancestral domain, and the lack of knowledge on technical aspects of the proofs, like documentation of the proofs, need substantial resources which cannot be easily produced by indigenous communities. This is an irony considering that most of the ancestral domains are hosts to big mines, logging operations, monocrop plantations, parks, reservations, and the like.

“Pag iginigiit namin ang aming karapatan sa amin lupaing ninuno sa harap ng mga gustong umangkin sa aming mga lupain, ‘saan ang titulo ninyo?’ Malaking tulong yung hawak namin na CADT, yung title, kaya dapat ma-isyu na ang mga ‘yan. That piece of paper is a morale booster for the community! (When we assert our right to our ancestral domain before landgrabbers, ‘where is your title?’ It is a big deal for us to have that CADT in our hands, the legal instrument, that is why those CADTs should be issued at once.)” – Timuey Ronaldo “Jojo” Ambangan, Erumanen ne Menuvu Kamal Secretary-General

A.2 Issuance of Certificate of Land Ownership Award (CLOA) on lands inside ancestral domains

The CLOA is a tenurial instrument issued by the Department of Agrarian Reform (DAR) to farmer-beneficiaries under the Comprehensive Agrarian Reform Program (CARP) as provided for in the 1988 Comprehensive Agrarian Reform Law (Republic Act 6657) and other applicable laws, and it is considered as sufficient proof of land ownership.

Case: Erumanen ne Menuvu ancestral domain in Aroman, Carmen, North Cotabato

Erumanen ne Menuvu Kamal (Kamal), the indigenous political structure of the Erumanen reported that a piece of land within their ancestral domain was surreptitiously appropriated by the American colonial government through Presidential Proclamation (PP) 772 which established the Central Mindanao Integrated Agricultural Research Center for Upland Rolling in 1941 in Aroman, Carmen, North Cotabato. This area was supposedly borrowed by “Gobierno” from the then leaders of the Erumanen ne Menuvu in the 1930s for 25 rice cropping (equivalent to 25 years). After more than 25 years that the lands were not returned, the Erumanen checked with the government for the return of their lands and discovered that instead of 50 hectares, Gobierno arrogated unto itself almost 500 hectares of their productive lands. This is what is covered by PP 772. For years, the Erumanen ne Menuvu have petitioned, organized mass actions, and lobbied to have these lands returned. They themselves were fenced off from their lands but saw these lands being allowed by the government to be occupied by non-IPs. Now, the DAR surveyed the actual occupants of the area occupied by the Bureau of Plan Industry towards the issuance of CLOAs.

⁸ [Clarifying, Restating and Interfacing the Respective Jurisdictions, Policies, Programs and Projects of the Department of Agrarian Reform \(DAR\), Department of Environment and Natural Resources \(DENR\), Land Registration Authority \(LRA\) and the National Commission on Indigenous Peoples \(NCIP\) in Order to Address Jurisdictional and Operational Issues Between and Among the Agencies.](#)

The issue with the government is that, despite the years of demand for the return of the lands, why is it now giving away these lands which it neglected to protect? Worse, it is giving these away to non-IPs. This area is covered by NCIP Commission en Banc Resolution #161. In spite of the moratorium of survey activities declared by the chairperson of NCIP, conduct of surveys are still on-going.

“Hindi maawat yung mga survey sa loob ng ancestral domain at mayroong mga nagpapatitulo sa ilalim ng DAR na dahilan para tuwirang maagaw at mawalan ng sinasaka ng ilan sa amin. (The surveys inside our ancestral domain cannot be stopped and there are individuals who have titles issued by the DAR which is the reason these lands are grabbed and we ultimately lose some of our farms.)” – Timuey Jojo Ambangan, Secretary-General, Kamal

For the Tinonanon Manobo in Arakan Valley, North Cotabato, which has unified CADT #0918231, a 100,000-hectare portion of their ancestral domain was delineated and applied for CLOA by the University of Southern Mindanao (USM) to be made into a reservation site. In their survey, the ancestral domain owners claim that in the USM application, their population was indicated as “few” and only 56 hectares were left of the domain. They reported that a consultation was made, but that they were not involved. DAR knows that this is an ancestral domain. USM has since backed out but the CLOA has already been issued and there is difficulty in cancelling it.

Similar cases are rampant in other ancestral domains, even in those issued with CADTs. Thus, the Chair of the NCIP had to issue a certification on 20 Nov 2020 stating that even while the application for CADT is on-going, the rights of indigenous peoples are recognised, respected, and protected under the IPRA and other related laws, rules and regulations, and that the ancestral domain is the indigenous peoples’ private but community property which cannot be sold, disposed, or destroyed. He issued this certification after his Mindanao-wide consultation journey where he himself heard the stories of the issuance of CLOAs by DAR for parcels of lands within ancestral domains, among other issues.⁹

The issuance of CLOAs over portions of the ancestral domain is a clear indication of the disrespect of the right of indigenous peoples to their ancestral domain by the government itself and the need for the different line agencies to resolve this impasse.

⁹ In his speech, Capuyan said that the issues and data he gathered were directly relayed to him by the IP leaders. (Among the issues involving our IP communities is the lack of farm-to-market roads; lack of scholarship grants for young IPs; the practice of selling ancestral domains; illegal activities by IP migrants inside the ancestral domains; lack of support funding for the CADT delineation; intrusion of politicians and powerful personalities in selecting the IPMR; the issuance of CLOA by DAR inside the ancestral domain; IP killings; pending applications of CADT; the entry of businessmen and projects inside the ancestral domain without the FPIC; among others),” he said. <https://www.pna.gov.ph/articles/1117381>.

B. INDIGENOUS NATURAL RESOURCE MANAGEMENT, LIVELIHOOD, and FOOD SOVEREIGNTY

Intricately linked to their lands, waters, and resources therein is the livelihood of indigenous peoples such that putting limits to how they can access and use these resources will affect their capacities and survival. These are not merely measured through their daily incomes or salaries, but through how communities survive and sustain their day-to-day life and future. Key aspects of indigenous livelihoods include access to land and natural resources; traditional occupations, local governance, traditional institutions and knowledge; concept of ‘self-determined’ development; and the role and responsibilities of national and local governments in these matters.

B.1 Access to government services and programs including funding support

Representatives of indigenous communities in the dialogue highlighted common problems relative to their access to government programs and services (e.g., seed distribution, pre-/post-harvest facilities, and irrigation), access to state-provided projects and benefits (e.g., rice tariffication law, documentary requirements for accreditation), and access to credit.

- **Panaghiusa Alang sa Kaugalingnan ug Kalingkawasan, Inc. (PASAKK)** encountered issues in availing DA services like seedlings, facilities, and access to credits.
 - » Many community members were not able to receive seeds from DA;
 - » Pre-/post-harvest facilities being offered by Bunawan municipal government are limited and only accredited organizations are prioritized;
 - » Indigenous farmers are not able to secure rice tariffication law benefits because they are not registered; and
 - » Indigenous peoples are not able to avail of loans from the bank due to the lack of documentary requirements such as land titles.
- **Pidlisan Tribe Organization (PITO)** raised the issue of damage on their irrigation system that has never been repaired and has affected the farmlands of indigenous community, thus the farmers could not properly tend to their farms and have decided to stop working in their farms. The nine-kilometer irrigation system needs to be rehabilitated to benefit the community.

