

INDIGENOUS PEOPLES'

Right to Development

March 2-3, 2017

Venus Parkview Hotel

Baguio City



A GoJUST-ACEID and the Commission on Human Rights Project

THE CONFERENCE

The conference among government agencies and Indigenous Peoples Mandatory Representatives (IPMRs) will serve as a forum wherein the current human rights situation of the IPs of Luzon and other areas will be described and evaluated. The Expert speakers are tapped to share their knowledge and views on the IPs' Right to Development, the challenges in fully realizing this right, and the current government programs and services that will cater to realize it.

The programs and services of the government agencies will be compared to standards of the Right to Development in identifying gaps and issues of the Indigenous Peoples, in which shall move forward the process of conducting the national inquiry and the establishment of the IP Rights Observatory.

Objectives:

- Identifying the challenges to the full realization of the right to development of Indigenous Peoples in Luzon;
- Discussing the structures and processes of each agency of government that could serve as mechanisms to protect and promote the four bundles of IP rights, i.e., to ancestral domains and lands; to self-governance and empowerment; to social justice and human rights; and to cultural integrity;
- Identifying priority areas of cooperation among concerned government agencies and Indigenous Peoples Mandatory Representatives (IPMRs) with CHR, using the framework of the right to development; and lastly;
- Gathering insights on the structures, processes and outcomes that would lead to the formalization of an IP Rights Observatory lodged with the CHR.

Conference on IP Rights to Development ©2017

COMMISSION ON HUMAN RIGHTS

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SAAC Building
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Focal Commissioner for IP Rights

Commission on Human Rights

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Chief, ESCR Center

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Consultant

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Focal Commissioner for IP Rights
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SESSION 1

CHR MANDATES AND WORKS ON PROTECTING AND PROMOTING IP RIGHTS. RATIONALE AND INITIAL IDEAS ON THE NATURE & PROCESS OF AN IP RIGHTS OBSERVATORY & NATIONAL INQUIRY ON IP RIGHTS.

Commissioner Gwendolyn Ll. Pimentel-Gana

M agandang umaga po sa inyong lahat!

Ako po ay nagagalak sa ngalan po ng Komisyon at sa aking mga kasamahan, sa ating kasamang Komisyoner na nandito po ngayon. Salamat po at binigyan n'yo ng panahon ang aming paanyaya. Importante po ang inyong partisipasyon dito sa ating IP Conference on the IP Right to Development.

This year is the celebration of the enactment of the IPRA Law. It is in its 20th year. This is the right time what the law has actually done for our IPs. We really need your input in protecting, promoting and uplifting the rights of the IPs.

We always respect the right to self-determination and self-governance of the IPs. This can be shown in the Rights to Development. If you have the right governance, therefore you have the right to determine what course of development you are taking.

In the Commission on Human Rights we would like to come up with two things: (1) we intend or pursue a Public Inquiry on the IP Rights, mainly in land rights at the same time the enjoyment of other rights that are vested in them by the IP Law (2) we would like to create an IP Observatory within the Commission on Human Rights. What is this? We will use the various IP tools that will be developed in the observatory to track the rights and implementation of all the laws that are for IPs. There will be a housed-monitoring team that will monitor the enjoyment of the IPs' rights. We will have the data bank wherein any information on IPs will be stored, with the cooperation of the NCIP. We already started our relationship with them, we made a lot of consultations with them, and we will move forward in to establish this observatory.



We need your input, how this observatory should be structured? How this observatory should run? How this observatory should be stored? We also need

your input on the public inquiry. We will have it probably one in Luzon, one in Visayas, and one in Mindanao.

We are glad that the IPMRs are here. You are to lead; you can determine who will be the participants in the public inquiry. You also have views of other IPs throughout the country. Please feel free to discuss other matters in this conference.

Thank you very much for being here this morning. We will have workshop-consultation format in two (2) days. Welcome to this dialogue-workshop.



*We always respect the right
to self-determination and
self-governance of the IPs.*

SESSION 2

THE NCIP MANDATES AND WORKS ON PROTECTING AND PROMOTING IP RIGHTS. THE NCIP VIEWS ON THE IP RIGHTS' OBSERVATORY & NATIONAL INQUIRY.

Commissioner Basilio A. Wandag

*N*aimbag nga aldaw tau amin! We are in Baguio so we have to use, once in a while the Cordillera Ilocano.

Our Chairperson Atty. Leoner T. Oralde-Quintayo, she is the one invited, but during the En Banc and due to series of task, these Commissioners have an equally important task, she asked me to be in this IP Conference-Workshop. This is why I am here.



We will have to make a simple review of our mandate and what we are doing in the NCIP. The state policy evolved through time. Nag-umpisa tayo sa policy **acceleration**. Tapos nagpunta tayo sa policy of **integration**. In the event of the 1987 Constitution, we came out a policy of **recognition**. Ito talaga ang hinahanap ng mga Indigenous Peoples... the recognition, promotion and protection of the rights IPs. Because of the policy of recognition in the 1987 Constitution, it has been enacted the Indigenous Peoples Rights Act (IPRA) or RA 8371. This was the result of the regional consultations, national consultations and brought to the Congress of the Philippines. We are gratified by non-negotiable provisions, in the draft bill surfaced by the Indigenous Peoples.

The IPRA landmarks the legislation to:

- Correct Historical Injustice
- Enforce Constitutional Mandates
- Observe International Norms

The IPRA was signed into law on October 29, 1997 together with 4 bundles of rights.

Salient Features of IPRA Law

1. Rights to Ancestral Domains and Lands
2. Rights to Self-Governance and Empowerment
3. Social Justice and Human Rights
4. Rights to Cultural Integrity
5. Creation of the NCIP

There are more sub-rights into it, including the Free Prior and Informed Consent (FPIC) right. The NCIP is a result of the merger of the former agency in the government, i.e. Office for Southern Cultural Communities (OSCC) and Office for Northern Cultural Communities (ONCC). There was no serious study what Indigenous Peoples in the establishment of the office that will orchestrate the programs and policies of these rights.

Indigenous Cultural Communities / Indigenous Peoples

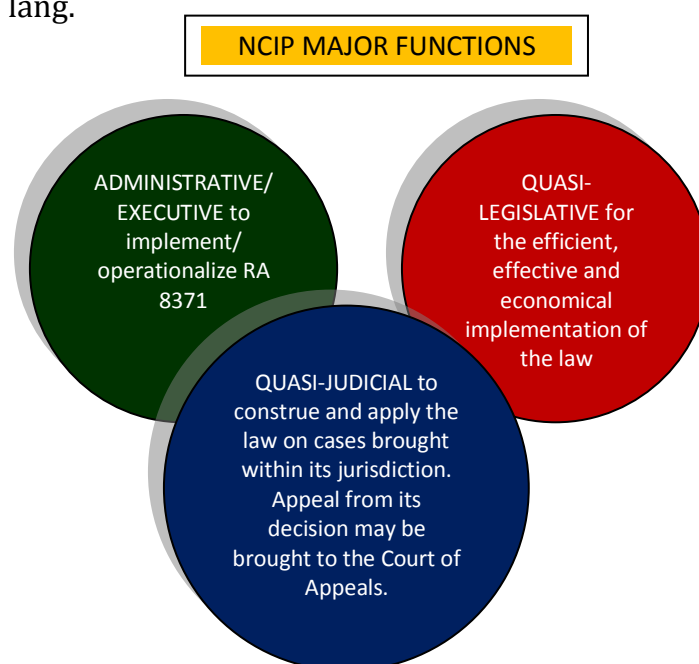
- group of people/ homogenous societies identified by self-ascription or ascription by others
- continuously lived as organized community on communally bounded and defined territory
- occupied, possessed and utilized such territories since time immemorial under claims of ownership
- sharing common bonds of language, customs, traditions, and other distinct cultural traits or who have become historically differentiated from the majority of the Filipinos

The NCIP Mandate

“The NCIP shall protect and promote the interest and well-being of the Indigenous Cultural Communities (ICCs)/IPs with due regard to their beliefs, customs, traditions and institutions.”

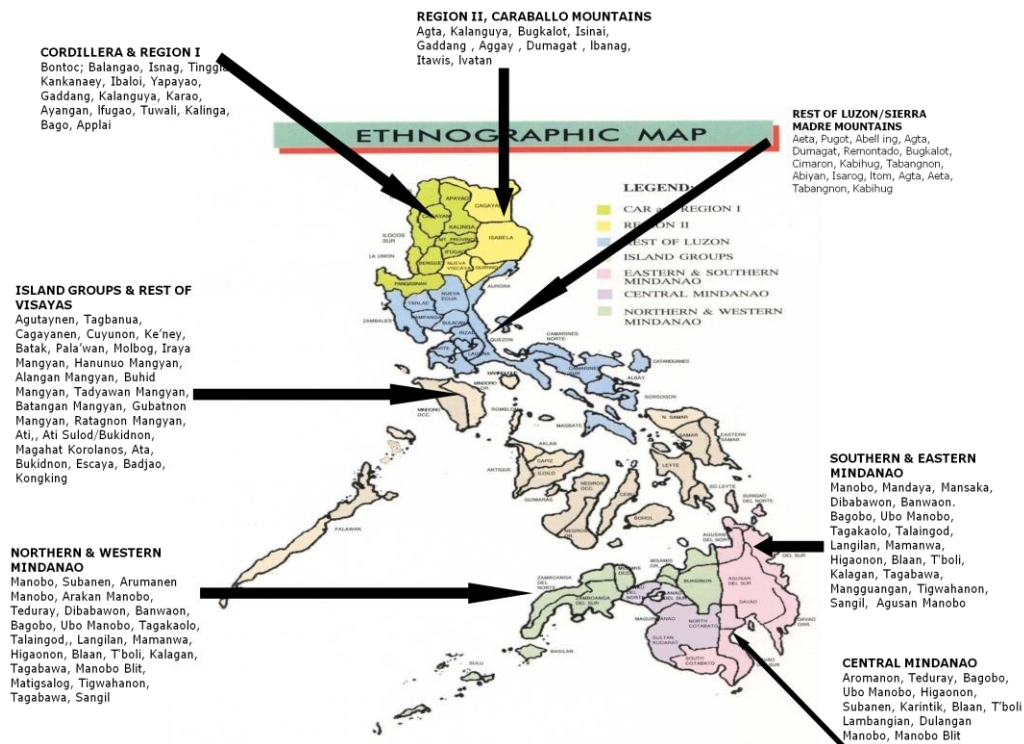
(Section 39, IPRA)

It is the primary agency of the government agency. When we say “primary” there must be other agencies that promotes and protects the rights of the IPs. Ang pagka-alam ng iba NCIP lang.



These are three (3) independent offices under Office of the President because any function in the exercise of this imbued has to go to court. The quasi-judicial is the rule-power function of the NCIP and in adjudicatory problems, between and among the IPs.

There are at least 110 Ethno-linguistic groups comprising the ICCs/IPs with an estimated population of about 14 million



The Ethno-linguistic Groups has been misconstrued, dahil ang gamit ng iba ay “tribe”. Pero ang ginamit ng batas ay “Ethno-linguistic Groups.” This 110-listing was informally adopted during Cory Administration and today, and the NCIP recognizes it. The NCIP is not conferring because there was not process to adopt to confirm these 110. In fact, there are several conferences, wherein the participants, makes blessing of their Indigenous Ethno-linguistic Groups and came out to be more than 110. We will resolve that in 5-program of NCIP, the Philippine Indigenous Ethnographic Survey, which will start this year. Awaiting for the government for the complete fund.



The Ethno-linguistic Groups has been misconstrued, dahil ang gamit ng iba ay “tribe”. Pero ang ginamit ng batas ay ‘Ethno-linguistic Groups.’

These Ethno-linguistic Groups will be all over the seven (7) ethnographic regions which will be represented by seven (7) Ethnographic Commissioners. Among these Ethnographic Commissioners, the Office of the President will appoint one (1) Ethnographic Chair, to chair in three (3) years.

NCIP Goals and Services

GOALS	
SOCIETAL	Inclusive Growth and Poverty Reduction
SECTORAL	Human Development Status Improved
	ICC/IPs Ancestral Domain Management Capacity Improved
ORGANIZATIONAL	ICCs/IPs Rights Assured
	ICCs/IPs Ancestral Domain Management Capacity Improved
SERVICES	
Policy Services	
Ancestral Domain/Land Titling	
Human, Economic, and Environmental Development and Protection	
IP Rights Protection	

Being Indigenous Peoples is not necessarily mean that we are “indigents” people. In terms of organization, our management capacity has been improved. We have the land titling improved, although the law says it is optional. All programs of the NCIP are all rights-based.



Being Indigenous Peoples is not necessarily meant we are “indigents” people.

I. Services of the National Commission on Indigenous Peoples

A. Policy Services

- Ancestral Domain / Land Titling Services
- Human, Economic and Environmental Development and Protection Services
- Indigenous Peoples Rights Protection Services

B. Policies Issued by the Commission

- Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) Guidelines
- The Revised Guidelines on Free Prior and Informed Consent (FPIC) Process of 2012. We are continuously engaging our IPs and even non-IPs, because we are often misconstrued by others. They say it is something automatic, but if it was really to be understood, it is a process that is needed by the Indigenous Peoples.
- Revised Omnibus Rules on Delineation and Titling of Ancestral Domains/Lands of 2012
- 2014 Revised Rules of Procedure before the NCIP, for our adjudicatory function, which it starts from customary mechanisms in settling disputes and conflicts.
- Implementing Rules and Regulation for Section 12 of IPRA Law. This is the IP option to get hold of resistance that government programs to be implemented.
- Merit-based Scholarship and Educational Assistance Guidelines of 2012
- Indigenous Knowledge Systems and Practices (IKSP) and Customary Laws (CLs) Research and Documentation Guidelines
- General Guidelines on Confirmation of Indigenous Political Structures and the Registration of Indigenous Peoples Organization. We massively engage the Indigenous Peoples because of misunderstanding of our majority Filipino brothers, involving IPs in the concept of its political structures.
- Guidelines for the Mandatory Representation of IPs in Local Legislative Councils. These guidelines have been revisited because we are receiving feedbacks.



NCIP are often misconstrued by others... FPIC... is a process that is needed by the Indigenous Peoples

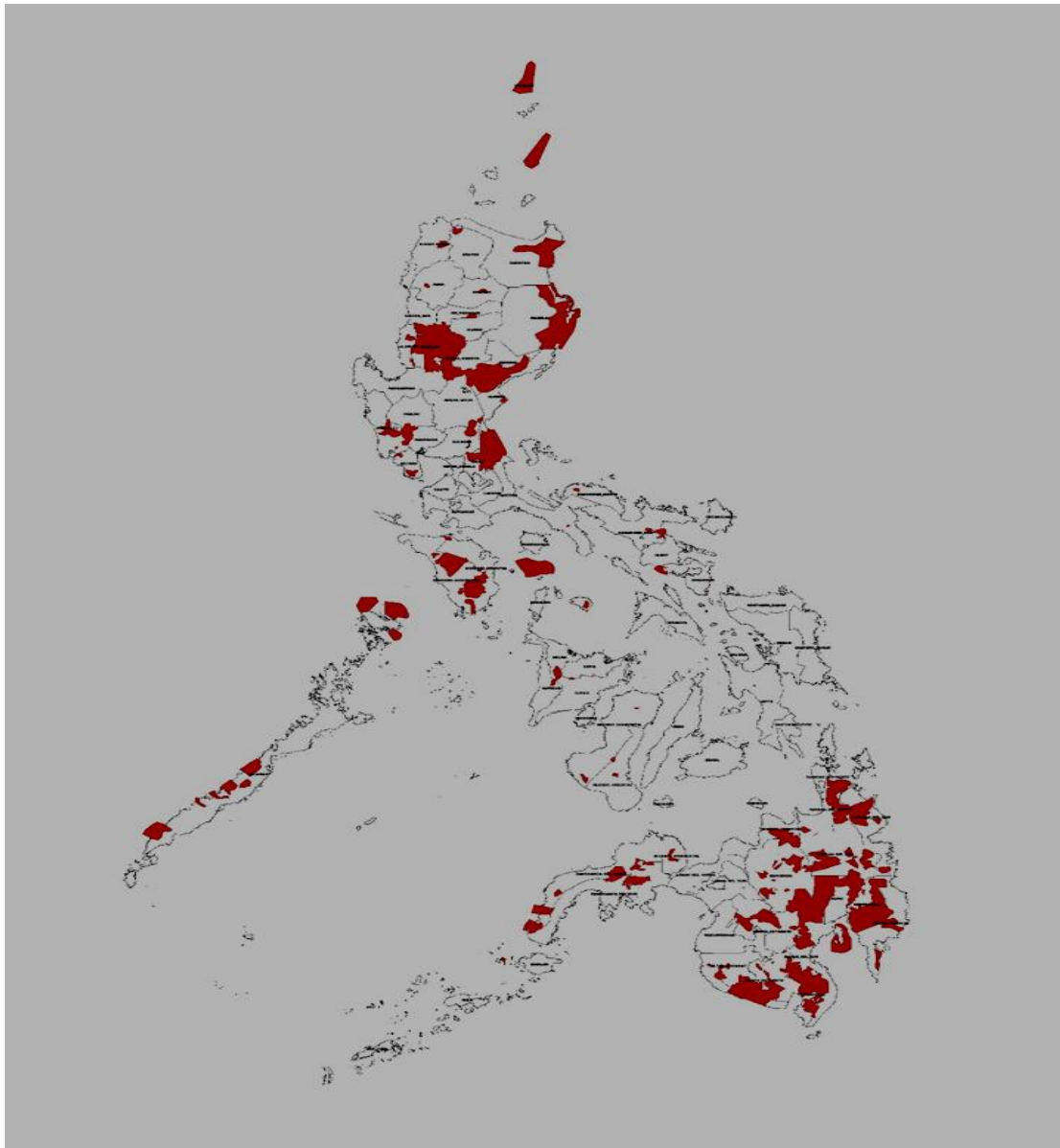
II. Certificates of Ancestral Domain Titles Issued