B.2 Indigenous food production systems and monocrop plantations

The dialogue emphasized food sovereignty as critical to indigenous peoples’ survival and how this can be achieved through the incorporation of their indigenous knowledge, systems, and practices (IKSPs) in agriculture as well as through other land use and management practices. Challenges were also identified vis-a-vis government policies and programs being implemented in the lands of indigenous peoples.

Nagkakaisang mga Tribu ng Palawan (NATRIPAL) explained how the age-old “*pag-uuma*” or rotational or swidden farming has been vilified by the government and accused of being destructive to the environment. This IKSP-based practice has been proven to be not harmful to the environment and to be important to indigenous culture and traditional livelihoods. Pag-uuma is considered a sacred

activity because it is imbued with beliefs and rituals all throughout the process, from land preparation to post-harvest activity. The Constitution and the IPRA clearly provide a general backdrop to respecting indigenous culture, hence the indigenous communities anticipate recognition and respect of these rights from multiple stakeholders.

Timuay Justice and Governance (TJG) identified “*sulagad*” as an indigenous measure to secure and sustain food production and consumption. *Sulagad* is a Tëduray and Lambangian term for living things in the natural environment—domesticated, cultivated, or wild—that can be readily used, sold, or exchanged with other items for human consumption to meet basic needs. This agricultural practice involves observing rituals from tilling the land to harvesting produce. They also practice other traditional livelihoods like weaving, honey collection, and fishing.

Participants to the dialogue affirmed that these indigenous food production systems are environmentally sustainable when exercised according to indigenous knowledge and practice. *Paguuma*, however, is vilified by the government as forest destruction and is banned by the Department of Environment and Natural Resources (DENR).¹⁰

B.3 Threats on indigenous knowledge systems and practices on food security

These practices and traditional livelihoods, however, are being threatened by a lot of factors—decreasing interest of the youth to engage in farming, lack of readiness to engage in cash economy, entry of high-external input farming practices, migration due to armed conflict, and undue displacement because of armed conflict, negative effects of policies and programs on indigenous livelihood systems, and selling of lands. There is also the trend of converting lands used for rotational farming and other parts of the ancestral domain into monocrop plantations or industrial farms.

Impact of plantations and land grabbing

NATRIPAL shared the intrusion of monocrop plantations such as the oil palm plantations in Southern Palawan. Bataraza, Rizal, Brookes Point Quezon, and Española were the areas that were greatly affected by deforestation and degradation. These plantations replaced the natural forests that have been home to rich biodiversity and wildlife including medicinal plants. The mangrove forests were also ruined. The destruction of the natural forests was brought to the attention of authorities but no action has been received by the communities. NATRIPAL, realizing the massive damage caused by plantations in their communities, mobilized indigenous leaders and farmers to look into the issue and come up with solutions to stop the further destruction of their forests. A request for moratorium for oil palm plantation in Southern Palawan municipalities was forwarded to the local government but only the municipalities of Quezon and Rizal issued moratorium on palm oil plantations. At the national level, a petition for province-wide moratorium was signed by 4,200 IPs and farmers. The CHR also made an inquiry into this issue but there has been no action on the ground by the concerned authorities.

Erumanen ne Menuvu Kamal (Kamal) mentioned that the presence of an oil palm factory in Carmen. Though the factory is outside the ancestral domain, the plantations are found within the domain, which were established through massive land grabbing. Land grabbing happens when indigenous peoples lose their lands by force, manipulation, and deception. Land grabbers would usually fence a certain area without the knowledge of the community and it is then too late or difficult for the rightful owners or

10 Dressler, W. H., Smith, W., Kull, C. A., Carmenta, R., & Pulhin, J. M. (2020). Recalibrating burdens of blame: Anti-swidden politics and green governance in the Philippine Uplands. *Geoforum*. doi:10.1016/j.geoforum.2020.01.024

indigenous communities to intervene. When land grabbers are confronted by the members of indigenous communities, land grabbers would frequently manipulate the situation by asking for proof of ownership, a title that is often not available for communities to show. What happens next is really heartbreaking as the rightful owners, which are usually the indigenous communities, become “tenants” in their own lands.

Conflicting political boundaries of forest reserves and the inaction of government agencies, like the case in Ifugao, cause the destruction of forests which are converted into highland vegetable farms. The conversion of parts of the ancestral forests into oil palm plantations in Palawan, into plantations of rubber, corn, and other crops in Mindanao, into logging, and other businesses threatens the food sovereignty of indigenous peoples. Such actions deprive further access and use of these resources by indigenous peoples as a collective. The sad part is that some individuals among indigenous peoples themselves are into these kinds of businesses

Meanwhile, for *sulagad*, threats include the youth’s lack of interest in farm work, migration, and displacement due to armed conflict (in some areas in the BARMM), and negative effects of policies and programs among others, which put them at food risk.

B.4 Resource instruments poses threats to indigenous communities

Presence of land disputes in the lands of indigenous peoples in the Philippines is an on-going issue despite the implementation of tenurial instruments like CADT or pending claims of indigenous communities of their CADT. The battle for land ownership is aggravated by several tenurial instruments being issued like the Integrated Forest Management Agreement, Community, Integrated Social Forestry, and CLOA, among others, by government agencies without the FPIC of concerned indigenous communities. For this reason, the indigenous peoples from across the country are calling for the cancellation of these instruments already overlapping with ancestral domains of indigenous peoples. It has been observed by indigenous leaders that expired instruments are still being used by outsiders, including corporations and other claimants which are, in turn, being honored by the government but that when indigenous peoples have their turn to assert their claim of ownership, even with the proof of a document, their application is often ignored or considered insufficient.

B.5 Infrastructures, mining and other large-scale projects reject indigenous peoples’ rights

Despite the income generated by mining, plantations, large-scale road widening, and construction for the government, the disproportionate impacts of these projects need further attention and understanding. The ambiguous perspective of many investors and even of the governments on development do not help support or uplift the condition of indigenous communities. The current issues affecting indigenous communities on the construction of roads, mining operations, expansion of plantations in Mindanao, and commercialized tourism, as shared by Silingang Dapit sa Sidlakang Mindanao (SILDAP), NATRIPAL, PASAKK, TJG, and Buhid Hanunuo Mangyan Pinagbuklod (BHAPI), are considered “windfall developments” as they cause the sudden influx of wealth but are, at the same time, not sustainable and hugely impact indigenous communities negatively.

Issues on non-observance or improper conduct of FPIC, impact of mining such as pollution and environmental destruction, vilification and killings, and other human rights violations are the usual complaints that are often associated with these developments.

B. 6 Community-based biodiversity practices and initiatives

The sulagad/suragad system and pag-uuma are part of the biodiversity protection and conservation practices of indigenous peoples. The practitioners explained the reasons for these indigenous practices as well as the need to sustain, revive, and strengthen their usage.