<i>As of March 31, 2016</i>			
YEAR APPROVED	No.	TOTAL AREA (Hectares)	IP RIGHT HOLDERS
2002	2	41,255.97	18,283
2003	9	326,091.33	58,389
2004	18	236,436.42	73,421
2005	9	237,247.87	36,743
2006	18	269,050.51	50,847
2007	2	94,425.75	22,585
2008	38	1,295,600.16	314,712
2009	45	1,131,633.21	269,317
2010	15	654,638.56	68,698
2011*	0	0	0
2012	2	20,148.18	6,100
2013	7	187,498.58	20,430
2014	10	117,333.57	34,712
2015	21	317,636.17	110,692
2016	10	181,396.34	23,294
TOTAL	206	5,110,393.22	1,108,223

We have Formal recognition of more than 5,000ha has been issued with titles for the Ancestral Domain. We are always asked by the Congress [during the budget hearing]... *“kung kailan matatapos ito?”* Ang sabi namin *“kung sasabihin ng mga IPs na tapos na.”*

If we see the first ethnographic graph of the Phil is in Mindanao and Luzon by Dr. Ferdinand Blumentritt – [was never in the Philippines by the way]. It says that the major portions in Luzon and Mindanao are mainly Ancestral Domain by the Indigenous Peoples. Pero wala na ito ang naiwan na lang ay ang recognized ancestral domain [see the Philippine Map with red colors]. May mga CADT-ables pa na hindi pa natatapos.

III. Location of the Ancestral Domains with CADT



IV. Human, Economic and Environmental Development & Protection

IV.1. Ancestral Domain Sustainable Development and Protection Plans (ADSDPPs 2002-2016)

-138 Groups that has formulated their own ADSDPP

- In Mindanao, IP Leadership for Enterprise Development (IPLED) Program in partnership with Assisi Foundation. The program aims to equip IP leaders plan and implement programs based on their ADSDPPs. The program started this month with 42 IPS and IPO leaders from 6 AD areas.

IV.2. Education Assistance Program (1999-2015)

- 63,779 IP students benefitted
- 26,948 graduated
- 75% employed
- 55% of those employed working in their communities

This is the result of our tracking system. We need to track our IPs scholars.

IV.3. Merit-based Scholarship (2012-2015)

- 385 IP students benefitted
- Retention rate is 60%

Kaunti lamang ito pero it is good that we talked with certain Colleges and Universities like Philippine Normal University, we recommend ten (10) of them, for bridging and mentoring. We are happy that two (2) graduated as Cum Laude.

IV.4. Health Programs

- IP Maternal, Neonatal and Child Health and Nutrition (MNCHN), a Mindanao Project. This was supported by the European Union (EU). We coordinated with the DoH so that they will have medical assistance to the Indigenous People, especially in far flung places.
- 5 Ancestral Domains (Subanen, Aromanen Manobo, Matigsalog, Dibabawon-Manguangan and Banwaon ICCs/IPs)
- Replication of the best practices of the MNCHN in other AD areas
- Support to the Implementation of the DOH-NCIP-DILG JMC No. 2013-01 or the Guidelines on the Delivery of Basic Health Services to ICCs/IPs
- Culture-sensitivity Orientation to all health workers
- Formulation of Ancestral Domain Investment Plan (ADIPH) for incorporation into the Provincial / City / Municipal Investment Plan for Health

IV.5. Socio-Economic Programs

- Yolanda Rehabilitation
- Coordinated with DSWD the inclusion of IPs in the 4Ps
- Of the 4,348,275 household beneficiaries, 568,669 (13%) are IP households
 - ✓ 426,678 (75%) from Mindanao
 - ✓ 133,453 (23.5%) from Luzon
 - ✓ 8,538 (8.538%) from Visayas

- The Modified Conditional Transfer (MCCT) was adopted to include IPs in (GIDA)
 - ✓ 180,000 IP household beneficiaries
- Micro Livelihood Projects Utilizing Available Resources. We coordinate with those providing financial help, which is why the IPs is now engaged in micro projects in their respective communities.

V. Indigenous Peoples Rights Protection

Indigenous Peoples Mandatory Representatives (IPMRs) in Local Legislative Councils (Implemented with the DILG) – malaki na rin especially in the barangay level. We are still working out with the LGUs to accommodate more IPMRs. Maraming birth pains itong mga IPMRs, we tell our IPs to work it out, lalo na sa ating turn-over ng mga government officials. Sinasabi namin na mag-IEC ulit, coordinate because the commitment of the old LGUs is not necessarily goes with the new government officials.

Area	Barangay	Municipal	City	Provincial	Total
CAR	80	42		3	125
RI	3	13	0	0	16
RII	45	7	2	1	55
RIII	50	21	2	2	75
RIV	83	14	1	2	100
RV	101				101
RIX	124	19	2	1	145
RX	329	25	5	1	360
RXI	572	39	6	4	621
RXII	291	24	3	1	319
RXIII	75	7	0	0	82
BASILAN	144	11	2	1	158
Total	1,897	222	23	16	2,157

- V.1. Formation of Mindanao IPMR League
- V.2. Strengthening of the IPOs and IP Leaders
 - Formation of Cluster Conferences that gather AD elders/leaders in one assemblage to discuss IP and AD-related issues/concerns affecting them and come up with plans of action.
- V.3. Documentation and Confirmation of IP Structures (IPS)
 - NCIP facilitates the documentation of the Indigenous Political Structures of ICCs/IPs
 - Eight (8) IPS were already documented and confirmed by NCIP: IPS of Yakan, Gaddang, Matigsalog Aromanen, Menuvu & three (3) in Kalinga

Ang sabi ng iba, “hindi na kailangan ang IPS.” Mali sila! You are no longer helping the IP communities, because this will help in solving the IP disputes.



Ang sabi ng iba, “hindi na kailangan ang IPS.” Mali sila! You are no longer helping the IP communities, because this will help in solving the IP disputes.

- V.4. Other Protection Services
 - Legal Services (IP Legal Assistance Fund)
 - Adjudication Services – Primacy of Customary Laws
 - IP Rights Advocacy and Monitoring of Treaty Obligations
 - Issuances of Certificates of Confirmation (COC) for IPs, some people are saying they are IP, we have the process. We have two (2) cases wherein Sen. Legarda wants us to prove [in Camarines Norte] that they are IPs, because some officials say they are not IPs – but they have the COCs.
 - Ongoing facilitation of IP Civil Registration – birth, marriage and death
 - Paralegal Training not only in the NCIP but those engaged in dispute resolutions in the community, because elders are going away and the new ones should continue. We have the Indigenous Peoples Dispute Resolution (IPDR).
 - Documentation of Customary Laws and Other Ethnographic Researches

VI. Partnerships with Other Agencies/CSOs

- CABEH-IKSP this is for education and health
- IP Voters Registration and Voting Commission on Election (COMELEC), CHR etc. al.
- Joint Administrative Order (JAO) with NCIP, Land Registration Authority (LRA), Department of Agrarian Reform (DAR) and DENR
- JAO with Intellectual Property Office of the Philippines (IPOPhil) - Oct. 28, 2016) with DENR
- National Monitoring Mechanism, AO 35
- IN-REM with DENR

- Treaty Monitoring
- Women, Peace and Security (OPAPP) 8. KALAHI-CIDDS/4PS, National Community—Driven Development Program (NCDDP), Task Force Sama-Bajau
- Whole of Nation Initiative
- IP-Led (Pamulaan –Asissi Development Foundation)

Partnerships with Funding Agencies



Conflict Sensitive Land Use and Resource Management



EU-Philippines Justice Support Programme (EPJUST II)



Indigenous Peoples Maternal, Neonatal, and Child Health and Nutrition Project



Protecting Indigenous Peoples Rights

Empowered lives.
Resilient nations.

VII. NCIP Challenges, Actions and Ways Forward

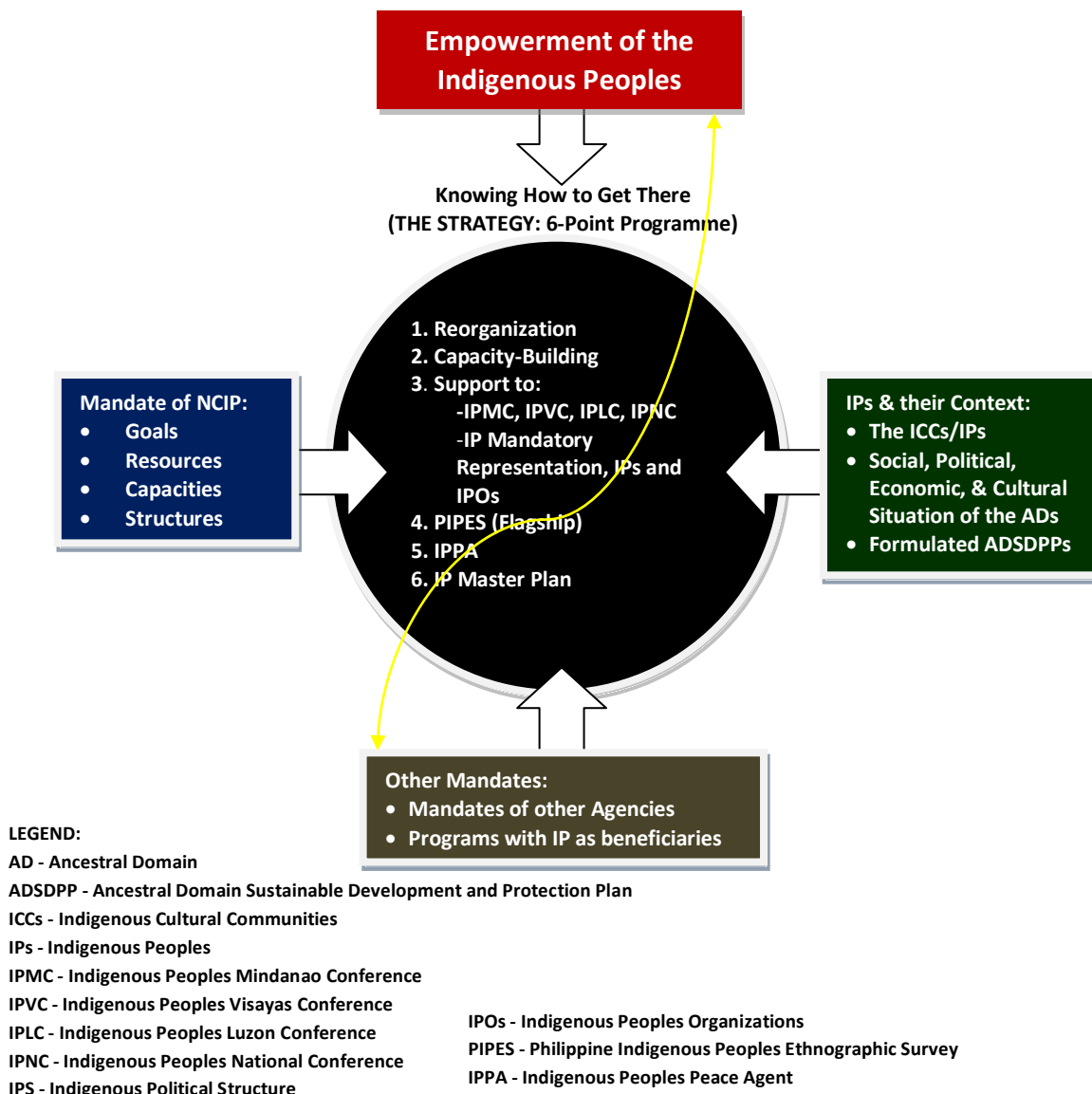
Challenges	Actions / Comments/ Ways Forward
Current NCIP structure vis-à-vis mandate and emerging concerns e.g. FPIC and titling process	Institutional assessment, capability-building, and reorganization so we could bring people with expertise. This is the organization without any item for an Anthropologist. We immediately asked Malacañan to immediately assist in the reorganization.
Insufficient funding for the full implementation of the four bundle of rights under IPRA	Resource mobilization.
Lack of Philippine IP Ethnography (PIPE)	Conduct nationwide Ethnographic Survey (PIPES) in coordination with Philippine Statistics Authority and other concerned agencies (2017-2022). This is a 4-year program with a P4B allocation project starting this year.

Challenges	Actions / Comments/ Ways Forward
<p>Specific provisions of the Joint Administrative Order No. 1 2012 (NCIP-DAR-DENR) resulting to difficulty of registration of CADTs with the Land Registration Authority (LRA)</p>	<p>Revisit of JAO on-going:</p> <ul style="list-style-type: none"> • Workshop of technical people of the four(4) agencies to find out the gaps that cause delay common rejection; • Activate Committees in the provincial & regional levels. 2 pilot projects already undertaken in Mindanao with the help of GI-ZED, ETC.
<p>Cases attacking the constitutionality of IPRA, limiting NCIP jurisdiction over AD-related disputes (e.g. Supreme Court Decision, <i>Unduran vs. Aberasturi</i>)</p>	<p>Support from the Office of the President through the Office of the Solicitor General (OSG)- Department of Justice (DoJ)/ Civil Society Organization (CSOs) - Panlipi, Foundation for the Philippine Environment (FPE), Tebtebba, Episcopal Commission on Indigenous Peoples (ECIP) and others</p>
<p>Political interference in the selection process of IPMRs</p>	<p>Review of the national guidelines on IPMRs with DILG.</p>
<p>Lack of recognition/appreciation of IP rights by some Local Government Units</p>	<p>Strengthening and advocating convergence on ground with LGUs and local stakeholders. This is continuous because of the fast turn-over in the LGUs.</p>
<p>Insufficient knowledge and skills of Indigenous Peoples Mandatory Representatives (IPMRs) relative to local legislative processes</p>	<p>Institutionalize capacity development of IPMRs through strengthened collaboration with DILG and other partners</p>
<p>Making education responsive to the situation of IPs</p>	<p>Institutionalizing CABEH-IIKSP in partnership with DepEd and establishing Policy Guidelines/ IP curriculum</p>
<p>Unresolved killings of IP Leaders</p>	<p>Collaboration with LGU, DOJ other government agencies and CSOs</p>
<p>Unfunded ADSDPPs</p>	<p>Interface with local development plans -drafting of IP agenda for the new administration- inclusion in the National Policy Agenda</p>
<p>Peace and security issues within the ancestral domains</p>	<p>Active and meaningful participation of the IPs in peace negotiations (independent panel for IPs). They want a separate table with the negotiation with the (Communist Party of the Philippines– New People's Army–National Democratic Front (CPP-NPA-NDF). IP would like to be in any kind of negotiations – if the IP lands (the AD) are part of</p>

Challenges	Actions / Comments/ Ways Forward
	the battle grounds, why they cannot be included? They already made a resolution send to the Office of the Presidential Adviser on the Peace Process (OPAPP) to raise issues and concerns.
	Implementation of the IKSP based Social Engineering Toward People Empowerment Addressing Conflict, Emergencies and development (IKSP-SET P.E.A.C.E.)

VIII. NCIP Strategic Directions (2016-2022)


The importance of this is the implementation, so whatever programs and projects we have the government will adopt and be responsive. Puro tayo assumptions, kahit ang population natin is based on the extrapolation of figures. If you join us, then in 2020 we will have an exact data of population, the status, the standard of living, and the situation among the Indigenous Peoples.