“Ang tradisyunal na uma o kaingin ng mga katutubo ng Palawan ay siyang pangunahing pinagkukunan ng pagkain—bigas at samu’t saring gulay at prutas. Ito ay isang sagradong bagay na hindi pwedeng walain dahil ito ay bahagi na ng aming kultura. Hindi sumisira sa ating kalikasan ang pag-uuma dahil may mga pamamaraan upang tukuyin ang mga lupa na pwedeng umahin at hindi.” (The traditional swidden farm among the indigenous peoples of Palawan is their primary source of food—rice and various vegetables and fruits. This is a sacred custom that should not be abandoned because it is part of our culture. Swidden farming does not damage our environment because there are processes to indicate which lands can be used and not for this practice). - John Mart Salunday of NATRIPAL stressed as he discussed the relevance of swidden farming, an agricultural system that is customarily used by indigenous peoples in Palawan and other parts of the Philippines.

Community-based mapping of resources is being done to promote and accurately record, write, and locate indigenous histories and historical landscapes. Practical mapping techniques and community participation are essential elements to create a scientifically correct information-gathering, ensuring that indigenous and local knowledge, often neglected or ignored, are fully and properly recorded. The community partners of SILDAP reported that the establishment of their community’s three-dimensional map helped them manage their territories.

- **Indigenous Farmers Association of Guinaang, Pasil, Inc. (IFAGPI), Naundep ni Napahnuhan ni Kalanguya (NNK), and Inapinan** highlighted their use of indigenous knowledge systems in every aspect of their community life, even in the practice of agricultural systems and in the comprehensive use of their lands. Some examples include combined IKSPs with modern technology to improve rice production. Diversified plants were also utilized to develop natural pesticides and fertilizers.

C. HEALTH and WELL-BEING

The growing attention to health issues is a good opportunity to understand the different dimensions of indigenous understandings of health and well-being. Health for indigenous peoples is not limited to measures of good physical health and illness but it is a measure of holistic wellness, which includes the spiritual, intellectual, physical, and emotional dimensions of life.

The mainstream health system in the Philippines is often difficult for indigenous peoples to access. Securing primary health care services entails not only addressing the physical barrier but overcoming the complex issue of discrimination and racism. With the pandemic, poor medical infrastructures, unemployment, poverty, and the absence of other related support have made indigenous peoples more vulnerable to COVID-19.¹¹

The criminalization of home birthing by local governments is a persistent issue raised in several fora, a practice that is done due to the limited—or even lack of—access to reliable, efficient, and affordable health services in the indigenous communities.

Experience with the pandemic both showed the strengths and vulnerabilities of indigenous communities. One lesson reiterated is the necessity of revisiting the core context of indigenous health and well-being, and that means going back to the basics of respecting nature, nurturing those positive values with courage and humility, reviving the vision of unity, and promotion of collective well-being, including spiritual interventions.

C.1 Lessons and challenges on health in the time of COVID-19

Indigenous peoples demonstrated their coping strategies thru their indigenous knowledge systems and practices during the pandemic, proving that community-based initiatives are practical solutions. These include the conduct of rituals calling for the Creator's intervention and protection, collective action rooted in their spirituality, practice of traditional agriculture, use of herbal medicines to address health issues, and reliance on Food Always in the Home (FAITH) which, then, emphasizes the consumption of clean and organic produce. Reliance on traditional practices (e.g., *hilot* or traditional midwife) or herbal medicines was also stressed due to the fear that people will get infected with COVID-19.

However, there were also challenges faced despite positive actions taken by indigenous peoples to deal with COVID-19. Identified challenges include lack of or difficult access to clean water, insufficient knowledge and technology to further process herbal products, and lack of materials to use in the observance of health and safety protocols like masks and face shields. Mental health was also highlighted as a crucial issue with the recorded incidence of suicides and cases of depression. Added protocols also restrained indigenous communities to access health services, e.g., restrictions on mobility and face-to-face interactions, aside from the fear of catching the disease and the challenging distant walks necessary to access available health facilities (e.g., birthing amenity). PhilHealth membership is also difficult for indigenous communities to access.

11 https://www.ilo.org/wcmsp5/groups/public/---dgreports/--gender/documents/publication/wcms_757475.pdf.

C.2 Violence against women and children, health facilities and social services

Social services covered during the dialogue included issues related to violence against women and children (VAWC) cases, the socialized amelioration program (SAP), and other similar support systems. There has been an observed increase in VAWC cases during the pandemic. Aside from VAWC, the absence of health and transportation facilities (ambulance) and the inaccessibility of quality social services are common concerns in far-flung communities. The implementation of SAP as an amelioration program of the government became a source of conflict since not everyone affected by pandemic was given financial assistance.

- **PASAKK** reported an observed increase in VAWC cases during the pandemic. For families relying on a daily income or wage, their finances have become severely limited and is often a trigger for spouses to fight which is, then, witnessed by the children. Accordingly, violence or abuse often involves spouses or children. With the number of cases reported, there is a need for psychosocial intervention for affected families, provision of budget, and setting-up of a special lane for abused women or children in respective agencies. Regular monitoring of VAWC cases is also deemed necessary.
- **NNK** presented the issue related to SAP. SAP created more division among the people in the community due to the limited reach of this support. SAP must have been maximized to provide for families not covered by the 4Ps so that non-4Ps as well as all who were affected of the pandemic may be given a chance to receive assistance. There is also the issue on the absence of ambulance and health facilities in far flung areas; these services are only available in the town proper, which is still far from some communities. Accessibility of quality social services is still a general concern and budget allocation for this is needed.

D. EDUCATION AND CAPACITY-DEVELOPMENT

From the communities, education concerns are not only those related to the formal education system, but also to indigenous knowledge systems and practices, and on an important note, to facilitating access. Access would include being able to meet the cost of education and is related to earning cash from products that indigenous parents sell in the market. It also includes facilities for their children who have to attend schools far from the village.

D.1 Barriers

- Access to both formal and culture-sensitive education: Indigenous children and youth often do not have access to schooling in their traditional languages and to a culturally-friendly curriculum. Often, teaching methods do not incorporate nor sufficiently recognize their communities' histories, cultures, ways of learning, and traditional knowledge. There is a need to bring indigenous peoples' perspectives into education, teaching, and research.
- Schools in the community: The lack or absence of schools in indigenous communities is a perennial issue. Aside from inadequate physical spaces, there is a need to employ more teachers and educators, including community educators, who have ample knowledge of the cultures and histories of the community.

- Physical barriers, like the lack of accommodations for students attending schools far from their residences, are barriers to indigenous children's access to schools, thus the necessity of remedial measures to address these, e.g., free or affordable dormitories.
- Digital divide: There is a huge inaccessibility of indigenous children and youth to online or modular learning, given that most indigenous children and youth are more marginalized due to the lack of opportunities to catch up with the present mode of learning. The problem is not only internet connectivity but also that of added internet time cost and inaccessibility to gadgets, further discouraging some students to continue their studies.
- Insufficient support mechanisms like scholarships, training schools based in the communities, and provision or establishment of higher education in remote or far-flung areas.
- A limited budget to support the establishment of schools, scholarship programs, and hiring of additional sensitized educators for indigenous children and youth in both national and local government levels.
- Lack of support for community-based initiative or learning schools: Some have experienced difficulty in accessing permits to operate and are being red-tagged as outlaws or terrorists, causing their operations to stop.
- Issue on peace and order in BARMM and other conflict-stricken areas: The constant armed conflict taking place in the ancestral domains of indigenous peoples continually disturb their normal community life and activities. There was also an observed increase in the displacement of people from their ancestral domains, adding pressure and more difficulty to accessing education and continuing with their daily life.
- Discrimination is still being experienced by children and youth of indigenous descent: In the national Indigenous Peoples (IPed) Policy Framework, the State commits to eradicate all forms of discrimination in the Philippine educational system.

D.2 Stories from the ground

Manobo Lumadnong Panaghiusa (MALUPA) disclosed that discrimination is still being experienced by indigenous peoples and this impacts the confidence of indigenous peoples and how they can be proud of their identity. To help the young people, we need to open training schools to further equip the young people with practical knowledge and skills that they can use for earning a living and helping the family. It would be good to have them capitalize on technical knowledge and other related skills.

BHAPI discussed the issue regarding the timely downloading of monetary support for scholars among the Hanunuo Mangyan. There has been a delayed transfer of allowance for concerned scholars and this often leads to added pressure for parents to look for ways to augment their budget and source out funds for their children's education while awaiting this support from the government. Due to the delays of the said fund support, parents often lease their properties or borrow money. These initial remedies are not sustainable; hence, it is being recommended that monetary allowances as well as other support be properly disbursed at the beginning of enrolment. Often, the delays add unintended outcomes that often cause students to drop out because schools are mostly strict in implementing their policies on fees, leading students to often lose confidence in continuing school attendance.

Parents also would like to understand some school requirements or payables that are being included in the scholarship programs. Apparently, there are fees that are being included which are not clear to them.

High schools are very far from the residences of students. Thus, it is being recommended that the DepEd sees it as an opportunity to add more schools in far-flung communities. This has been a perennial issue and it is being hoped that the government will take actions soon.

The issue on how the public perceives Mangyan capacity and products was also raised. As a source of cash to support the education of their children, this concern is very much related to the access to education. The communities' crafts sold in the market are not very much appreciated. Relevant assistance is necessary to promote, package, and market their products so as to get their corresponding deserved value.

D.3 Issues

a. Access to quality and culturally appropriate and responsive education

Lambangian and Teduray: LPO shared that their ancestral domain has 11 barangays. Out of this number, only four barangays have secondary schools and one, a tertiary school. The problem of increasing drop-outs is also of great concern among families. They report a growing number of out-of-school youth that requires addressing. Aside from the schools being far, the families are also having difficulty in financing the education of their children, including their children's accommodation in town where the school is located. The establishment of low-cost dormitories near the schools is an urgent concern, providing help to students who lack the means to rent a space for their accommodations. While there are scholarships being offered by NCIP, the children and youth from their community could hardly meet the academic standard as it is "too high" a standard for them. If they are found eligible, however, the daily expenses and accommodation costs prove to be too difficult to meet, especially since these schools are far from their villages.

b. Pending School Operation, Insufficient Support, and Red Tagging

PASAKK shared issues on the additional impact of protocols being observed due to the pandemic. The non-face-to-face learning strategy resulted to unintended negative effects on families already burdened with the issue of inaccessibility or absence of schools in far-flung communities. Another concern raised was the added requirements for the school to operate. The organization already complied with the requirements being asked of them but these requirements fulfilled were considered inadequate. The organization admitted that these extra requirements imposed are burdensome. They requested the Technical Education and Services Development Authority (TESDA) assistance for the youth in their area as regards obtaining NC-2 completion. This issue is being forwarded to TESDA. The PASAKK-run school is being prepared to be turned over to the DepEd.



Figure 1. PASAKK-managed school in Dinagat, San Marcos Bunawan, Agusan del Sur

SILDAP raised the concern about the renewal of permits for their community learning schools. SILDAP has submitted their application for renewal on time but the feedback was delayed and they were being asked to comply with additional requirements. Although they were able to comply with the required FPIC from the community, this was only processed in September 2019 whilst classes started earlier in June. Thus, the organization decided to turn over the schools to DepEd so as not to compromise the children's studies. One added issue that has also put the organization at risk is its being tagged as a terrorist entity. SILDAP was tagged in 2017 as connected to a terrorist organisation and, despite efforts that showed their legitimate status, this tagging has never been corrected nor stopped.

D.4 Some initiatives, good practices and collaboration

Indigenous communities, especially those in neglected areas in Mindanao, have developed their own schools, including their own curricula and educational materials. In this situation, the DepEd representative acknowledged the indigenous communities' efforts to establish their own schools with the help of religious and civil society organizations where the concept of indigenous peoples' education emerged. In these schools, the teachers were often paid by parents and some have existed for decades.

Some of the reflections of the participants on education include the following:

- *Use of indigenous language in education to facilitate learning and meaningful interaction. Indigenous language is an important tool in learning and education though this will require teachers or educators to be indigenous language speakers or experts.*
- *Indigenous peoples have IKS relevant to revitalizing and preserving Indigenous languages and showcasing their rich contribution to cultural and knowledge diversity (e.g., use of indigenous educational materials or curriculum, IPED, etc.).*
- *Application of holistic approach in shaping the minds and education of the children. The use of resources available in the communities to aide learning and teaching (e.g., knowledge on food and agriculture, practice of rituals, use and development of herbal medicines) is a practical way of capitalizing on what they already have in the community despite it being limited.*
- *Indigenous communities have initiated community-learning schools that are culturally sensitive; respectful of heritage; espouse cultural history, sensitivity, and integrity; and encompass human rights, community, and individual development (e.g., SILDAP, PASAKK, SLT).*

*A **youth** from the NNK shared how their community in Tinoc, Ifugao was able to establish a School of Living Traditions (SLT), a learning system that allows an intergenerational transmission of knowledge. The earliest SLT was established in 2014 and there is a plan to revive SLT by allotting additional funds especially since the regular conduct of school has adjusted to virtual teaching and learning.*

PITO disclosed some positive and negative potentials of using the mother tongue in school. It has been working with teachers in the implementation of their project on Indigenous Ways of Knowing and Learning in Fedilisan, Sagada, Mountain Province. The community, through the teachers, produced an orthography and a Pidlisan working dictionary. The teachers contextualized the learning materials as well. The organization also helped the teachers and students develop their skills in video production for which they produced a video on Pidlisan Rice Culture. Based on the observation of parents, the use of Mother Tongue as a subject is not very practical because, in the end, the assessment tools are in Filipino and English, but it can still be used as a medium of instruction to facilitate the learning process.