SESSION 3

DISCUSSION OF OBJECTIVES & SESSION'S FLOW OF THE 2-DAY CONFERENCE.

Atty. Jesus G. Torres

 Good afternoon! I will be providing an overview on the flow of this workshop. Ang kailangan po natin na ma-highlights ay ang objectives ng ating pagtitipon. The IP Rights Observatory is conceived to be an inter-agency. The data bank is just lodged at CHR, as an initial idea, being also an independent human rights institution.

We have to group ourselves for the workshop, which has the main groupings of General Policy Group, Security Group, Socio-Economic Group and the groups of the IPMRs from CAR, Regions I, II, III, IV, and V.

Our first theme is just a warming-up session to discuss among ourselves the agency mandates, programs and projects with timeframe from 2010-2017. Tingnan po natin ang nakaraan para magtuluy-tuloy tayo sa ating kinabukasan. We opted to



We opted to have the timeframe from the past so we can move forward.

have the timeframe from the past so we can move forward. Lastly, the challenges encountered in the conduct of our work involving IPs and the measures to address such challenges.

For the IPMRs - Human rights situation of the IPs in their area, Relevance of the Government Agencies IP-related programs and projects and lastly, challenges encountered in demanding services and support from Gas for IP related needs.

Our second theme is centered on identifying the current monitoring mechanisms for the Right to Development. The basic question of “How is the Right to Development being monitored in the Philippines?” Ang essence ng ating pagtitipon ay ang makabuo ng isang bagong istruktura para sa ating IP Rights Observatory. Tingnan natin on how efficiently use our government resources.

The presentation of the IPMRs maybe different from the presentations of our government agencies. This can be presented in different manner, i.e. e.g. art work, role play, song, dance, oral narrative, etc. This will highlight the importance of our cultural rights.

CHR will be joining the group in facilitation of workshops. We will also give you a synthesis of the day's activity.



Third theme, to come up with an initial notion of an IP Rights Observatory and National Inquiry on IP Rights. Ang National Inquiry on IP Rights ay ano po ba? Ito po ay isang proseso, na magiging paraan para ipagpatuloy ang pag-monitor ng sitwasyon ng ating mga katutubo, ng ating mga ethno-linguistic groups. Ano na ba ang level ng realization sa kanilang right to development? Ang grupo n'yo rin po ay p'wedeng mag-define kung

anong pagkaka-intindi n'yo sa right to development.

At the end of the 2-day session we will develop a statement. This will be the output of our sessions. This is a consensus-building activity. We can agree to disagree among ourselves to whatever issues you will be discussing among your groups.

Definition of Sustainable Development

The development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.

In the IP term, we call it the inter-generational activity.

Definition of Right to Development

- The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

This highlighted the Economic, Social and Cultural Rights (ESCR) which is in relation to the International Covenant on ESCR. This will also inter-twined with the Civil, Political Rights (CPR), which gives the human rights to be indivisible. The government is not providing programs particularly to our ethno-linguistic groups, but rather the condition of the government is an exercise of the State obligation, i.e. to respect, protect and fulfill these rights.

- The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

These will be the templates for the workshop for the government agencies.

ANNEX 1: Plenary Presentation Format for Workshop 1
Agency mandates & Actions vis-a-vis Promotion & Protection of IPs Rights to Development in the Philippines

CLUSTER: _____ (e.g. Socio Economic)

Agencies	Mandates vis-a-vis IP Rights	Programs & Projects	Status of these Programs & Projects	Systematic Implementation Challenges	Actions for these Challenges	Trends Across Agencies	Inter-Agency & Multi-Stakeholder Collaborations

We need detailed monitoring mechanisms.

ANNEX 2: Plenary Presentation Format for Workshop 2
Monitoring Fulfillment of Rights to Development of IPs in the Philippines

CLUSTER: _____ (e.g. Socio Economic)

Agencies	Monitoring Mechanisms of IP Rights to Devt	Status of these monitoring mechanisms	Monitoring Challenges	Actions for these Challenges	Trends Across Agencies	Inter-Agency & Multi-Stakeholder Collaborations

What will be our reactions/ comments on the proposed IP Observatory and National Inquiry.

ANNEX 3: Plenary Presentation Format for Workshop 3
Initial notions of an IP Rights Observatory and a National Inquiry on IP Rights

Agencies/ IPM representations	IP Rights Observatory			National Inquiry on IP Rights		
	General Comments & Reactions	Issues & Concerns that should be covered	Proposed Elements & Processes	General Comments & Reactions	Issues & Concerns that should be covered	Proposed Elements & Processes

We would like to gather substantive information highlighting the eminent jurisprudence... “The life of the law has not been logic. It has been experienced.” This is our favorite in the ESCR Center.

We want to gather what is really happening in the ground. We know all the laws in black and white, but we need the reality. We want to know the gaps, the ideals as provided by the laws. Ang gaganda ng mga wording ng ating batas, pero ano ang meaning ng mga ito? Anong extent na ba ang implementations? How do we realize these rights?

Good Morning and thank you.



We know all the laws in black and white, but we need the reality. We want to know the gaps, the ideals as provided by the laws.

SESSION 4

WORKSHOP I AND PLENARY PRESENTATION: AGENCY MANDATES & ACTIONS VIS-À-VIS PROMOTION & PROTECTION OF IPS RIGHTS TO DEVELOPMENT IN THE PHILIPPINES

Objectives

- To take stock of the mandates of participating government agencies vis-à-vis programs & projects to promote & protect the rights of IPs
- To establish baseline information regarding programs and projects of participating government agencies to promote & protect the IP communities' right to development and current implementation, policy, structural & other systemic challenges in its implementation

Groupings

Group 1 (Policy): NAPC, NCCA, NEDA, NCIP and PSA

Group 2 (Socio-Economic): DA, DepEd, DENR-MGB, DoLE, DoH, NAPC, NHA, and SSS

Group 3 (Security): AFP, DILG, and PNP

Group 4 (IPMRs): IPMRs CAR and Region I

Group 5 (IPMRs): IPMRs Region II

Group 6 (IPMRs): IPMRs Region III

Group 7 (IPMRs): IPMRs Regions IV and V

Theme

For Government Agencies

1. Agency mandates
2. Programs and projects relevant to protecting and promoting the IP Right to Development from 2010-2017
3. Challenges encountered in conduct of work involving IPs and the measures to address such challenges

For IPMRs

1. Human rights situation of the IPs in their area
2. Relevance of the GAs IP-related programs and projects
3. Challenges encountered in demanding services and support from Gas for IP related needs

Guide Questions

For Government Agencies

1. What are your agencies' mandates that relate to promoting & protecting the rights of Indigenous Peoples, including their Right to Development?

2. How are these mandates translated into specific PROGRAMS and PROJECTS within your agency? What is the current status of the implementation of these PROGRAMS & PROJECTS? Do you think these current programs & projects sufficiently respond to your IP-related mandates? Why or why not?
3. What are the implementation, policy, structural and other systemic CHALLENGES that confronts the current implementation of these programs and projects? What actions are being taken to confront & overcome these challenges? What further recommendations do you have to confront and overcome these challenges?
4. What major trends do we see across government agencies in terms of systemic challenges of implementation of IP-related programs & projects? What inter-agency, multi-sectoral and other collaborative interventions may be necessary to respond to these?

For IPMRS

1. What is the current situation of IP Communities in your area in terms of protecting and fulfilling their rights to development?
2. How are these issues and concerns of IP communities being responded to by the PROGRAMS and PROJECTS of government agencies?
3. How do you think we can improve upon how these PROGRAMS and PROJECT for IP Communities of the various government agencies are to be delivered?

POLICY GROUP

Rapporteur: Atty. Dahlielyn Dait-Cawed, MNSA (NCIP)

Members: NAPC (National Anti-Poverty Commission), NCIP (National Commission on Indigenous Peoples), NEDA (National Economic and Development Authority) and Philippine Statistics Authority (PSA)

I. AGENCY MANDATE

a. NAPC-IP Mandate

- Republic Act 8471
- Social Reform Agenda
- Oversees the anti-poverty programs of agencies
- Convenes agencies

NAPC- bodies:

- Secretariat – headed by Secretary
- Social Reform Agenda
- The 14 Basic Sectors – headed by the Vice Chairperson appointed by the President from the 14 Sectoral Representatives
- An overseer of programs
- NAPC conducts En Banc meetings with the RP President every month as Chair

b. NCIP Mandate

“The NCIP shall protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs, traditions and institutions.”

(Section 39, IPRA)

c. PSA Mandate

Plan, develop, prescribe, disseminate and enforce policies, rules and regulations and coordinate government-wide programs governing the production of official statistics, general-purpose statistics, and civil registration services.

Primarily responsible for all national censuses and surveys, sectoral statistics, consolidation of selected administrative recording systems and compilation of national accounts.

The result of their data was used almost all in the bureaucracy for planning, updating, budgeting, performance evaluation, etc.

PSA at a Glance

- Standards and Classification Systems
 - ✓ PSA prescribes uniform statistical standards and classification systems in government statistics to ensure harmony and comparability within and outside the country
- Global Leadership
 - ✓ PSA is the Chair of the executive committee of PARIS21 for 2016
 - ✓ PSA also serves as Vice Chair of the Regional Steering Group for the Civil Registration and Vital Statistics Decade 2015-2024
 - ✓ PSA is Co-Chair of the UN Inter-Agency Expert Group on Sustainable Development Goals (SDG) Indicators

d. NEDA Overview

- The country's independent economic development and planning agency
- Consist of two distinct entities: a) the NEDA Board that formulates policies headed by the RP President as Chair, while the Vice-Chair is the NEDA Secretary Ernesto Pernia; and; b) the NEDA Secretariat
- NEDA Board formulates continuing, coordinated and integrated socio-economic plans, programs and projects
- NEDA Secretariat serves as the technical and research arm of the Board, the counter-part in the Regions are called Regional Development Council (RDCs)

NEDA Mandate

- Coordination of the formulation of policies, plan and programs to set the parameters for national and sub-national development
- Facilitation of investment programming and alignment of resources for investment toward priority areas
- Provision of useful monitoring and evaluation services to measure impact and allow for timely interventions

II. PROGRAMS AND PROJECTS FROM 2010 to 2017 RELATED TO IP RIGHTS

a. NAPC - Programs/Projects

- BOTTOM UP BUDGETING PROGRAM – NAPC heads BUB Grievance Redress Committee
- ENSURING INDIGENOUS PEOPLES ORGANIZATIONS (IPOs) participation to Civil Society Organizations (CSOs) Assemblies and are automatic member of

the Local Poverty Reduction Action Team (LPRAT) in their respective cities or municipalities

b. NCIP Programs/Projects

- Policy Services
- Ancestral Domain / Land Titling Services
- Human, Economic and Environmental Development and Protection Services
- Indigenous Peoples Rights Protection Services

NCIP POLICY DEVELOPMENT (GUIDELINES; PROCEDURES)

b.1.) Human, Economic and Environmental Development & Protection

- Ancestral Domain Sustainable Development and Protection Plans (ADSDPPs) (2002-2016)
- Education Assistance Program (1999-2015)
- Merit-based Scholarship (2012-2015)
- Health programs
- Socio-Economic Programs

b.2.) Indigenous Peoples Rights Protection

- IP Mandatory Representation
- Formation of IPMR League
- Strengthening of the IPOs and IP Leaders
- Documentation and Confirmation of IPS

c. PSA Programs/Projects Relevant to Protection/Promotion of IP Rights to Development: 2010 to 2017

- 2010 Census of Population and Housing (CPH)
- Gathered data on Ethnicity with concept and operational definitions provided by National Commission on Indigenous Peoples (NCIP)
- National Commission on Muslim Filipinos (NCMF) was likewise consulted on the concept of ethnicity
- Ethnicity in 2010 CPH refers to one's identity by blood and not by choice nor by adoption/confirmation for any ethnic group

d. NEDA Initiatives to protect and promote IP rights to development

- Incorporation of IP-related issues and concerns in the Philippine Development Plans and Regional Development Plans
- PDP 2017-2022, Chapter 7 Promoting Culture and Values: the Cultural Agenda with the following priority areas:
 - d.1.) safeguarding and enshrining our cultural heritage
 - d.2.) achieving equity and inclusion in access to cultural resources and services

d.3.) sustaining and enhancing cultural assets to foster creativity and innovation for socio-economic growth

NEDA Initiatives (Regional) – through the RDC

- RDC program: Social Preparation of Cordillera into an Autonomous Region (for IEC, Alliance Building, Capacity Building). The Cordillera Congressman promised to file the proposed bill in the IP Cordillera Autonomous Region
- Declaration of Principles on Environmental Governance (DPEG): a set of policy directions for environmental management which the LGUs, Line Agencies, CSOs, and other stakeholders can adopt. The typical RDC has four (4) RDCs namely: infrastructure committee, social-development committee, economic development committee and development administration committee. In Cordillera Region, there is an additional two (2) committee i.e. watershed environmental management committee and the Committee on IP Concerns. The Cordillera believes that they are the watershed cradle of the North. They provide water in the neighboring lowland areas.
- Committee on IP Concerns (CIPC) to tackle IP issues: e.g., IPRA Section 12 extension and reconciliation of differing institutional policies; stat on IP (2010) census

III. CHALLENGES & MEASURES

a. NAPC Challenges

- Continuity of the bottom-up budgeting in the Assistance for Disadvantage Municipality (ADM) Program in partnership with the Indigenous Peoples Organizations
- Coming up with a holistic program/project for the development of IP communities
- IP Bottom-Up Holistic Program covering the 10 Program Thrusts of NAPC

b. NCIP Challenges

CHALLENGES	ACTION / WAYS FORWARD
Current NCIP structure vis-à-vis mandate and emerging concerns e.g. FPIC and titling process	Institutional assessment, capability-building, and reorganization
Insufficient funding for the full implementation of the four bundle of rights under IPRA	Resource mobilization

CHALLENGES	ACTION / WAYS FORWARD
Lack of Philippine IP Ethnography (PIPE)	This is not just a census but rather a deeper survey together with the PSA.
Specific provisions of the Joint Administrative Order No. 1 2012 (NCIP-DAR-DENR) resulting to difficulty of registration of CADTs with the Land Registration Authority (LRA)	This is not conflicting but different interpretations the groups that govern their respective agencies. There is a need for reconciliation and harmonization.
Cases attacking the constitutionality of IPRA, limiting NCIP jurisdiction over AD-related disputes (e.g. Supreme Court Decision, <i>Unduran vs. Aberasturi</i>)	The issue has been brought in the Office of the President of the Philippines and DoJ
Political interference in the selection process of IPMRs	Review of the national guidelines on IPMRs with DILG
Lack of recognition/appreciation of IP rights by some Local Government Units	Strengthening and advocating convergence on ground with LGUs and local stakeholders
Insufficient knowledge and skills of Indigenous Peoples Mandatory Representatives (IPMRs) relative to local legislative processes	Institutionalize capacity development of IPMRs through strengthened collaboration with DILG and other partners
Making education responsive to the situation of IPs	We already have the IP Education (IPEd). In the Cordillera the DepEd is in partnership with the Council of Elders to provide context for the education of IP children.
Unresolved killings of IP Leaders	Collaboration with LGUs, DOJ other government agencies and CSOs
Unfunded ADSDPPs	Interface with local development plans -drafting of IP agenda for the new administration- inclusion in the National Policy Agenda
Peace and security issues within the ancestral domains	Active and meaningful participation of the IPs in peace negotiations (independent panel for IPs)

CHALLENGES	ACTION / WAYS FORWARD
	Implementation of the IKSP based Social Engineering Toward People Empowerment Addressing Conflict, Emergencies and development (IKSP-SET P.E.A.C.E.)