D.5 Education in the time of COVID-19

Tagbanuas of Palawan shared their reflections on the pandemic. The pandemic brought so much adjustment to the life of the Tagbanua people in the community including their coping with the new normal for learning. The cancellation of face-to-face schooling has put so much pressure and burden to parents that they need to assume teaching and learning activities with their children. Parents are having difficulty teaching the modules since they are not knowledgeable on the subject matter and are not very well versed on the technology or use of online learning platforms. In coastal areas, schools are located very far from the community and families have to access and use only one public transport vehicle. Other families can use their motorcycles but only a few can be able to do this. The greater concern is the very limited digital literacy of both learners and parents/guardians who are, then, expected to mentor them. This further adds to the learning challenges faced by families. There is no school in their barangay; hence, it is being recommended that a school be built in the area. The use of the mother tongue in the community as a medium of instruction is highly recommended to facilitate learning and impart value for cultural identity.

PITO reports on what many parents and schoolchildren faced during the start of the blended learning system where modules were delivered late. When these arrived, some were incomplete and, due to the delays, resulted to children being swamped with several modules to accomplish, further stressing the learners. For teachers, there was not enough material, time, and guidance for contextualization and quality checking of the modules. Many parents find it particularly taxing to guide their children while worrying about the next meal. Worse, they are not prepared in many capacities, including having knowledge of teaching strategies, to help their children. For high school students, they have to return several times to the school if their modules are incomplete, which may cause added exposure to Covid.

Indigenous Education, Blended Learning, and Additional Challenges

An indigenous woman leader shared on the effect of blended learning as a strategy implemented by the DepEd as a way of coping with the pandemic. People living in the community were hit hard by the pandemic as they needed to do substantial adjustment, especially the mothers who had to mentor their children and meet their learning requirements, including accessing the internet and using new technologies. Mothers found it difficult to assist their children as most of them did not complete their own academic education. For them, answering various academic questions and activities were daunting. Another problem raised was the lack of schools in coastal areas, as pointed out by the Tagbanua of Palawan.

An indigenous leader shared views on indigenous education. It cannot be denied that one of the general objectives of education is to encourage development and well-being. Thus, education must be appropriate and sensitive to culture and the needs of the learner.

One on-going initiative is the development and documentation of histories, cultures, pedagogies, traditional languages, and traditional knowledges by indigenous peoples themselves. The Erumanen ne Menuvu have already written the histories of their 13 vansa (sub-tribes). Another is the building of their own orthographies, such as those done by the Mandaya and Erumanen ne Menuvu with the support of the European Union through the Indigenous Navigator Initiative implemented by Tebtebba. These will contribute to the celebration of the International Decade of Indigenous Languages (2022-2032) with the theme on the right to language. In the roundtable discussions conducted virtually in July 2021, these working orthographies were shared with the DepEd, NCIP, Summer Institute of Linguistics, some academe based in Mindanao, and other stakeholders.¹² On the other hand, the TJG built their own Teduray orthography in partnership with the BARMM Ministry of Basic, Higher and Technical Education.

¹² Watch the online presentation of the working orthographies here: for Mandaya: <https://www.youtube.com/watch?v=eKtVYal7wzg>; for Erumanen ne Menuvu: <https://www.youtube.com/watch?v=KStPLVXJrUE>.

E. NON-MORO INDIGENOUS PEOPLES IN THE BARMM

There is no doubt that the approval of the BARMM has addressed the historical injustice committed against the Moro people in Mindanao. However, this milestone has pending threat to the rights and welfare of indigenous peoples who have equally experienced historical injustices and discrimination. The dialogues noted overlapping and contesting claims over the ancestral lands of indigenous peoples and these involve conflicting interests of indigenous communities and Moro people, leaving the former being displaced from their lands or stripped of their rights as the historical owners and stewards of their lands. These continuing concerns have been brought to the attention of the BARMM authorities.

The created BARMM is now a threat to the peaceful and sustainable life of indigenous communities. The Teduray, Lambangian, and Erumanen ne Menuvu are part of the Indigenous Navigator Initiative. They actively engaged in the drafting process of the Bangsamoro Organic Law, believing that this will be the start of the resolution of the historical injustices that they have suffered. However, these peoples speak of continuing unpeace¹³ in their territories which is not being addressed effectively and in a timely manner within the transitory regional government.¹⁴

TJG reported on how the creation of the BARMM have impacted their situation. The issue on land ownership has been aggravated with the entry of individuals and groups who have vested interests over the lands, territories, and resources of indigenous peoples. BARMM just recently approved a large-scale agribusiness to operate in the ancestral domain of the Lambangian and Teduray communities. These accommodation of powerful groups within the BARMM is being done without the FPIC of the ancestral domain owners. Further, non-State armed groups are displacing indigenous communities with violence resulting to a population of ancestral domain owners being internally displaced (IDPs). As of this report, some of these IDPs have not yet returned to their homes and the violence, not resolved. The underlying rationale for these attacks is the desire to grab the lands of the indigenous peoples.

The intervention of DAR is often aggravating the process as exemplified in one of the consultations made on the 3,500 hectares of palm oil production application by Gintong Agri that will cover five barangays. In the said consultation, indigenous leaders and members of Teduray communities expressed their sentiments as ancestral owners of the land. The representative of DAR during that meeting announced, however, that those who hold land titles are the true owners of the land. This pronouncement of DAR brought so much disappointment to the indigenous communities and has actually added risks to the lives of those ancestral owners of the land. Aside from the outright disrespect of their rightful ownership of their ancestral domain, harassment and killing took place. The recent incident on October 3, 2020 involved some armed groups who killed several residents in the area. This new development has greatly affected the indigenous communities and their suffering is unbearable—their lands are being grabbed for plantations, people are being harassed and killed, and people are in the midst of the pandemic. As expressed by an elder, *“May pandemya na, may ginagawa pang mga karahasan na nakakaapekto hindi lang sa kapayapaan kundi pati sa food security. Hindi na nga makapagtrabaho, inaagaw pa ang lupa* (We are already suffering from the pandemic but we are still being harassed and vilified, which affects not only our peace but also our food security. While we

13 <https://philippines.oxfam.org/latest/blogs/tedurays-quest-peace>; https://mindanaogoldstardaily.com/loyukan-statement-on-the-series-of-killings-and-atrocities-against-the-non-moro-indigenous-peoples-in-barmm/?fbclid=IwAR2w_dDRAWchNVEpwIhaYLeF8_tp8iDLVCANfFceElol6VARFh7JTzVc_E.

14 <https://philippines.unfpa.org/en/node/15306>.

could hardly earn [this pandemic], our land is being grabbed).” Reports have been submitted by TJG and other advocates for NMIPs’ rights to relevant bodies, e.g., NCIP Chair, Commissioner of Central Mindanao, and the Reg. XII Office, with the hope that their situation be resolved.

E.1 Health and armed conflict: the case of the non-Moro indigenous peoples in Maguindanao

The armed conflict in Mindanao hugely impacted indigenous peoples resulting to an increase in IDPs and other related problems affecting their health and well-being. The case of indigenous peoples in barangays Kuya, Itaw, Lamud, Ahan, Tuayan, and Bungo demonstrated a complex impact of this armed conflict. It resulted to trauma, loss, displacement from ancestral domain, suicide, destruction of livelihood, and an aggravated socio-economic condition of indigenous peoples.

For a short-term goal, indigenous peoples living in the conflict areas and staying in evacuation center, need food packs, hygiene kits, support for mothers or pregnant women, clothing, medicine, and temporary shelters. To preserve and promote the right of indigenous communities over their lands and help alleviate the risks of losing control over their lands and resources, these indigenous communities affected by armed conflict, displaced from their ancestral lands, and relocated somewhere else are calling for the government, especially for the NCIP, to expedite processing their CADT.

Several humanitarian missions were conducted by Lambangian and Teduray organisations and their partners, in some instances, with the participation of the Office of Member of Parliament Romy Saliga.

E.2 Education in NMIP communities

A presentation by Timuay Labi Letecio Datuwata of the TJG showed photos of elementary schools established in the 1970s, which are already dilapidated but are still being utilized as camps by the armed groups. These schools were initially used as camps during the conflict between MNLF and the government decades ago. Even when the schools have served as camps, the community still hopes to recover and re-establish them as learning facilities. The community has volunteer teachers handling a number of mixed students belonging to different grades. One community school lacks regular teachers and even its building requires repair and additional facilities to enhance its learning environment. In the same barangay, another school (not a concrete one) was made by the community in 2003. The school was built by the parents through *bayanihan*, a Filipino practice of doing things communally with the spirit of voluntary cooperation and unity¹⁵, but it also has the same issue of unavailable teachers and a not fully-furnished building. Both schools are close to conflict areas and the said situation is aggravating the condition of the indigenous communities already suffering from the impacts of armed conflict. Based on their record, there is only one individual in the community who was able to graduate from college. The effects of the local conflict are greatly affecting the young people, especially as regards their access to education.

15 <http://groups.csail.mit.edu/cag/bayanihan/bayanword.html>.



Mari Elementary School Brgy Ahan Municipality of Guindulongan Province of Maguindanao, Division 1. Established 1070s it become a MNLF bunkhouse/camp during their armed revolution, and also the MILF arm revolution become center of CAMP BADER recognized by GPH as one main camp MILF.

VII. RESPONSES/COMMITMENTS FROM DIALOGUE PARTNERS

1. On the matter of knowing the situation of indigenous peoples

***NCIP** conducted a Mindanao-wide sortie in late 2020 to see and feel the reality of indigenous peoples' day-to-day issues and struggles, especially in the areas that are difficult to reach or with limited infrastructures. A video was presented to cite the initiative of the NCIP. The visits were also meant to educate indigenous communities of their rights.*

2. On the matter of agrarian reform in ancestral domains, CADT processing

***DA/NCIP:** representatives of the DA Office of Undersecretary for Regulations Zamzamin L. Ampatuan met with the Erumanen ne Menuvu Kamal officials in early 2021 with the representatives of the NCIP Provincial Office of North Cotabato to have an ocular visit of the area to explore how to address the issue of Proc. 722, with the Kamal to submit a co-management proposal. This co-management scheme is still under negotiation.*

***NCIP:** will review its unilateral withdrawal from JAO2; a need for the Commission to have a high-level meeting with DAR, LRA, DENR, and other concerned agencies and offices on CADT matters; will bring matters relating to non-Moro indigenous peoples in the BARMM to the upcoming TWG meeting on the protection and promotion of IP rights in the region.*

***DAR:** continued to survey prospective beneficiaries of land reform and pushed for the start of the process of seeking the FPIC of the Erumanen ne Menuvu; on July 2021, the initial process of the FPIC process was facilitated by NCIP with the Kamal – the field-based investigation (FBI) is aimed at determining if DAR's application for CLOAs overlaps with the ancestral domain of the Erumanen ne Menuvu. Earlier, Kamal submitted to the DAR their own list of actual occupants of the contested area.*

A commitment was made to sustain dialogue with IPs and the NCIP. They are willing to have direct communication with concerned indigenous communities.

Although they understood the concern on the issuance of CLOAs within ancestral domains, the DAR executive order requires them to conduct validation; they committed to sustain discussions not only on JAO but on all matters relevant to indigenous peoples and their office, and to sustain communication with the NCIP and create a direct line for concerned indigenous peoples.

3. On the matter of FPIC for programs, projects, and activities in ancestral domains

NCIP issued National Advisory 2021-08-001, Series of 2021, enjoining all national government agencies, government-owned or controlled corporations, and local government units to comply with the FPIC requirement for all programs, projects, and activities regulated or implemented by such entities that are to be carried out or are currently operating in ancestral domains without FPIC. “Thus, all programs, projects, and activities regulated or implemented by said entities that are to be carried out or are currently being implemented without FPIC and the NCIP Certification should be endorsed to NCIP for the conduct of FPIC and issuance of the necessary certification.”¹⁶

4. On intra-department coordination/harmonization

NCIP mentioned that there are joined memoranda signed between the NCIP and different departments which are being used for the agency to get the other departments to address concerns raised in relation to their respective mandates. NCIP expressed commitment to continue to work on its mandate to recognize, respect, protect, and promote the rights of the indigenous peoples in the country. Communication is a big challenge. Internet is a huge challenge and this dialogue paved the way to overcome that barrier, enabling discussions on issues that matter. When interacting with other agencies and stakeholders, these serve as evidence to discuss. We have already started with several initiatives though some did not push through as planned but these are still relevant achievements.

On poverty reduction and livelihood employment, these are concerns that the NCIP needs to further discuss with other agencies, as these are national priorities that must be addressed. It requires coordinating with the DTI to help indigenous communities promote and market their products using appropriate technologies.

5. On health concerns

NCIP. A report will be submitted and presented to the cabinet meeting for further actions. Issues will also be resolved by engaging and in cooperation with other line agencies. Close monitoring of the case of the Teduray in Bantayan with the OPAPP is already happening. There is an existing Strategic Plan that is being implemented by the NCIP, called the DOH-NCIP-DILG Joint Memo Circular 2013-01¹⁷, with the Department of Health (DOH) and the Department of Interior and Local Government (DILG) as a good start for collaboration and linkage toward addressing issues on health services and management.

¹⁶ <https://ncip.gov.ph/?news=national-advisory-no-2021-08-001series-of-2021>.

¹⁷ [Guidelines on the Delivery of Basic Health Services for Indigenous Cultural Communities/Indigenous Peoples.](#)

DOH. *The agency is aware of and recognize the relevance of IKS in managing health issues and conditions. They are keen in promoting helpful indigenous knowledge systems but encourage indigenous communities to access medical services when needed.*

6. On the matter of irrigation services

National Irrigation Administration (NIA) of the Cordillera Administrative Region: *mentioned that they will validate not only the three areas (i.e., Tinoc, Sagada, and Pasil) but all other concerns of irrigators/farmers in the region. Mountain Province NIA office visited Fedilisan after the November 2020 dialogue to confirm the needs of the farmers.*

7. On access to social services

The Department of Social Welfare Development (DSWD) *expressed appreciation of the positive actions demonstrated by indigenous communities to cope with the pandemic including the practice of reaching out to others for help and the unified action to combat any difficulty that may come their way. With regard to the distribution of SAP, it was clarified that a general guideline was followed in its implementation and that they did their best to extend help to the most marginalized, though admittedly, there were not enough funds to give everyone financial assistance.*

On VAWC cases, a further study on the situation shall be conducted. The agency welcomes and is ready to help anyone who is referred to be needing assistance. They encourage people to refer cases of VAWC. There are available regional centers for the youth and there are psychologists to assist victims of violence.