- c. PSA challenges encountered in conduct of work involving IPs and measures to address such challenges

Challenges in Gathering Ethnicity Data

- Respondents’ understanding or views about ethnicity
- Awareness of the family background
- Differences towards answering questions

Measures to Address Challenges

- Holding bilateral meetings and consultations with NCIP, National Commission on Muslim Filipinos (NCMF), and other concerned agencies
- Come up with operationalization of Ethnicity and formulate question to ask to determine a person’s Ethnicity

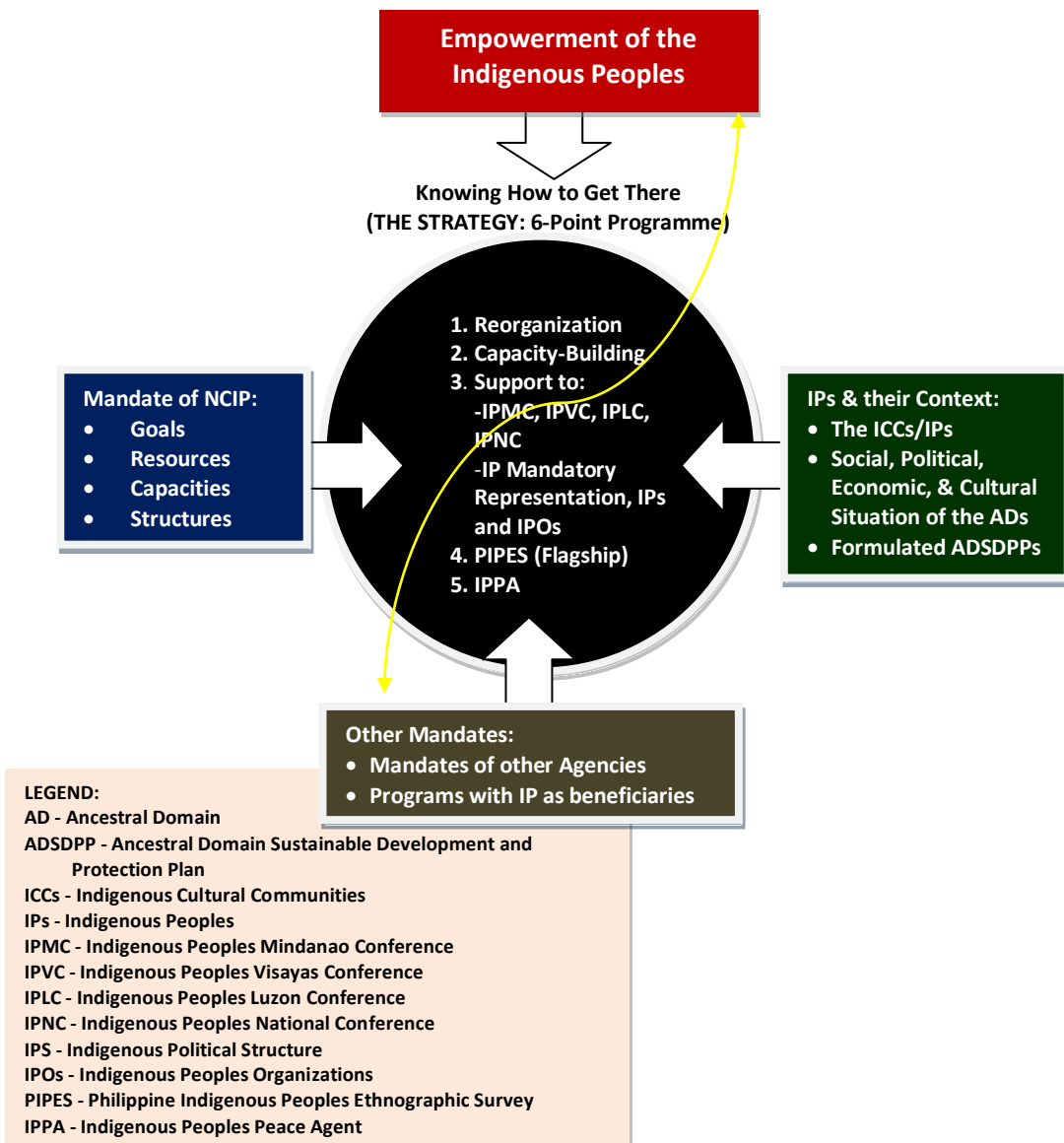
- d. NEDA challenges and strategies taken from Philippine Development Plan (PDP) and Regional Development Plan (RDC)

CHALLENGES	STRATEGIES
Despite the legal mandates, agencies do not have adequate resources to implement programs for cultural development and for the protection on the rights of the IPs	<ul style="list-style-type: none"> • Institutionalize and intensify heritage conservation plans and programs • Establish Knowledge Development Centers and Schools of Living Traditions for building capacities • Mainstream cultural educations in the basic, technical, vocational, and higher education systems • Develop cultural assets across the country to broaden access to cultural resources and activities
Underrepresentation of marginalized sectors in local councils	

CHALLENGES	STRATEGIES
<p>Conflicting provisions in certain laws compromise the implementation of cultural initiatives</p>	
<p>Climate change and human induced risks to the environment require mechanisms to mitigate their impact on communities, tangible heritage, and biodiversity</p> <p>➤ changes in the life styles and knowledge system among the younger generations leading to changes in their valuing of heritage, economic activities that impinge on these sites, illegal activities, and lack of preservation mechanisms</p>	<p>Balance economic development with environmental and cultural integrity Promote awareness on the diverse culture of the Cordillera</p> <ul style="list-style-type: none"> • Successful implementation of the IPed program with the participation of IP elders (since 2013) • Incorporation of indigenous culture appreciation and understanding in the tertiary level especially in tourism courses • Establishment of a Cordillera Museum and Library Center to house archives and artifacts of the region • Establishment of more schools of living traditions and ensuring their sustainability
<p>Governance and institutional challenges lead to weak implementation of existing legislations towards the protection and preservation of cultural heritage</p>	<ul style="list-style-type: none"> • Creation or strengthening of offices for cultural concerns in regional and local governments such as the local tourism councils. • Formulate and implement cultural heritage conservation plans and programs
<p>Non issuance of IRR for the implementation of Section 12 of IPRA (land tenure security in the ancestral domain)-ending 2017 October</p>	<ul style="list-style-type: none"> • Follow up with the Congressional Committee on ICC and IP the joint circular of DENR and NCIP • Filing of at least 5-year extension
<p>Mechanisms to promote culture-sensitive governance exists but are not fully implemented (FPIC, IPMR, ADSDPP Formulation, CADT/CALT)</p>	<ul style="list-style-type: none"> • Strengthen documentation, promotion, recognition and utilization of IKSPs • Institutional reforms towards fast tracking FPIC, ADSDPP, CADT/CALT processes • Intensify the pursuit of regional autonomy for the Cordillera

CHALLENGES	STRATEGIES
Lack of a Heritage Preservation Framework	<ul style="list-style-type: none"> Formulate and implement cultural heritage conservation plans and programs
Lack of support (resources and institutions) in cultural and creative arts	<p>Support Cultural and Creative Arts</p> <ul style="list-style-type: none"> Build appreciation for indigenous arts and crafts Sustain existing efforts towards promoting creative arts such as Schools of Living Traditions (SLTs) and Centers for Culture and Arts Support local artists through scholarships and through partnerships with organizations of local artists

IV. NCIP STRATEGIC DIRECTIONS (2016-2022)



IPMRs CAR (ABRA, APAYAO, BENGUET, BAGUIO CITY, IFGUAO, KALINGA, MONTAIN PROVINCE) AND REGION I (ILOCOS NORTE, ILOCOS SU, LA UNION, PANGASINAN)

Rapporteur: Mr. Conrado M. Quioang, IPMR Ilocos Sur

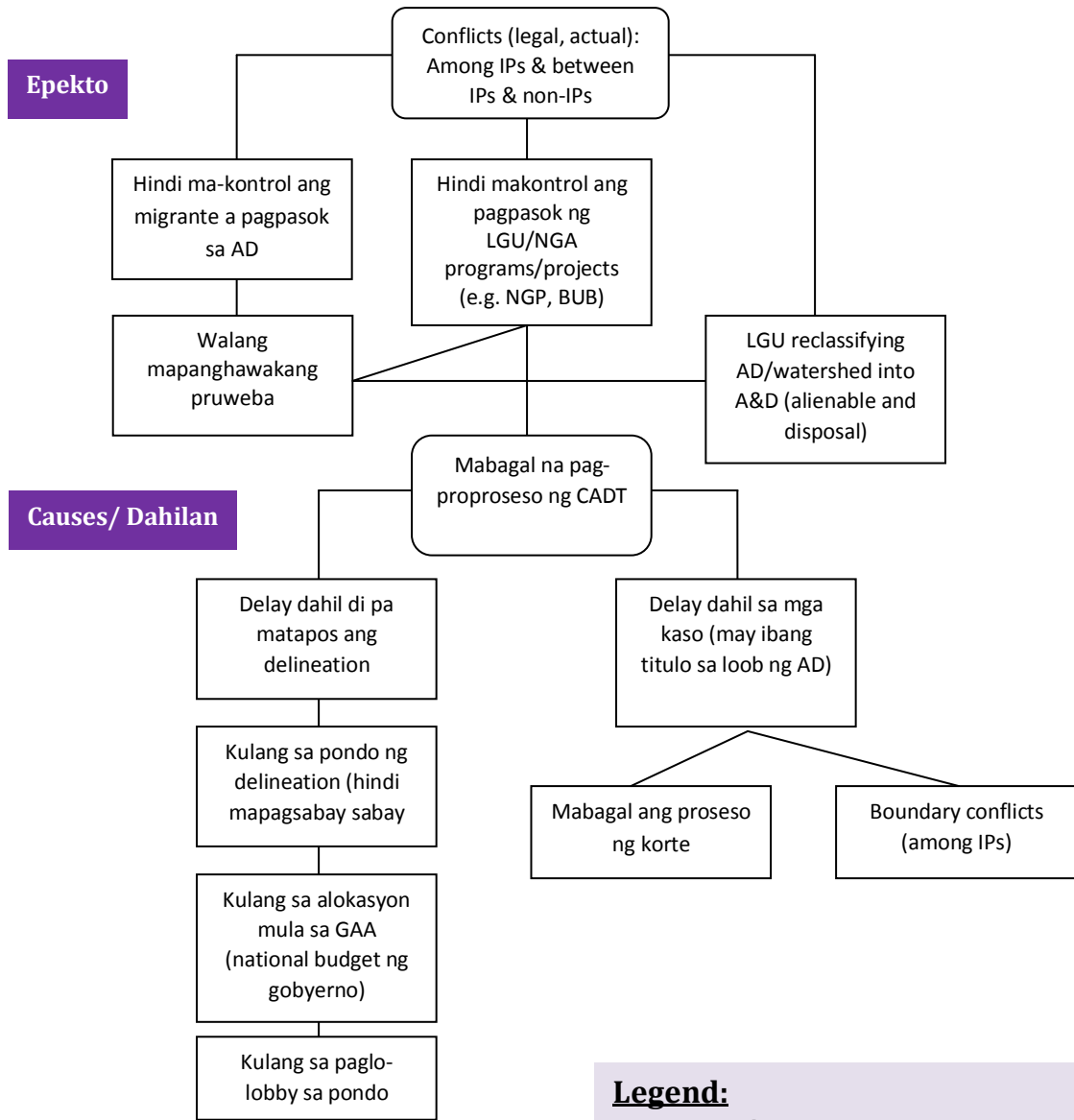
CURRENT SITUATION OF IPS (ISSUES AND CONCERNS)	PROGRAMS AND PROJECT OF CONCERNED GOVERNMENT AGENCIES	SUGGESTIONS AND RECOMMENDATION
1. Non-recognition of IPs by LGU officials of the IP communities in Region I	Provisions of the law are not being observed or not fully implemented, although in our area [Galimuyod] it has been fully implemented with budget and in accordance with RA 7160	<ul style="list-style-type: none"> • DILG should not implement the joint NCIP/DILG Memo 119 series of 2010 • IP Member should make request/ resolution copy furnished to the NCIP and DILG • Unity among IP members regardless of their tribal affiliation – some IP members are anti, some are pro • Close assistance from CHR and other agencies • Provision providing the LGU officials to recognize the IP law
2. Selection of the IPMRs not recognized by the LGUs – honorarium not given to them		
3. NCIP/DILG protecting employment status dahil kalaban nila ang mga politiko		
4. Natural resources protection	NCIPs law not fully observed by DENR - DAO	<ul style="list-style-type: none"> • IP should be given the right to protect their own Ancestral Domain and not the LGUs • All natural resources should get permit from the tribal council (MOA) – huwag papasok sa area ng parang magnanakaw, IP

CURRENT SITUATION OF IPS (ISSUES AND CONCERNS)	PROGRAMS AND PROJECT OF CONCERNED GOVERNMENT AGENCIES	SUGGESTIONS AND RECOMMENDATION
		or not dapat may paalam, kung papayagan namin
5. Mining in relation with the FPIC – those who has powers: especially the hydro electric power	FPIC not properly implemented	Strict implementation of FPIC particularly IP community IP unity
6. IPRA Law	Lack of IEC and budget	
7. Prioritization of IP teachers within IP Community	Non-compliance on LGU provisions and IPRA	Information and dissemination to IP teachers about their exclusive rights
8. 4 Ps for IPs with non consideration of the general rule of the implementation and identification of 4Ps (IPs) beneficiaries	DSWD conduct of survey without proper coordination to the IP officials	Recommend to conduct re-survey to determine the beneficiaries with coordination with IP leaders and IP official

IPMRs REGION III (AURORA, BATAAN, BULACAN, NUEVA ECIJA, PAMPANGA, ANGELES CITY, TARLAC, ZAMBALES, OLONGAPO CITY)

Rapporteur: Mr. Egidio M. Gonzales, Jr., IPMR Olongapo City

Peace and order Situation



Legend:
 AD - Ancestral Domain
 BUB - Bottom Up Budgeting
 CADT - Certificate of Ancestral Domain Titles
 GAA - General Appropriation Act
 LGU - Local Government Unit
 NGP - National Government Projects
 NGA - National Government Agencies

ANO ANG GUSTONG MANGYARI?/SINO ANG MAY OBLIGASYON?

1. Bigyan ng sapat na pondo ang pagpapatitulo ng AD (CADT) – Congress, NCIP (key state rights duty bearer).
2. Mapabilis ang aksyon ng mga korte (regular courts & NCIP) sa pagreresolba ng mga kaso
3. Korte, NCIP (key state rights duty bearer)

PANANAW:

Ahensya	Anong ginagawa	Sapat o Hindi	Paano ayusin pa
NCIP	Lobby sa sapat na pondo	Hindi	?
Congress	Ibigay ang sapat na pondo	Hindi	?
Korte NCIP	Mabilis na iresulba ang mga inter-IP cases	Hindi	?
Regular court	Mabilis na iresolba ang kaso between IP & non-IP	Hindi	?

Notes taken:

Aminin man natin o hinde mapulitika ang ating bansa. Kapag hindi ka kay Mayor, walang magagawa ang mga IP. “Bata-bata system” – body-body system of the politicians. Kung tagapag-salita ka ni Mayor, ‘*tropa – tropa*’ ka ni Mayor, kahit wala kang dugo ng IP, magiging IPMR ka na.

Sa experience ko po, dokumentado ito, ako ay isang taon at kalahati na walang sweldo at hindi naka-upo bilang IPMR. May kasamahan po kami, na-appoint ng IP community pero dahil ayaw ni Mayor hindi maka-upo bilang IPMR, tatlong (3) taon na po ngayon.



Aminin man natin o hinde mapulitika ang ating bansa. Kapag hindi ka kay Mayor, walang magagawa ang mga IP. “Bata-bata system” – body-body system of the politicians.

Ang NCIP po ay nandito ngayon, CHR at ibang ahensya – na sana ay tulungan po kami. Kung ang NCIP na pinagpipitagan naming taga-pagtanggol ng aming karapatan ay walang magawa papano pa namin ipaglalaban ang aming mga

karapatan? Dahil kulang sa pinag-aralan/ kaalaman ang aming mga katutubo, humingi po kami ng tulong.

Ang hiling po namin bilisan ng mga taga-NCIP dahil baka bukas wala nang lupa ang mga katutubo.

Ang tanong namin, bakit may issuance of tenurial instruments ang DAR and DENR inspite there is already CADTs? Connivance ba ito? Hindi po namin alam kung bakit. Kung development po ang gusto ng mga ahensya na nandito, handa po kaming sumuporta.

SECURITY GROUP

Rapporteur: Maj. Mediatrix S. Timbali, JAGS, NoLCom

Members: Armed Forces of the Philippines (AFP), Department of Interior and Local Government (DILG) and Philippine National Police (PNP)

SUPPORT TO INDIGENOUS PEOPLES' RIGHT TO DEVELOPMENT

Disclaimer: The data gathered is only applicable in North Luzon and South Luzon

AFP's mandates vis-à-vis IP Rights

In the Philippine Constitution state that, “The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.”

The AFP New Campaign Development Support and Security Plan Kapayapaan (DSSP) say, “The AFP adopts ‘Development-Governance-Security’ Approach, where the AFP’s operations are harmonized with the shared understanding of the convergence of development, governance and security.”