The SULONG (Strategic Focus Utilized to Leverage Our Nation's Good Governance) Recovery Plan of the agency will soon be implemented which will, then, comprehensively tackle issues, leading to the protection of vulnerable sectors, although the initiative will basically focus on the topic of livelihood but will link to other programs of the agency, like Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services (KALAHI-CIDSS).

8. On education and capacity development

DepEd. *Basically, the agency welcomes those issues and concerns to address. Some actions that can be done include the following: 1) To report back to the national office on those identified issues; 2) In the BARMM areas, to add more budget for school facilities and support to human resources; 3) To improve collaboration and coordination among community partners in the BARMM; 4) To continue and encourage community-based initiatives, like orthography development, and link efforts with other agencies; 5) To address the issue of community-based private schools on having an approved permit to operate, the national office will coordinate with the regional office to follow-up on the pending permit applications because learners are greatly affected due to the delays; 6) Actions to help children and families affected by conflict shall be discussed at inter-agency level as this is a complex issue; in fact, the DepEd has an office mandated to look after peace education and education for peace; 7) The issue of Mother Tongue as a school subject and medium of instruction is being tackled in the Congress as this implies how we can possibly look at language as diverse and as a solution to having quality education for all; and 9) The case of Ifugao in relation to SLTs, needing more details on the nature of the SLT to be able to provide appropriate assistance.*

NCIP. With the IP education platform, the NCIP has already started collaborating with the DepEd and they have a technical working group (TWG) for this. In relation to higher education, there is a TWG on indigenous peoples and peace studies with some participating in the seminar. Culturally adaptive education and health start with culture-sensitive training, ethnographic research, correct development of curriculum and materials, and proper school community management.

Research and documentation on indigenous knowledge systems must be protected and should address discrimination. Authorship and ownership must be clarified and observed accordingly. With regard to the use and promotion of IP language, this should be given enough attention. Efforts to use and protect IP languages must be in collaboration with other agencies.

Regarding scholarship issue, there are good practices, success stories, and challenges. What is important is to be able to see our youth finish schooling and be sources of knowledge and inspiration to others. With regard to educational assistance being given to deserving young people, the NCIP is in the process of amending the guidelines to possibly widen population coverage. Currently, the NCIP has two kinds of scholarships: 1) partial financial assistance and 2) merit-based scholarship. We are pushing for an increased budget for these scholarship programs. The lack of funds is a big issue in relation to scholarship grants and we are calling for the government to prioritize IPs in availing such scholarships.

Monitoring of scholars must also be conducted to strengthen the success of our youth and pinpoint necessary interventions to carry out when problems are identified in the process.

The observance of FPIC is mandatory. It is important to observe FPIC in accordance with the spirit of law and culture. In the case of SILDAP, we need to coordinate at the regional level to follow-up on the permit. In relation to settling disputes between and among indigenous peoples and non- IPs, there are general rules that guide the case assessment and decision-making. At present, we still follow the general rule that if both IPs are involved in the dispute or conflict issue, customary law shall be followed and, for conflicts between IPs and non-IPs, applying the rule of law is done. NCIP is still looking into other issues including that of conflicts occurring between two IPs but of different groups.

NCIP has some standing agreements with other agencies, and works with TESDA through its Bureau of Socio-economic Services and Special Concerns to support and train young people in various skills like farming and culinary arts, among others, that trainees can use for employment or entrepreneurship.

NCIP encourages participants in the dialogue to forward specific issues to concerned government agencies. Some issues definitely need to be elevated from the local to the regional and national offices for appropriate action. It is also being reiterated that NGOs should not be stereotyped as fronts of left-leaning groups.

NCIP expressed that they will continue to lobby for additional budget to support services for AD areas. They also mentioned that the upcoming TWG meeting with the BARMM government can be an opportunity to discuss the issues heard in the dialogue.

9. On technical and vocational training

***TESDA.** Recommended the need for direct and open communication or discussion of issues to aptly address them. There is a need to match these concerns with respective areas of work among various agencies. FPIC has to be observed at all times. If the issue is on skills, then TESDA is there to tap. If memoranda of agreement need to be executed, then agencies concerned must agree to do action together. It is necessary to do action now. Let us approach it as one. We look at the limitations and opportunities and if there is a need to develop policies, then we must elevate it for policy development. Let us operationalize what we have discussed so we will not further delay actions and expectations.*

TESDA has been providing special help to specific clients based on their needs and situations. Trainings are being conducted at different levels—institution-, enterprise-, or community-based. During the pandemic, trainings with institutions has decreased.

One priority now is to reach out to geographically isolated areas or GIDAs. Livelihood training is included in the barangay development program of TESDA and there is often a lack of human resource to completely reach all communities. In consideration of this, TESDA enlisted the support of the PNP and the AFP which can help provide training. Some PNP and AFP personnel already have knowledge and capacities on some skills, and they only need to improve their training methods.

On community-based trainers, this is a good idea and this needs to be implemented soon according to the capacities of communities. There is a necessity to collaborate and coordinate in the plan to develop community-based trainers.

10. On training for business

*The **Department of Trade and Industry (DTI)** can offer their coaching and mentoring approach on economic and livelihood or business models to communities. DTI is currently promoting small-scale enterprise and this is an opportunity that can be offered to communities. The office has its alternative financing program that offers lower interest rates—it can lend 5000 to 100,000 Philippine Pesos to interested parties.*

11. On the matter of NMIPs in the BARMM

***NCIP.** The Intergovernmental Relations Body (IGRB) of the national government and the Bangsamoro regional government is a mechanism for coordination and resolving issues on matters linked with intergovernmental relations between the two parties. The NCIP sits for indigenous peoples' concerns with its counterpart, the Ministry of Indigenous Peoples Affairs. A TWG formed between the two entities is an opportunity to talk about the issues concerning IPs in the region. There are ongoing discussions between the NCIP and its counterpart in the Bangsamoro Transition Authority. The NCIP cannot divulge the proceedings of the meeting but assured everyone that they are doing their best.*

***DSWD.** The agency will come up with further analysis of the situation. Immediate actions such as the provision of a psycho-social intervention team will be deployed to provide trauma intervention, given that these were recorded. On suicide incidence, social workers will also be assigned to assess the further needs of the people. In addition, the DSWD will deploy social workers to South Upi, Maguindanao to look into the incidence of suicide and other concerns.*

DILG, DOF-IGRB. *Shared commitment to note those issues needing attention and solutions. Both agencies expressed openness to consider all those issues heard as everyone is affected by these concerns.*

12. On cooperatives

*On cooperatives, NCIP is working with the **Cooperative Development Authority (CDA)** to help set up community cooperatives that will enable communities to organize themselves and help formalize their actions. Other plans include linking communities to financial institutions.*

13. On youth concerns

*The **National Youth Commission (NYC)** is a national organization for youth primarily involved in policymaking and advocacy related to youth issues and concerns. On the issue of discrimination, the organization is advocating for social inclusion and equity.*

The Sangguniang Kabataan members are being encouraged to partner with agencies and local governments to implement activities that will involve young people.