Programs & Projects

- Neutralize and degrade the capabilities of the various threats;
- Secure and defend the AOR from all threats;
- Maintain peace and order;
- Prevent and suppress all acts inimical to national interest; and
- Assist in the socio- economic, ecological, and developmental activities.

IP Empowerment Programs

- Establishment of IP Desk – all units of the AFP has already an IP desk with IP Officers
- Bayanihan Team Activities – AFP goes to the barangay to help
- Support to Livelihood Programs
- Support to Health Programs – AFP conducts medical and dental mission
- Support to Education Programs – AFP helps in constructing school buildings
- Support to Infrastructure Development
- Promotion Advocacies

CHALLENGES ON THE IPs	RECOMMENDATIONS
Information campaign on IP Rights – although the AFP is already aware of the IPs. AFP recommends the establishment of the IP desk with designated AFP – IP personnel	
At present there is significant identified numbers of NPA that are IPs	Push for local peace talks – AFP to talk with the tribal leaders
Development priorities of the LGUs	Endorse a priority projects for graphically isolated and disadvantaged IPs
Implementation of IPRA Law	
The effect of the self-proclaimed IP officer individual (mostly in Abra) and tribal war	Self-proclaimed IP officer individual was already raised the said issue to the RPOs
Challenges on the ADs	
Displacement of the IPs that makes them squatters in their own land through the use of power, money and deception – logging, mining and agricultural companies that dominates the land of the IPs	<ul style="list-style-type: none"> • Active participation and coordination of the tribal leaders • LGUs to address the issue
Poverty – delivery of goods and services. It does not reach the community to location	Coordination with the concerned government agencies
Lack of livelihood projects	Coordination with the concerned government agencies

Other approaches & programs:

1. Visibility of government troops and regular dialogues with the people;
2. Winning the support of the traditional leaders -will win the whole IP community;
3. Train and utilize the IP soldiers in dialogues;
4. Facilitate the delivery of basic services and livelihood programs;
5. The government has implemented Payapa at Masaganang Pamayanan (PAMANA) Project in the AOR.

Inter-agency & multi-sectoral intervention in the implementation of IP programs and projects

- Regular coordination and active support with the LGU and Regional Peace and Order Council (RPOC)
- Inter-agency process and coordination will resolve IP needs and aspirations

“This is Mavulis island, we raised the Philippine flag here at exactly 12 noon when the sun (is) at its brightest. We assert our sovereignty on this northern frontier of our nation.”

**Lt. Gen. Romeo T. Tanalgo, AFP
Commander, NoLCOM
April 30, 2016**

OTHER NOTES ON SECURITY MATTER

BGen. Noelito C. Albano, AFP-NoLCom

By observation especially in the far-flung areas IPs are prone to be influenced by the leftist group. These are due to Ancestral Domain, education and slow delivery of government services.

We will be needing support from the LGUs, Regional Peace and Order Council Members and other government agencies for a holistic approach in identifying areas that are complicated and problematic.

SOCIO-ECONOMIC GROUP

**Rapporteur: Mr. Belmer Yano, DepEd-IPed and
Mr. Mohamad M. Kuday, DA Central Office**

Members: Department of Agriculture (DA), Department of Environment and Natural Resources-Mines and Geosciences Bureau (DENR-MGB), Department of Education (DepEd), Department of Labor and Employment (DoLE), Department of Health (DoH), National Anti-Poverty Commission (NAPC), National Housing Authority (NHA), and Social Security System (SSS)

Based on the sharing from different agencies, we are all trying to balance towards the inclusive growth, i.e. to actualize the rights-based principle of the growth of inclusion. We had a hard time to balance and harmonizing the rights, the balancing of the national and the local interest, particularly the Indigenous Peoples.

We have different levels of actualizing things, inspite of intentions because of the policy limitations that the government agency can move to whatever the situation is. We focused on the parts of the mandates that address or response to the IP concerns.



We have different levels of actualizing things, inspite of intentions because of the policy limitations that the government agency can move to whatever the situation is.

Agency mandates & Actions vis-à-vis Promotion & Protection of IPs Rights to Development in the Philippines

AGENCIES	MANDATES VIS-A-VIS IP RIGHTS	PROGRAMS & PROJECTS	STATUS OF THESE PROGRAMS & PROJECTS	SYSTEMATIC IMPLEMENTATION CHALLENGES	ACTIONS FOR THESE CHALLENGES	TRENDS ACROSS AGENCIES	INTER-AGENCY & MULTI-STAKEHOLDER COLLABORATIONS
DA	Policy Framework, Public Investment, Support Services	Special Agricultural Area Development Project (Priority beneficiaries are IPs)	On-going	Disaggregation of data for IP, Market Driven, Caters generally to farmers and Fisher folks, lack of capacity to formulate proposal, Downloading of funds	Capacitation, IEC, Proper Coordination with local officials		

AGENCIES	MANDATES VIS-A-VIS IP RIGHTS	PROGRAMS & PROJECTS	STATUS OF THESE PROGRAMS & PROJECTS	SYSTEMATIC IMPLEMENTATION CHALLENGES	ACTIONS FOR THESE CHALLENGES	TRENDS ACROSS AGENCIES	INTER-AGENCY & MULTI-STAKEHOLDER COLLABORATIONS
SSS	Universal social protection	Accreditation Program – Cooperatives and Informal sector groups; Subsidy program; AlkanSSSy Program; JO-kaltaSSS program			Convergence of concerned agencies for the documentation requirement and for the “wholesale approach” to coverage and collection; forging of partnerships with GOs		
	Social Security	Forge partnership with CDA, AlkanSSSy Program		Difficulty in documentation (Birth Certificate), Source of income, Coordination, Identification of IPs			
DOH	Devolution of Health Services (2.1 million budget per province per year)	IP Health Program, JMC at national, Regional and local			Culture sensitivity orientation for health, limited budget, lack of anthropologies, IP Health strategic Plan. Liquidation Problem		
NHA	PD 757: To develop and implement and implement a comprehensive	Resettlement assistance programs in partnerships with LGU (MC 2370) Guidelines of the			Downloading of funds and LGU in the name of the LGU, CADT, Documentation		

AGENCIES	MANDATES VIS-A-VIS IP RIGHTS	PROGRAMS & PROJECTS	STATUS OF THESE PROGRAMS & PROJECTS	SYSTEMATIC IMPLEMENTATION CHALLENGES	ACTIONS FOR THESE CHALLENGES	TRENDS ACROSS AGENCIES	INTER-AGENCY & MULTI-STAKEHOLDER COLLABORATIONS
	and integrated housing program which shall embrace, among others: housing development and resettlement, sources and schemes of financing and delineation of government and private sector participation	implementation of the housing assistance program for the indigenous people programs (10 million per LGU)					
MGB	Responsible for the administration and disposition of the country's general resources	FPIC as requirement		Implementation of the processing of mining application due to the waiver clause (DAO 2012-07), PFIC for small mining applicants within their ancestral domain, no specific guidelines of the monitoring of the 1% royalty to the IPs			
DepEd	Development of Culture Responsive Education System				Indigenization of the curriculum, Contextualization of the education governance system, Strengthening of Partnership and linkages		

AGENCIES	MANDATES VIS-A-VIS IP RIGHTS	PROGRAMS & PROJECTS	STATUS OF THESE PROGRAMS & PROJECTS	SYSTEMATIC IMPLEMENTATION CHALLENGES	ACTIONS FOR THESE CHALLENGES	TRENDS ACROSS AGENCIES	INTER-AGENCY & MULTI-STAKEHOLDER COLLABORATIONS
DOLE	Protection to labor, promote full employment, ensure work opportunities for all	IP Desk, Emergency Program (370 Million Budget)	Being implemented	Convergence, Partnership with agencies			

IN SUMMARY

All agencies have varying levels of implementation including sensitization on IP concerns e.g. IP Desk and IP Sensitive programs.

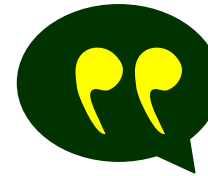
COMMON CHALLENGES:

1. Lack of documentation and disaggregation of data on IPs
2. Lack of capacity to formulate IP-based development proposals
3. Political interference
4. Mismatch of programs and plans of National and Local Government Unit
5. Lack of convergence among government line agencies concerning IP programs

WAYS FORWARD:

1. Pursue the ethnographic survey with simultaneous efforts at the LGU level to effectively institute appropriate documentation data base building towards evidence based effective planning
2. Develop appropriate guidelines and mechanism for different procedures for FPIC
3. Strengthen the local participation through the presence of the NCIP in the locality
4. Ensure adequate social security to workers in all phases of economic value chain
5. To strengthen the Regional Development Council to come-up with definitive guidelines for IP concerns

In moving forward of becoming rights-base, even though we have difficulties culturally, one strong recommendation is to strengthen our local base, our local governance, and our decision-making. The critical here is having the right documentation in doing the right thing.



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IPMRs REGION II (BATANES, CAGAYAN, ISABELA, NUEVA VISCAYA, QUIRINO)

Rapporteur: Mr. Victor L. Gandingan, IPMR Quezon

IPMR Experiences and Insights

What are the current situation of IP Communities in your area in terms of protecting and fulfilling their rights to development?

1. Human Rights Situation of IPs in our Locality/ AD

- I.1. Inadequate information and implementation of IPRA and other related IP Rights;
 - I.1.1. Majority of IPs/ICCs and non IPs are not aware on their rights
 - I.1.2. Inadequate funds, materials, and personnel capacity to conduct IEC
 - I.1.3. Some concern personnel/ agencies are not sincere (not interested/ don't want to understand/ ignore) to imposed IP/ICC laws, policies, plans and programs
 - I.1.4. Discrimination in terms of employment and other benefits / privileges

- I.2. Issues and Concerns re: Indigenous Peoples Mandatory Representative (IPMR) Establishment;
 - I. 2. 1 Political intervention
 - I. 2. 2 Community wherein all/ majority are IP Officials insist not to elect their IPMR (actual situation in Nueva Viscaya)
 - I. 2. 3 Some politicians are political party centered – if IP do not belong to the party of the Mayor, we cannot install IPMRs even in the barangay levels
 - I. 2. 4 Inadequate assertiveness and lack of monitoring system of NCIP and DILG. If NCIP issued the COCs they should also help the IPs to be in position being said as ‘*mandatory*’
 - I. 2. 5 Different interpretation of laws by concern agencies (DILG opinion regarding: Punong Barangay is not authorized to administer Oath of Office, and NICP had done their part after the issuance of COA)
 - I. 2. 6 Lack/ Inadequate knowledge of majority IPMRs on IP Rights and their duties, functions and responsibilities – there should be an IPRA Law thorough information-dissemination among government officials with the help of the DILG-NCIP.

- I.3. Non- recognition of IP CADT ;
 - (a) Ps/ ICCs non IPs and others agencies are not aware of the CADT (PLGU, DENR and Organizers of mountain hikers/ runners)
 - (b) Delayed issuance of CAD Title and formulation of ADSDPP (Ancestral Domain Sustainable Development Protection Plan)
 - (c) Inadequate/ lack of funds for the IEC
 - (d) Inadequate/ lack of knowledge on IPRA Law particularly on the Free Prior Inform Consent (FPIC)
 - (e) Ancestral Lands are being violated through land loss and dispossession
 - (f) Pollution of the Adalam river by Oceana Gold – Province of Nueva Viscaya

How are these issues and concerns of IP communities being responded to by the Programs and Projects of Government Agencies?

2. Suggestions to improve on Governance and Monitoring Structures on the IP Right to Development

- a. Allocate more funds – for the IPMRs to be effective in implementing Project, Programs of the IPs in the community, we hope that the National Government will directly downloaded the funds thru LGUs specifying that the funds is allotted for IPMRs to implement
- b. Strengthening/ Capability building of all elected IPMRs by the concerned agencies, especially with NCIP
- c. To finalized listing of IP Leaders, Elders, Women and Youths, and to be able to organized said IPs.
- d. Conduct IEC/ Consultations/ Meetings Trainings/ Seminars/ workshops on IP rights/ Paralegal to all concern personnel and IPs
- e. Immediate issuance of CAD Title to the holders
- f. Immediate Formulation of ADSDPP
- g. Formulate Monitoring and Evaluation System for the implementation of IP rights
- h. Establish linkages and networks

Agency mandates & Actions vis-à-vis Promotion & Protection of IPs Rights to Development in the Philippines

AGENCIES	MANDATES VIS-À-VIS IP RIGHTS	PROGRAMS & PROJECTS	STATUS OF THESE PROGRAMS & PROJECTS	SYSTEMATIC IMPLEMENTATION CHALLENGES	ACTIONS FOR THESE CHALLENGES	TRENDS ACROSS AGENCIES	INTER-AGENCY & MULTI-STAKEHOLDER COLLABORATIONS
LGU NCIP IPMR	-Right to Ancestral Domain -Self Determination	Monitoring on Ancestral Domain Title	-Conflict of Boundaries -Ancestral Lands are being violated through land loss and dispossession -Inclusion of Taiwanese fishermen***	-Political Issues -How the LGU and NCIP truly represent the interest of the IPs/ICCs	-access to monitor IPs rights		
DILG LGU NCIP		Mandate of City/Municipality IPMRs	Inadequate Funds -Lack of Identifying the IPs -Budget Allocation***	Coordination with the NCIP -Budget Allocation	-LGU Efforts -Direct Budget to the IPMR Offices		
DENR NIA LGU	-Right to Social Justice and human rights	Monitoring on safe water and air pollution	Pollution of the Adalam river by Oceana Gold	Mines Geoscience Bureau (MGB) urgent action	-Consultation between the company and the IP residents		

*** According to the fishermen in Batanes, the Taiwanese fishermen encroaches in the PH jurisdiction

*** There will be no problem in the installation of the IPMRs in Provincial, Municipal and Barangays if the National Government will provide the salary of IPMRs

IPMRs REGION IV (MIMAROPA/CALABARZON) AND REGION V (ALBAY, CAMARINES NORTE, CAMARINES SUR, CATANDUANES, MASBATE, SORSOGON)

Rapporteur: Mr. Denny Guco, IPMR Romblon

Current IP situation in the Region

- Lack of access to legal assistance – we have IPs with criminal cases, e.g. rape case, slow assistance of PAO service, wherein IP is losing trust in the justice system. We believe in justice delay is justice denied.
- Low revenue sharing of tourism income – in our area the LGU wants 80% and 20% for the IPs.
- Lack of control in the revenue in tourism – LGU has always the control over the resources
- Lack of health services utilization – particularly in Camarines Sur
- Need for ambulance – specially for far flung areas, e.g. when IPs get wounded and shot they will just be buried 6-feet below the ground
- Discrimination and utilization of RHU
- No multi-purpose hall – we need our own tribal council hall for our meetings or emergency center, sometimes the LGUs are not sharing their multi-purpose hall
- Lack of budget for IPMRs
- Difficulty for employment
- No IP communication equipment

Response to issues and concerns

- No action of NCIP for legal matters – not much attention on criminal cases
- Inaction on the part NCIP due to LGU concern – IP should also be assertive
- IPs trained still seeking for employment – IPs took TESDA skills training but still unemployed
- IPs will give ambulance only to those allied-IPs
- LGU lack of RHU response
- LGU allegedly given AD to non-IPs

Areas of improvement

- JAO in matters of legal access – signatories with DoJ and NCIP
- Special Court for IPs – if our Muslim brothers have their own special courts why not also the IPs especially in violation of the IP customary laws
- Amendment of the local budget to prioritize programs and projects of the IPs – the local budget circular #70 should be amended
- Provision of the IP support – by DOE-DICT (information, communication and technology)

Q & A

WORKSHOP I: QUESTION AND ANSWER, COMMENT, SUGGESTION, AND CLARIFICATION.

Ms. Lao, CHR: General, you mentioned about the IP influenced by the leftist group, we participated in Bayanihan Team in Surigao areas and we did some ethnographic census. How many are they that have been recruited by the leftist? Do you have estimated numbers?

BGen Albano, AFP: We are representing only Northern Luzon, however in our AD-wide, our data says there are about 500 residents and out of this 2/3 of them are members of the rebel groups.

Mr. Cabonegro, CHR: Are there also combatants recruited by the AFP? How many percent?

BGen Albano, AFP: We have about 1/3 of them.

Dr. Basas, CHR: It has been mentioned in the presentation about recruitment as soldiers. One of the Great Child's Right Violation (GCRV) is the recruitment of children as combatant. Are there any IP Children recruited as soldiers?

BGen Albano, AFP: In our group we have recruitment requirement that they should be 18yo and above. On the rebel side there have been reports that they are utilizing children.

NEDA-CAR: In the Province of La Union, all IP members in the barangays are identified. You therefore have to coordinate with the IPMRs of each barangays for easier survey who are the members of the leftist groups.

PSA-Head Office: In 2020 we are planning for population inclusion of the IPs. We coordinated with the NCIP and accommodated us by giving us the IP guidelines. In 2020 census year, the DepEd teachers are the enumerators. Are the IPMRs with the NCIP? Whom are we going to talk to?

NEDA-CAR: We do not actually know that there is NCIP survey. The IPMRs are not also informed. This is just my suggestion, in any area, if they have Provincial IPMRs maybe you can coordinate with them, if none Municipal IPMRs.

PSA-Head Office: Our management is also aware now that there is IPs that needs to be included. We really need a good source. Where are the offices of the IPMRs?

Participant: They are also a member of the League of Provinces. You can also ask their help.

Mr. Cabonegro, CHR: The NAPC can also provide you with the list of IPMRs – Provincial and Municipal, although Barangay is still a challenge.

Mr. Cayasen, IPMR Abra: In our Municipality, there is an on-going peace talk for ceasefire against the two forces. We have done that even during the 1980s. We suggest in doing it locally because we have different situations in every Region. Our local council [council of elders] is very much in support with the local ceasefire.

BGen Albano, AFP: We can discuss it locally then we can go up to the Regional Peace and Order Council.

Mr. Gonzales, IPMR Olongapo City: From the ADSDPP NCIP presentation, they say there no fund, but they have JAO with other agencies. We hope that DepEd, DoH and NCIP may be able to reach even the IPs from 7km-away from the Municipality.

Mr. Guco, IPMR Romblon: Our LGU is interested in the housing as mentioned in the presentation by NHA. Can we request for documentary requirements on how to avail the NHA programs and projects?

Ms. Moreno, NHA: We encourage and empower the LGUs regarding their capability for inquiry of housing services. One of special projects is the housing for the Indigenous Peoples. Our requirement here is to have a property under the name of LGU and minimum of 1 hectare. We need the CADTs, we recognize the CADTs, but you have to allocate a specific area for the housing project and it will be processed in the Sangguniang Bayan. We will have a resolution under this. Please get in touch with NHA in your area – they have the list of requirements to comply, it is just a title. We have a fund amounting to P10M only for as long as there is an existing IPs. This is per LGU.

Mr. Guco, IPMR Romblon: Do you have prescriptive period time for this?

Ms. Moreno, NHA: Our Gen. Manager served and signed last August 31, 2011 and it is still in effect. It is valid until now.

Mr. Quioang, IPMR Ilocos Sur: Clarification for NCIP, we are not saying that they did not do their job in performing the information-dissemination about the IPRA Law in Region I, although they do not have budget [as they say]. It is the LGU that has a problem not the NCIP.

Dr. Basas, CHR: This is in particular with Region IV – lack of access for legal assistance [referring to PAO], what is the specific project and program so we can finalize this?

Mr. Guco, IPMR Romblon: We had a rape case, to seek legal assistance he will go to PAO; the problem is the will of justice for the indigents.

Mr. Cabonegro, CHR: This is a regular support of PAO for consideration.

Asec. Abuan, DoLE: I came from PAO long time ago, we have weak justice system – this is not only for PAO against Indigenous Peoples. This applies for all. We do not have to point out to the government programs alone. After hearing the presentations, IPs is not totally oppressed; I want to be an IP too.

Mr. Cabonegro, CHR: We know that there are problems in our judicial system, everyone is affected.



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However, during the past there are historical discrimination and injustices for the IPs; that is why they were given this kind of preferences. The IPRA law is giving way to answer these injustices which will look like there is a special treatment for the IPs.

Mr. Apayyo, IPMR Ilocos Sur: Suggestion for Region IV – we can share best practices that you can adopt in your area. IPRA law gives us the way to settle our differences. We settle crimes in the community on our own – whatever we are doing is already recognized by the law. We have to assert this. You have to make your own judicial system in your area.

Comm. Wandag, NCIP: In my introduction, we are gearing towards IP right to development. As part of our ways forward we will have a massive

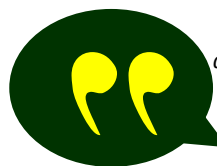
training for the IPMRs because we know the birth pains of the IPMRs. In fact, during the selection of the IPMRs they are going to present an Agenda, but nobody did that. You being the IPMRs are already part of the LGU, you can demand to the LGU, but the NCIP cannot dictate to the LGU. The NCIP together with the DILG will administer IPMRs' training including the budgeting. Do your own research too. Do not take everything to be given to you like 'mana' from heaven. Long time ago, there is one community that was asked to be given housing project base in IP culture but resisted.

Ms. Umoso, SSS: There is one here that says she applied for scholarship. We are required to update our own personal data sheet. You have to visit any of our branches, specify if you belong to any ethnicity. All government agencies are required to do that – i.e. to hire those who belong to the IP community. You can post that too in any private or government agencies. There is also no one monitoring for the government agencies. I suggest that the IPMRs will also take that for consideration.

Mr. Cabonegro, CHR: That would lead to our next workshop – i.e. about monitoring. There are too many programs. We will know how effective these programs are for the needs of the IPs.

Ms. Guzman, DoH: Correction, they say that DoH has P2.2M per LGU. It is actually not only for IPs. We download the P2.2M investment planning for health (Annual Health Operation Planning) per LGU on provinces and highly urbanized municipalities. The IPMRs can go to the Provincial Health Officers to see what IP projects can be included. This planning is done yearly with the hope that will cater the marginalized groups, including the IPs in the far flung areas.

Ms. Nanud, IPMR Batanes: This is about IP empowerment and unemployment. It is not true that the IP always seek for the help of the government agencies. In Batanes, we have the TESDA giving skills and livelihood training. This means that if IP is not employed they will learn the livelihood project in order not to depend on others.



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Participant, DoLE: In many rural workers' association, many members belong to IP community. In fact, we are the ones making the livelihood

proposal for the IPs because they are not trained. We do the proposal suited their needs. You have to go to Provincial and Municipal Offices to access this. It is one of our goals to give trainings to the IPs in creating livelihood proposal. We have committed a budget for the promotion and protection of the rights and welfare of IPs.

Mr. Bugnay, IPMR Nueva Viscaya: This is regarding census, particularly to IPs. We need to have a dialogue. In our place the DepEd makes their survey to children only asking “What is your tribe?” Then the children cannot answer. They change the question “What is the language used in your home?” then the children answered “Tagalog” and therefore they are no longer belong to the IP community. We can only identify the IP through blood. Then again, some says they are IP because of the blood transfusion from IP. DSWD also had own IP survey, and there are some IP that are not included. Therefore some are not getting the right incentives for the IP.

Ms. Baluyot, PSA: the word census is being used all the time. The DSWD census is not from PSA. The PSA is for the population and housing. That is the official statistics used in the Internal Revenue Allotment (IRA) and in formulation of the policies. For the 2010 PSA census it covers all Filipinos nationwide and its profiling. It is not just IPs but rather ethnicity is just one item collected. It also collected the sex, date of birth, age, highest level graduated, occupation, disability (partial or not), housing unit (make shift or not), etc. We already collaborated with the NCIP to come up with the definition of the ‘*ethnicity by blood*’ for the 2010 census. We do follow the UN standard on ethnicity. In the US they use the word “race” i.e. Latino, Asian, etc. In the Philippines we have the IPRA law, and they use ethnicity and we follow that. We were advised to coordinate not only with the NCIP or NCCA but also to include the IPMRs in the Provinces.

Mr. Cabonegro, CHR: There are a lot of projects and programs. Are they sufficient or not? Are they needed or not? How do we want to monitor this? Are there existing monitoring mechanisms for these? Do our monitoring mechanisms enough and sufficient? Is it effective or not? Let us then go for the next workshop.

SESSION 5

WORKSHOP II AND PLENARY PRESENTATION: MONITORING FULFILLMENT OF RIGHTS TO DEVELOPMENT OF IPS IN THE PHILIPPINES.

Objectives

- To identify current monitoring mechanisms for the Right to Development of IPs in the Philippines
- To identify challenges in the monitoring of IPs Right to Development in the Philippines and recommend relevant interventions to confront and overcome these challenges

Groupings

Group 1 (Policy): NAPC, NCCA, NEDA, NCIP and PSA

Group 2 (Socio-Economic): DA, DepEd, DENR-MGB, DoLE, DoH, NAPC, NHA, and SSS

Group 3 (Security): AFP, DILG, and PNP

Group 4 (IPMRs): IPMRs CAR and Region I

Group 5 (IPMRs): IPMRs Region II

Group 6 (IPMRs): IPMRs Region III

Group 7 (IPMRs): IPMRs Regions IV and V

Theme

Identify the current monitoring mechanisms for the Right to Development; “How is the Right to Development being monitored in the Philippines?”

Guide Questions

1. How is the fulfillment of the Right to Development for IPs being monitored in the Philippines currently? How is this being done by your agency?
2. How effective has your agency been able to monitor the fulfillment of these rights of the IPs? Why or Why not?
3. What are the CHALLENGES confronted by your agency in monitoring these rights of the IPs? How does your agency confront and overcome these challenges?
4. What major trends do we see across government agencies in terms of challenges in monitoring fulfillment of IP Rights to Development? What inter-agency, multi-sectoral and other collaborative interventions may be necessary to respond to these?

POLICY GROUP

Rapporteur: Atty. Dahlielyn Dait-Cawed, MNSA – NCIP HR Division

Members: NAPC (National Anti-Poverty Commission), NCIP (National Commission on Indigenous Peoples), NEDA (National Economic and Development Authority) and Philippine Statistics Authority (PSA)

In IPRA which is the basic framework (we duty bearers) should be using for the IP development cites the functions of the Indigenous Peoples. Two (2) of which are: (a) to coordinate and develop projects/programs of the ICCs; (b) oversee the implementation thereof. Another function is to convene in the unit conventions and assemblies of Indigenous Peoples are to review; asses as well as propose policy/programs that will make to their development.

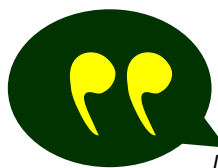
I. MONITORING mechanism

NCIP (IP Rights Based Programming)

1. Project Development Monitoring and Evaluation (All Levels: National, Regions, Provincial Community Centers, including the participation of the Indigenous Peoples in the Ancestral Domain, other Bureaus)
2. Quick Response Mechanism (QRM) for Indigenous Peoples Rights Violations (IPRVs)
 - Based on AD + NCIP + Agencies + Non Government Organizations – feedback
 - Founded on IP – IKSPs/IPs/IPMR
3. Regular IP consultations/conversations feedback
 - Mechanism/cluster conferences with IPs to tell feedback what they really need, e.g. BUB
4. Regional Hearing Officers (RHOs)
 - Legal assistance (officers)
5. IPMRs – this is selected not elected as community representative to assert the rights to development with or without the NCIP that is the essence of everything. If you know you have the right, you assert for your right. The IP working is not for the salary, it is for responsibility.
6. Tracking of scholars (education) after graduation

II. EFFECTIVENESS

You ask, are we [NCIP] effective? My answer is YES. Because the more the Indigenous Peoples assert their right the more we [duty-bearers] in the government should bear their call.



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➤ As duty bearer:

- It is effective – IPs are demanding implementation of their rights (rising demand for IP Rights implementation)
- IPs is part of planning and budgeting processes of NCIP.

➤ Challenges

- What is the context of IPs on Right to Development? Is it about the ‘culture is changing’? In any essence if we go back to the history, ‘development’ is aggression to the Indigenous Peoples
- Mobilizing all duty bearers to be knowledgeable/ aware of IP Rights – being knowledgeable [for them] is being responsive and more culturally sensitive programs
- Adopting IP Rights (IPRA) in our hearts, in all agency Projects and Programs (PAPS) for IP Rights to Development – i.e. inclusion of duty bearers on IPRA
- No development peace without respect of IP Rights (ADSPPs)

IPMRs CAR (ABRA, APAYAO, BENGUET, BAGUIO CITY, IFGUAO, KALINGA, MONTAIN PROVINCE) AND REGION I (ILOCOS NORTE, ILOCOS SU, LA UNION, PANGASINAN)

Rapporteur: Mr. Noel Licaban Apayyo, IPMR Ilocos Sur

Concern/ Action	Present Monitoring Style	Solution
Health	By Observation	Training on Monitoring
Education	Questioning Oral	Template for Monitoring Tools
Livelihood	Unofficial Documentations	Mobilization Resources
Infrastructure***		Royalty Tax
Self Governance		Training for Tourism Management***

Concern/ Action	Present Monitoring Style	Solution
Mobilization Resources***		

NOTES:

We have no problem in our area. Thank you for DoH, DoLE, DA, DENR, they are doing their job and supported the IPs.

***This is where corruption is. No further elaboration – we all know this. The only problem is how are we going to monitor our tourism government? We were not given the opportunity to adopt the tourism side. LGU is controlling the tourism in the place. We can only monitor by observation, questioning and documentation. Then we do talk in the tribal council. There is no reporting and there is no way the higher -ups will know. Is this effective? No. We believe that there is IP training on how to monitor, creating templates, monitoring tool to become official.

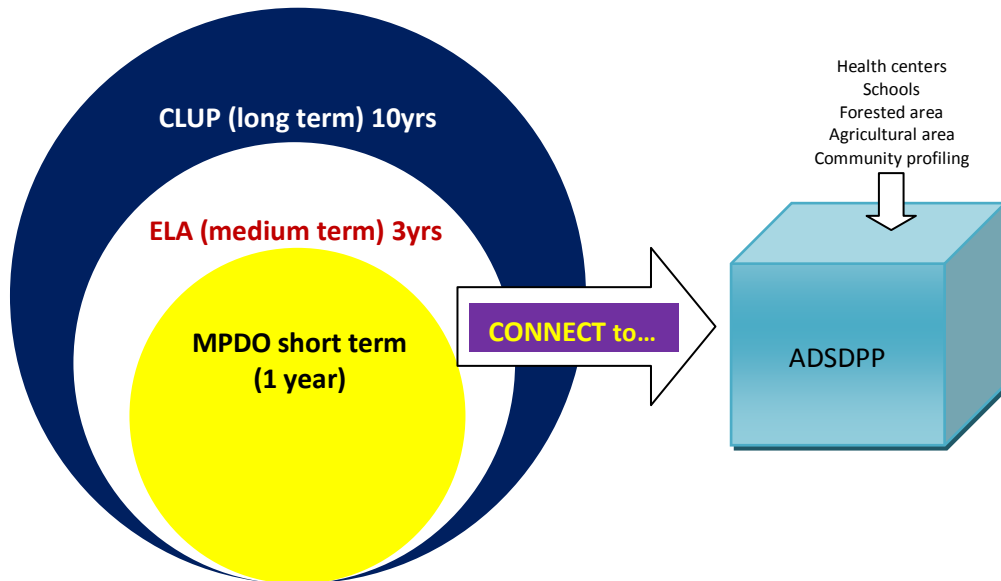
***Mobilization Resources wherein all expenses should be written, we cannot monitor this – vertical and horizontal project is with the Mayor. The mayor cannot give money to monitor his own projects, otherwise we will find out whether they are in accordance with the standards of program or not.

***IP needs Training for Tourism Management so that we will know how to manage tourist destinations in our place. We have four (4) tourism destinations that we want to manage on our own. Funds go and controlled by the LGUs. We need your help to guide us and give us the training.

Legal issues we can do it on our own customary laws.

**IPMRs REGION III (AURORA, BATAAN, BULACAN, NUEVA ECIJA, PAMPANGA,
ANGELES CITY, TARLAC, ZAMBALES, OLONGAPO CITY)**

Rapporteur: Mr. Egidio M. Gonzales, Jr., IPMR Olongapo City



Legend:

CLUP – Comprehensive Land Use Plan (CLUP)
ELA – Executive-Legislative Agenda
MPDO- Municipal Planning and Development Office

NOTES:

We asked the NCIP to incorporate the CLUP, ELA, and MPDO in the ADSDPP. We cannot monitor all projects, because there is none for IPs. In my 8 years of being in the LGU only one (1) project has been implemented and that was from the previous administration.

While we are waiting for the CADTs, we asked help to bring the ADSDPP in the local that IPMRs can identify the projects to monitor.