14. On local governance

The **DILG** has been formulating plans and actions aimed at assisting communities be self-reliant. The issue on peace and order is recognized as a big hindrance to the communities' enjoyment of quality education and normal community life.

This is a chance for the DILG and NCIP to translate plans into actions. It might be good to pursue the establishment of a local government academy.

15. On COVID-19 pandemic response

These government agencies provided relief to communities at the start of the pandemic, mostly in the form of food packs. They are also innovating ways on how to bring their services to the people at this time of the public health crisis.

VIII. RECOMMENDATIONS

OVERALL:

On the matter of FPIC for programs, projects, and activities in ancestral domains: This was addressed by the issuance of NCIP National Advisory 2021-08-001, Series of 2021.

On data-disaggregation: For all line agencies to disaggregate data on ethnicity or indigenous origin.

On ancestral domain matters: Support efforts to delineate ancestral domains, including the production of 3-dimensional maps, through participatory processes and methods.

1. On agrarian reform

- 1.1 For DAR to stop all surveys and titling inside the ancestral domain; investigate all officials involved in the alienation of portions of the ancestral domains;
- 1.2 For the portion of the Erumanen ne Menuvu ancestral domain managed by the Bureau of Plant Industry to implement a co-management arrangement between the DA and Kamal.

2. On Access to services

- 2.1 Access to pre-/post-harvest facilities;
- 2.2 Credit: improved access through simplified/easing of requirements;
- 2.3 Strengthen the knowledge and capacities of the communities, IPO, and IPS to be able to satisfy the requirements, allowing them to avail of government services such as the requirement for accreditation and compliance in terms of reporting;
- 2.4 Facilitate projects through existing indigenous peoples' organisations and indigenous political structures to strengthen community solidarity and their project management capacities, and to ensure that services and assistance are provided for those who really need it; and
- 2.5 Increase access of indigenous peoples to social protection.

3. On Indigenous peoples' representation in policy-making bodies

Related to natural resource management, biodiversity conservation and protection, other environmental concerns, and tourism, to maximise the combined knowledge of the young and old; to encourage greater involvement of indigenous peoples themselves in the management of their resources and their ancestral domain for sustainable development; to increase their collaboration and partnership at the local level, avoiding risks that can lead to their further marginalization.

4. On indigenous knowledge systems and practices

- 4.1 Provide support for the propagation and promotion of good practices of indigenous communities that are based on indigenous knowledge systems and practices on natural resource management and food productions systems, including the revival, strengthening, as well as the government's support and recognition, of the sulagad system of livelihood which will, then, make way for added food security and environmental protection, increasing, in turn, the resilience of the community amidst crises; and
- 4.2 For NCIP and DENR to develop a Joint Memo Circular that will respect traditional livelihoods in indigenous communities, including rotational farming systems, and to stop using the RA 9003 (Zero Burning Act) to criminalise burning related to traditional rotational farming.

5. On education

The call of many leaders is to promote appropriate education and education for all, "Angkop na edukasyon at edukasyon para sa lahat (Relevant Education for All)."

- 5.1 Address discrimination by promoting culturally-sensitive education;
- 5.2 Support the establishment and enhancement of community-conceptualized and -managed resource centers where materials, tangible culture, and other implements can be deposited for the continuous transmission of knowledge on the respective societies including their utilization in the indigenous peoples' education program of the DepEd. This covers the training of community members in documentation, curation, and other related matters;
- 5.3 For the use of Mother Tongue as the language of instruction in communities dominantly populated by indigenous peoples;
- 5.4 Support the mainstreaming and integration of local efforts on IPed in the national program; the need for a smooth national-to-regional feedback mechanism within the bureaucracy; close links with relevant DepEd body for processes like turnovers;
- 5.5 Provide support for schools and learning centers being established by communities through the help of civil society organizations to augment the insufficient supply of social services by the government to the indigenous communities, instead of impeding their contributions;
- 5.6 Increase access to scholarships and address the necessity of timely and direct disbursement to receivers; and
- 5.7 The provision of adequate school buildings and culturally-sensitive teachers as well as the provision of adequate classrooms and libraries that are conducive to learning, with a dedicated room showcasing indigenous culture. In line with this, the organization is calling the attention of the government to delist SILDAP as a terrorist group.

6. On NMIPs

- 6.1 For the IGRB to consider issues confronting indigenous communities, including their need of appropriate social services, in their plans and strategies as they look into the issue of peace and development in conflict areas;
- 6.2 Address the situation of IDPs and those caught in the middle of armed conflicts in their ancestral domains;
- 6.3 Increase support for culturally-sensitive education in indigenous communities to address the observation that while there are young minds enrolling in schools, only a few are able to graduate;
- 6.4 Increase the number of high schools in Lambangian communities. Of the 11 barangays in the ancestral domain, only four barangays have secondary schools and one, a tertiary school. The problem of increasing drop-outs is also a great concern among families. For the extension of skills education programs in the area by establishing community-based technical schools where the young people can be trained and be able to learn new skills, also an urgent concern; and
- 6.5 To recall Resolution 38. For NCIP to issue the Lambangian and Teduray CADT.

7. On Capacity development

- 7.1 Use of funds of the Sangguniang Kabataan for the education and capacity development of indigenous youth wherever they are;
- 7.2 Technical and vocational education: For TESDA to expand its reach and services to the indigenous communities, equipping indigenous young people with practical knowledge and skills that they can capitalize on for livelihood ventures as part of the measures to combat discrimination. There are very limited technical schools available in the communities and are often located in the urbanized centres that could hardly be accessed by the people in the community. If possible, training on skills and other knowledge can be done in the community, providing indigenous peoples with the opportunity to upgrade their knowledge and skills and later become future trainers themselves. Hence, conducting trainers' training in the community is highly recommended. The help of DTI is also being sought in helping young people, who have the knowledge and skills, create products that can be sold in the market. Training needs include handicraft, tailoring, and marketing, among others;
- 7.3 Trainers' training for teachers of indigenous individuals, even for non-college graduates or non-education graduates; and
- 7.4 TESDA to have community-based skills training on indigenous skills identified and needed by the community, technical skills, enhancement of traditional crafts, vocational skills, and occupational skills.

8. On health

- 8.1 For the DILG to address the issues of criminalization/dis-incentivizing of home-birthing (e.g., withdrawal of 4Ps and other social security support);
- 8.2 Increased support for frontline service providers (barangay health workers and barangay nutrition scholars), e.g., free vitamins, PPE, insurance, and the like;
- 8.2 Support for the propagation and promotion of indigenous health practices and remedies especially at this time of COVID-19; and
- 8.3 Raise the level of awareness of communities on mental health and address concerns related thereto.