SOCIO-ECONOMIC GROUP

Rapporteur: Ms. Ma. Nympha M. Ragel, SSS

Members: Department of Agriculture (DA), Department of Environment and Natural Resources-Mines and Geosciences Bureau (DENR-MGB), Department of Education (DepEd), Department of Labor and Employment (DoLE), Department of Health (DoH), National Anti-Poverty Commission (NAPC), National Housing Authority (NHA), and Social Security System (SSS)

AGENCY	CURRENT MONITORING MECHANISMS	EFFECTIVENESS	CHALLENGES
DA	<p>Has no specific monitoring mechanism for IP projects.</p> <p>“Everyone is treated equally regardless of the affiliation/ tribe/ religion or political point of view.”</p>		
SSS	<p>SSS programs and its database do not have specific provision for IPs. Basic classification/types of SSS membership are: employed, self-employed and voluntary members regardless of ethnicity.</p> <p>It caters to all individuals that is earning from at least P1, 000 and do not join any government subsidy.</p>		
DOH	<p>Through:</p> <ul style="list-style-type: none"> • Regional Inter-Agency Committees (RIAC), Provincial IAC for Health (DOH, NCIP, DILG, DSWD, DepEd, and PhilHealth) • DOH Regional focal person <p>No specific indicators but in the process of coming up with a monitoring framework using the : IP Health Strategic Plan</p> <p>Sample indicators:</p> <ul style="list-style-type: none"> • National Inter-Agency Committee (NIAC) and Regional Inter-Agency Committee (RIAC) must be organized and functional, not merely in attendance • IPs inclusion at the Local Health Boards 	No basis yet; for development within the year	Still in the process of cultural sensitization on monitoring tools
NHA	<p>Existing Local Inter-Agency Committee (LIAC) is required for monitoring purposes and is composed of:</p> <ul style="list-style-type: none"> ➤ Representatives from the LGUs ➤ NCIP 	No basis yet	

AGENCY	CURRENT MONITORING MECHANISMS	EFFECTIVENESS	CHALLENGES
	<ul style="list-style-type: none"> ➤ IP Community ➤ NHA <p>LGUs are required to submit reports to LIAC on monthly physical accomplishment reports and financial reports on the progress of construction and fund utilization</p> <p>Reports are COA-ble; it is a mandatory submission</p>		
MGB			
DepEd	<ul style="list-style-type: none"> ➤ Regional/Provincial Level – Quality Assurance Division ➤ Divisional Level – curriculum and governance Division <p>National Level</p> <p>IP Education Office – present per region/division/district/school; with IP focal person</p> <p>Mid-year/annual assessment</p> <p>DepEd – region/division/district; with IP Council of Elders who are cultural bearers chosen by the community not the DepEd</p> <p>Monitoring indicators used in cultural impact assessment</p> <ul style="list-style-type: none"> ➤ Rights-based ➤ Participation ➤ Accountability ➤ Non-discrimination ➤ Transparency ➤ Human dignity ➤ Empowerment ➤ Rule of Law 	Effective	Harmonization of national policies within DepEd
DoLE	An existing monitoring committee in partnership with LGUs (Form is downloadable)	Effective	

AGENCY	CURRENT MONITORING MECHANISMS	EFFECTIVENESS	CHALLENGES
	<p>Project monitoring team: Chairperson – Regional Director (RD) Members: Provincial Officers Chief, Technical Services Division</p> <p>COA is part of the monitoring system</p> <p>Monitoring indicators: – monthly; impact; if it creates a change in the quality of life; additional income</p> <p>Best Livelihood Program - national competition with cash reward but not specific to IP.</p>		

CROSS-CUTTING PROPOSAL/RECOMMENDATION

Regional Development Council (RDC) will do the following:

- to formulate an inter-agency monitoring committee;
- to facilitate the development of a rights-inspired monitoring framework to be submitted to NEDA; and;
- to validate and mainstream the IP framework in the regional development plan.

In SUMMARY

All agencies have varying levels of implementation including sensitization on IP concerns e.g. IP Desk and IP Sensitive programs.

COMMON CHALLENGES

- Lack of documentation and disaggregation of data on IPs
- Lack of capacity to formulate IP-based development proposals
- Political interference
- Mismatch of programs and plans of National and Local Government Unit
- Lack of convergence among government line agencies concerning IP programs

WAYS FORWARD:

- Pursue the ethnographic survey with simultaneous efforts at the LGU level to effectively institute appropriate documentation data base building towards evidence based effective planning
- Develop appropriate guidelines and mechanism for different procedures for FPIC

- Strengthen the local participation through the presence of the NCIP in the locality
- Ensure adequate social security to workers in all phases of economic value chain
- To strengthen the Regional Development Council to come-up with definitive guidelines for IP concerns

The NEDA has the eye, the hand, the right connection, primarily with the DBM if the budget is concern. NEDA has a lot of facilities, the reservoir of data and expertise, and has the capacity to share on the budget side. Hindi naman tayo mabibigyan ng pondo kung wala tayong mararating. We believe that the best agency to carry on with this is the NEDA.

SECURITY GROUP

Rapporteur: Capt. Licero Tirso B. Plan, PA, AFP-HRO

Members: Armed Forces of the Philippines (AFP), Department of Interior and Local Government (DILG) and Philippine National Police (PNP)

National Monitoring Mechanism

MECHANISM	EFFECTIVENESS
Peace and Order Councils	Monitored through regular meetings – the AFP on the ground will submit a report, the higher person will review the report to identify the gaps, needs to be done for more improvements.
After Activity Report	Case to case basis depending on mission
Campaign Compliances	Based on mission & function Before we have the Internal Peace and Security Plan (PSP) Bayanihan, we now call it Development Support and Security Plan Kapayapaan or DSSP Kapayaan. There are some provisions that are retained especially the engagement with LGUs and NGOs.

MECHANISM	EFFECTIVENESS
Feedback from Civil Relations Activities and Meetings	Regularly conducted in bringing the PNP/AFP closer to the communities
Conduct of Forum Nationwide	To bring in one area various government agencies, LGUs, CSOs to discuss current situation in their area
Inclusion of IPRA Law in All PNP-HR Seminars and Trainings including Mandatory Courses	To promote awareness among law enforcers on the need to protect the rights of IPs
Availability of hotline numbers	Through calls and texting, people can directly inform law enforcers of any HR violations

Other Monitoring Mechanisms

- Department of National Defense (DND)/AFP as member of the CHR-National Monitoring, Reporting and Response System (CHR-NMRRS);
- AO 35 (Inter Agency Committee on Extra Judicial Killings (EJK), torture and enforce disappearance) & Council for the Welfare of Children (CWC)

IPMRs REGION IV (MIMAROPA/CALABARZON) AND REGION V (ALBAY, CAMARINES NORTE, CAMARINES SUR, CATANDUANES, MASBATE, SORSOGON)

Rapporteur: Ms. Virginia S. Arboleda, IPMR Tanay Rizal

Monitoring of Fulfillment of Right to Development of IPs

- Attendance in the meeting of Kapit-Bisig Laban sa Kahirapan – Comprehensive Integrated Delivery of Social Service (KALAHI-CIDSS) as IPMR, to know the problems of IPs
- Monthly assembly in every area
- Visit and holding of meetings with tribal council or elders to know what is happening in the area and to inform them of what they should know

Effectiveness of Monitoring

- Partial effectiveness
- Effective in some part while not effective in other parts

- Some IPs is not educated which renders them not knowledgeable with matters that affect meetings, hence, cannot articulate their demands or express their opinions well.

Challenges

- No funding that can be used for monitoring
- Geographical Isolated and Disadvantaged Areas (GIDA) are hard to reach to be monitored
- Time constraints

IPMRs REGION II (BATANES, CAGAYAN, ISABELA, NUEVA VISCAYA, QUIRINO)

Rapporteur: Mr. Satur S. Bugnay, IPMR Nueva Viscaya

MONITORING Mechanism of IP Rights

- Implementation of Bottom up Budgeting (BuB) Projects
- Livelihood Initiatives
- Barangay IPMR initiatives
- OPLAN TOKHANG on Anti-Drug Monitoring
- Public Teacher Monitoring Team
- CSO/NGO Partnership
- Barangay Field Workers (BFW) Partnership
- Establishment of additional monitoring task force and formulation of monitoring mechanism

STATUS of monitoring mechanism

- There is a quarterly assessment, evaluation and planning (In Santiago City IP has no more problems, IP is included in all programs of the LGU and other agencies)
- Ongoing validation of IP list to the IP Community

MONITORING challenges

- Unreliable Source
- Complicated, Unsimplified and Unupdated content of Monitoring Tool
- Lack of Committee Notifications (IP minority)
- Lack of Commitment
- Some Municipalities has no Monitoring Team and Mechanism

ACTIONS for the challenges

- Strategic Planning
- Compliance to Clients Satisfactory Form (CSF)
- Compliance to the monitoring of Clients Satisfactory Form (CSF) Analysis
- Monitoring and Evaluation
- Intensive Consultation
- Reiterate the Census particularly on Ethno -linguistic Group
- Online Data Base on Source Level

IMPACTS to the IPs/ICCs

- “Uplifting the quality of lives of the IPs/ICCs”
- Additional Income on Livelihood
- Raising potential IP Entrepreneurs
- Additional Job generation
- “Ensure the security of IPs”
- “Growth and Development on tourism for culture and arts

Basically there are two groups, the National Government Agencies and the groups of the IPMRs that provided their own perspectives developed by the Commission on Human Right.

There are the common issues gathered in the presentation. My views may or may not reflect the entire organization.

I. IPMRs Presentation of General Themes

- Lack of IP Recognition – this is their perspective, it can be contentious statement, but this is a feedback from the ground
- Funding is a major concern
- Inadequate Social Services – probably due to a number of factors e.g. location, coordination problems, political interference
- NCIP capacity to uphold IP rights

There is a strong reaction from the IPMRs especially the IPMRs from Region I. There is a strong resistance from the government actions. It is then a result of lack of understanding from the part of the government for cultural norms. It is also lack of knowledge on the part of the government, for once; we do not have ethnographic study. Admittedly, we have not coped-up with the reader's mechanism to fully understand and use the knowledge to design services that would better serve the interest of the IPs.



II. RESPONSE of government in view of the IPs

- Observed non-responsiveness
- Inadequate services
- Lack of Observance of IP cultural norms

In connection of the responses, the creation of the IP Observatory may also be a step towards better information. Some IPs ventilated. Maybe the problems cannot be solved at the local level. It requires national interventions and policies.

III. How to improve programs as viewed by IPs

- Better information about IPs warranted
- May require legislative Intervention
- Need for Greater convergence of government efforts

In the IP perspective, while the government is doing a lot of initiatives, there is a need to converge all its efforts to feel these impacts.

IV. Government Sector Perspectives

- General Policy
- Security Sector
- Socio-Economic Sector

In view of the government perspective, they also feel these needs. We cannot understand or begin solving the problems if we do not understand the nature and scale of the problems.

V. General Themes

- Better information is needed
- Funding is a common concern but it appears not to be a major stumbling block
- Need to create mechanisms to address IP concerns including capacity building



In the IP perspective, while the government is doing a lot of initiatives, there is a need to converge all its efforts to feel these impacts. In view of the government perspective, they also feel these needs. We cannot understand or begin solving the problems if we do not understand the nature and scale of the problems.

I may be corrected but funding is never a problem. There are ways that a program can be delivered. There is a need for mechanism including capacity building so IP can actualize.

VI. Status of IP rights monitoring as viewed by IPMRs

- Monitoring Mechanism are present
- Generally effective in scoping IP concerns
- Technical, Funding and Physical Limitations to monitoring

There are many monitoring mechanisms, e.g. field visit, coordination with the local agencies, etc. They can understand the need for monitoring but the IP will make it better if they have the monitoring tools and funding (some will have to go in the mountainous area).

VII. NGAs perspective on IP rights monitoring

- Multi-level monitoring mechanisms exist
- General belief that monitoring is effective – but in my sense, there is a need for convergence
- Challenge of enhanced convergence of all NGA efforts

Why are we doing this? As mentioned earlier, that historically IPs belong to marginalized sector. There are a lot of discriminations. But we are on the right track now in recognizing them.

How do we do that? We coordinate both national and local government to advance their development. We need government interventions in terms of legislation policy implementation and I would like to give you a quote from one of our Presidents...

“Those who have less in life should have more in law.”

– Pres. Ramon Magsaysay

SESSION 6

INPUTS ON IP OBSERVATORY AND IP NATIONAL INQUIRY. PROPOSED SPECIFIC OBJECTIVES, TARGET PARTICIPANTS, AND ACTIVITIES OF THE NATIONAL INQUIRY.

Mr. Roy J. Cabonegro, CHR

A. WHAT IS AN IP RIGHTS OBSERVATORY?

- It is a monitoring system with the objective of tracking the implementation of IPRA, other pertinent domestic laws and the fulfillment of international conventions on the rights of IPs
- It will act as a permanent body for gathering and analyzing information from difference national and international sources
- It will propose technical studies and reports diagnosing the situation of IPs
- It is a monitoring system with the objective of tracking the implementation of IPRA, other pertinent domestic laws and the fulfillment of international conventions on the rights of IPs
- It will act as a permanent body for gathering and analyzing information from difference national and international sources
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Mr. Roy J. Cabonegro, CHR

B. WHAT IS A NATIONAL INQUIRY ON IP RIGHTS?

- It is a non-adversarial, investigative process on systemic issues & concerns on the promotion, protection and fulfillment of the rights of Indigenous Peoples' as guaranteed by the IPRA (Indigenous Peoples Rights Act) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)
- It may include such activities as fact-finding missions, field investigations, public hearings & consultations, or other means as may be required
- It is not just about land rights but the right to development of IPs
- It utilizes inter-agency and multi-sectoral partnership approach across all its processes
- It is an inherent part of the development of an IP Rights Observatory
- It is expected to be held in 2017 (20th year of the enactment of IPRA and 30th year of CHR)

PROPOSED SPECIFIC OBJECTIVES OF THE NATIONAL INQUIRY

1. Investigate the nature and extent or pattern of human rights violation affecting a majority of the Indigenous Peoples' in the Philippines spread across the nation, or a systematic human rights violation, or human rights issues of general interest to the public;
2. Provide a forum for dialogue of State, non-State actors and IPs to confront

their experiences and possibly produce problem solving awareness and commitments for actions towards existing land conflicts, based on the shared history of discrimination;

3. Determine and analyse the underlying causes or patterns of human rights violation affecting Indigenous Peoples of the Philippines (IPPs) from which database will be created that will act as a baseline of information for the realization of the rights IPs;
4. Assess current programs of State and non-State actors (e.g. MILF, MNLF, CPP-NDF-NPA, CPLA, Abu Sayyaf, BIFF, Maute group, CSOs, NGOs, IPOs, etc);
5. Increase public understanding of human rights issues of IPs in general and their commitment to better human rights observance by government agencies, instrumentalities, private organizations and other entities and individuals;
6. Harmonize government policies affecting IP rights through ad-hoc technical working group recommendations as approved by the national/solidarity assembly;
7. Come up with a policy advisory approved by the assemblies to be convened, and finally by the CHR Commission En Banc. This is the CHR mandate. The policy advisories are focused on the government and other agencies (state and non-state duty bearers). The policy advisory is based on investigation and not on inquiry. This is given in order for them (state and non-state duty actors) to work on their obligation to give rights to the IPs what is due them. It is not CHR's mandate to implement or court to solve cases.

PROPOSED TARGET PARTICIPANTS

- CADT holders (396 in total: 206 nationwide and 190 CADT in process) as represented by their legitimate traditional leaders
- Moro Tribes (13 tribes) as represented by their legitimate traditional leaders
- Official peace representatives (vetted by the NCIP with CHR reserving its right to final vetting of participants)
- Civil Society Representatives
- IPs who have not yet applied or refused to apply to CADTs (subject to validation of CSO partners)
- Government agencies (e.g. DILG, NEDA/ICC, NCIP, DENR, DA, DAR, DOH, DSWD, DepEd/CHED, Amana Bank, Bangko Central, Climate Change Commission and NDRRMC) and other agencies that may be in connection with the IPs
- IP Committees of both House of Congress who are greatly affecting particularly in funding
- IPMRs
- Regional Legislative Assembly ARMM particularly those who are in charged with the Lumad and Moro tribes

PROPOSED KEY ACTIVITIES

I. Preparatory period

- Drafting of MOAs for GAs, IPO/CSO
- Listing / vetting of IP participants
- Partnering with government agencies, civil society organizations and IP grassroots
- Listing of current IP programs of the government
- Levelling off on conceptual framework (pre-inquiry brief – sec 2 rule 6 of the CHR Rules of Procedure on National Inquiry);
- Discussion and securing adoption of MOAs
- Conduct of a donors' forum
- Securing of direct FPIC (Free, Prior, Informed Consent) from target IP communities / participants (IP community should copy-furnish formal FPIC declarations to the NCIP)
- Secure internal CHR funding and shared funding with GAs through MOA)
- Validation of IP participants, c/o CSOs and IPO partners
- Extend invitation to AICHR (ASEAN Inter Government Commission on Human Rights), Myanmar NHRI, Malaysia NHRI (SUHAKAM) and Indonesia NHRI (KOMNAS HAM), Thailand NHRI as observers to the inquiry. These countries with the same situation like Philippines. It is important to see their perspectives.
- Secure CHR En Banc resolution for the conduct of the national inquiry)

II. National Convening Assembly

- Signing of MOAs based on levelling off of framework and methodology
- Presentation of design of inquiry and timeline
- Identification and designation of area coordinators of the four (4) site fora
- Formal designation of the TWG
- Announcement of secured FPIC by the IP communities to be involved

III. Areas of Assemblies

- i. Two (2) Mindanao Area Assemblies – it seems that 64% of the IPs is in Mindanao
- ii. Visayas Area and two (2) Luzon Area Assemblies

IV. Circulation of TWG recommendations through email correspondences to all parties

V. Solidarity (Culmination) Assembly

VI. Drafting of final report and recommendation for publication (including adoption of report by CHR Commission En Banc) – 1st Q of 2018

Question and Answer:

Mr. Yano, DepEd-IPed: The impression of this is a one-stop shop to be finished on early 2018.

Mr. Cabonegro, CHR: The National Inquiry is hoping to finish on 2018 while IP Observatory is long term institutional process. Our point of view is to have close interactions with the NCIP, because of their nature of work and trajectory. We also hope that NCIP will think of this as a complement.

SESSION 7

WORKSHOP III AND PLENARY PRESENTATION: INITIAL NOTIONS OF AN IP RIGHTS OBSERVATORY AND A NATIONAL INQUIRY ON IP RIGHTS.

Objectives

- To solicit initial comments and reactions from participating government agencies & IPMRs on their notions on the proposed IP Rights Observatory and a National Inquiry on IP Rights; including what they see as key issues & concerns, possible elements & components as well as relevant processes for both interventions.
- To solicit initial expression of support and intent to collaborate from specific agencies & IPMRs for the setting up & development of the IP Rights Observatory and the conduct of a National Inquiry on IP Rights
- To solicit initial expression of support from the IPMRs (IP Municipal/Provincial Representatives) for the conduct of a National Inquiry on IP Rights including assistance in securing FPIC (Free, Prior, Informed Consent) from all IP Tribes that will be covered by the National Inquiry on IP Rights

Groupings

Group 1 (Policy): NAPC, NCCA, NEDA, NCIP and PSA

Group 2 (Socio-Economic): DA, DepEd, DENR-MGB, DoLE, DoH, NAPC, NHA, and SSS

Group 3 (Security): AFP, DILG, and PNP

Group 4 (IPMRs): IPMRs CAR and Region I

Group 5 (IPMRs): IPMRs Region II

Group 6 (IPMRs): IPMRs Region III

Group 7 (IPMRs): IPMRs Regions IV and V

Theme

Initial notion of an IP Rights Observatory and National Inquiry on IP Rights

The workshop for the IPMRs will be in a form of a Focus Group Discussion following the themes above.

It will be shared to the plenary in any form that the IPMRs may wish to use (e.g. art work, role play, song, dance, oral narrative, etc)

Guide Questions on IP Rights Observatory

1. What are your general comments and reactions on this proposed IP Rights Observatory?

2. What are the key issues and concerns do you see that should be covered by this proposed IP Rights Observatory?
3. What are the key elements and components as well as the processes that should be incorporated in this IP Rights Observatory?
4. What support can we expect from you to realize this IP Rights Observatory?

Guide Question on National Inquiry

1. What are your general comments and reactions on this proposed National Inquiry on IP Rights?
2. What are the key issues and concerns do you see that should be covered by this National Inquiry on IP Rights?
3. What are the key elements and components as well as the processes that should be incorporated in this National Inquiry on IP Rights?
4. What support can we expect from you to realize this National Inquiry on IP Rights?
5. Can we expect IPMRs assistance in facilitating the securing of FPIC from all the IP Tribes that will be covered by this National Inquiry on IP Rights?

IPMRs CAR (ABRA, APAYAO, BENGUET, BAGUIO CITY, IFGUAO, KALINGA, MONTAIN PROVINCE) AND REGION I (ILOCOS NORTE, ILOCOS SU, LA UNION, PANGASINAN)

Rapporteur: Mr. Conrado M. Quioang, IPMR Ilocos Sur and Mr. Noel Licaban Apayyo, IPMR Ilocos Sur

I. IP Rights Observatory

IPMRs OPINION

1. Every IP municipality with IPMR must install IP Desk on IP Rights Observatory:
 - To formulate systems/mechanisms in tracking of the implementation of the IPRA Law
 - Formulate mechanism in documentations on IKSP and other related IPs/ICCs issues and concerns

2. IP Rights Observatory should serve as:
 - Immediate link in securing legal information, resolutions, related to:
 - ✓ IP Rights
 - ✓ Monitoring process in the LGUs implementation of programs/projects/ activities related to the delivery of services to IPs/ICCs within the area of jurisdiction

3. Great factor in securing immediate actions/resolutions from different concerned government agencies, Non-Governmental Organizations (local and international) through technology development such as:
 - ✓ Capability of video conferencing to government offices, POs (People's Organizations) and NGOs

II. IP National Inquiry

IPs strongly supports the conduct of National Inquiry by the CHR personnel, especially on various projects and programs from different government agencies.

ISSUES AND CONCERNS

1. Issues on Ancestral Domain
 - Land grabbing
 - Issue on CADTs
 - Issue on ADSDPP (updating)
 - FPIC – in getting permission from tribal concerns and proper conduct of FPIC process, some are just getting research without our knowledge

2. Issue of entry of non-IPs
 - Vested interest – personal interest
 - Oligarch people
 - Political war lords

If this thing happens, we will have no control over our own land in the future.

3. Insufficient/lack of documentation of customary law
 - Cases settled – but not documented, therefore it becomes hearsay or “tsismis”
 - Customary law Information, Education, Communication (IEC)
4. Non-recognition of the IPRA Law
 - Some barangay officials – especially if not political ally
 - Some municipal personnel
 - Some IP members – some IP do not recognize the IP rights
5. Issue on Security such as:
 - Presence of lawless elements – leftist groups
 - Environmental protection such as:
 - ✓ Kaingin
 - ✓ Treasure hunting
 - ✓ Destruction of water resources
 - ✓ Illegal logging/ hunting
 - ✓ Illegal conduct of research for private and self-vested interest

We want this solved so we can make use of our own land and protect our rights.

6. Lack of generating job security
 - Public market
 - Tourism industry

We need project/program proposals. We do send our project/program proposals in Sanggunian but always been rejected due to non recognition that we are IPs. We asked why there is tourism in our Ancestral Domain, yet we do not have jobs. We want to use our own property. Our rights are usually denied.

7. Data Base
 - Consolidation of all issues concerned

We need training. We need help of the CHR because the NCIP directors that used to help us are also inclined with the politicians. We, IPMRs should learn what IPRA Law is about.

COUNTERPARTS (A Response from IPs)

Give all support by:

- Proper information
- Materials and documentation
- Cooperation
- Security while conducting the inquiry



Issue of entry of non-IPs with
- Vested interest/ personal interest
- Oligarch people and;
- Political war lords...

If this thing happens, we will have no control over our own land in the future.

POLICY GROUP

Rapporteur: Ms. Grace C. Batanes

Members: NAPC (National Anti-Poverty Commission), NCIP (National Commission on Indigenous Peoples), NEDA (National Economic and Development Authority) and Philippine Statistics Authority (PSA)

I. IP Observatory general comments

NAPC

- Can give updates on the status of the different tribes
- IP Projects being implemented and monitored
- Linked BUB portal/ linked to DBM

PSA

- Provides most recent information on IP profile (demographic + socio-economic)

NCIP

- Help government in promoting and protecting rights of IPs
- To conduct independent investigations on complains against NCIP – it is good to have an independent investigative body for complaints

- There will be a focal person coming from NCIP to be tapped whenever there are requests for investigation/information – the CHR counterpart is usually the Vice Chair.

DATA AVAILABLE

Policy group thinks that the observatory is also about gathering of data and this will serve as a good venue for:

- IP Community interest/concerns – clustered thematic concerns
- IP Profile (socio-economic/demography)
- 14 thematic concerns (form NCIP with different researches conducted with CADT holders and in the community). There are about 1,000+ issues and concerns but streamlined into 14 only
- Civil registration

ISSUES

1. Gathering of data from GOs (Government Offices) + NGOs (Non Government Organizations) – a need for basis
2. Validation of data from all sources – NEDA says the data usually comes the Region
3. Community-Based Monitoring System (CBMS) and other registries – data from LGUs (Local Government Units) varies methodology and period covered
4. Issue of security in data gathering in conflict stricken areas – politics, ethno-linguistic groups
5. Human resources and other resources
6. Sustainability of project – IP Observatory
7. Lack of Political alliance
8. Lack of civil registries/registration documents among IPs

KEY ELEMENTS of IP OBSERVATORY

1. Policy Board
2. Research
3. Monitoring Team
4. Focus on four (4) bundles of rights
5. Networking with National Commission for Culture and the Arts of the Philippines (NCCA), National Commission on Indigenous Peoples (NCIP), Philippine Statistics Authority (PSA), Department of Environment and Natural Resources (DENR), National Economic and Development Authority (NEDA), Department of Agriculture (DA), Department of the Interior and Local Government (DILG) and all other government agencies

SUPPORT

1. Establish MOA with different agencies
2. Sharing of information/data/reports
3. Transparency
4. Sharing of human resources and other resources

II. IP National Inquiries

The following must be addressed:

14 NCIP THEMATIC CONCERNS

1. Formal recognition of Ancestral Domains (ADs)
2. Control and Management of ADs
3. NCIP capacity to deliver its mandate
4. Destruction of the ecosystems within the ADs
5. Non-compliance and violation of Free, Prior, Informed Consent (FPIC)
6. Pagkawala ng Kultura ng mga Katutubo – Indigenous Peoples (IPs)
7. IP governance is weak
8. Impact of government services not felt
9. Overlapping claims over ADs
10. Di pagkilala ng mga ahensya sa mga IP leaders
11. Displacement of IPs from their ADs
12. Kakulangang sa kaalaman sa karapatan
13. Discrimination of IPs
14. Peace and Security

SECURITY GROUP

Rapporteur: PCINSP Emmanuel Salvador L. Enriquez, PNP-HRAO

Members: Armed Forces of the Philippines (AFP), Department of Interior and Local Government (DILG) and Philippine National Police (PNP)

Comments on IP Rights Observatory

1. To include in the criteria the various points to consider in monitoring the level of collaboration between IP groups and their counterparts such as the NCIP, national government agencies, LGUs and even with other sectors of the larger society, such as but not limited to the ff:
 - a. Number of joint projects fully implemented in the concerned area;
 - b. Number of inter-agency meetings, conferences and other activities; and
 - c. Number of local advisories or policies – recommended and approved jointly.

This means that we cannot drag all participants in one place. It is going to be too hard.

2. To include in the criteria of giving national and local awards the concrete and implemented projects made by IPs collaborating with other government agencies and CSOs on IP issues. This would be on the actions being undertaken not on the talks that we have for now.

Issues and concerns on the proposes IP Rights Observatory

1. What is the composition of the IP Rights Observatory? Is it limited to the NCIP officials and employees?
2. To include identifying places highly suspected;
3. To identify local personalities espousing NPA recruitment enticing other IPs to join their movement;
4. To include data on what government projects that need immediate implementation and to be closely monitored.

Key elements & components to be incorporated in the IP Rights Observatory

1. In the conduct of inquiries/investigations, it should be done by a composite team which includes CHR, AFP, PNP and other concerned agencies. The acceptance from the security groups such as PNP, AFP is easier if they are included in the group.
2. Inclusion and/or collaboration with other government agencies concerned during the conduct of national inquiry.



The acceptance from the security groups such as PNP, AFP is easier if they are included in the group.

Support expected from our agency

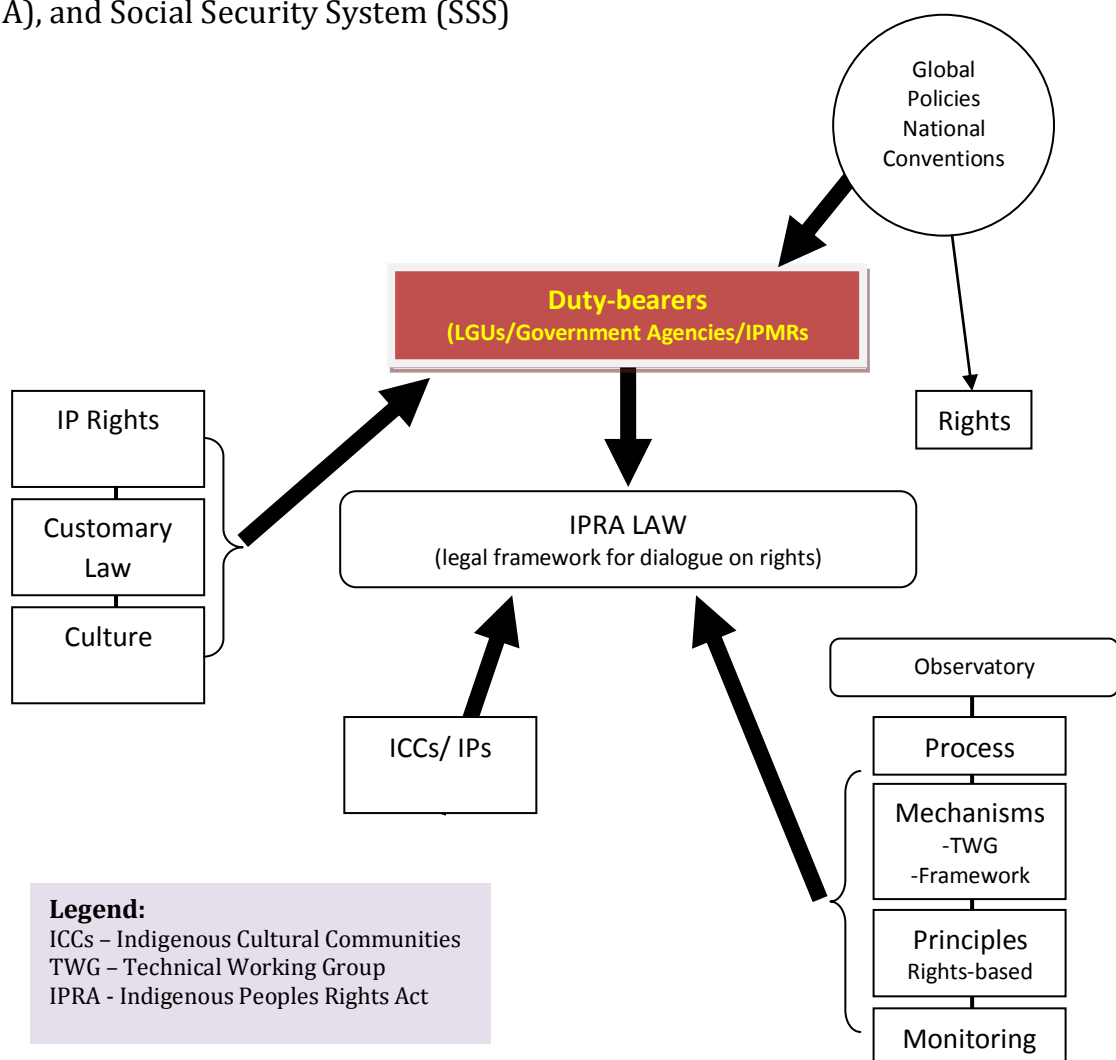
1. The creation of IP Desk and designation of IP Officer in every AFP/PNP units nationwide (we can still place an IP desk in Cebu for those IPs migrated in the area);
2. Implementation of the MOA entered into by and between the AFP and NCIP (it was not mentioned in the accomplishments to date, it will be concrete and will become the basis of presentations); and;
3. Inclusion in the criteria of giving of awards for AFP/PNP personnel who have great contribution on the functions of the IP Rights Observatory. For example, the Metro Bank award gave at least P150T yearly for those policemen/law enforcers who showed good performances.

Mr. Cabonegro, CHR: The IP Observatory/National Inquiry is in the starting stage. We are in the process of defining what will be the arrangements and cooperative engagements. We are setting up the mechanisms and eventually entered into MOA.

SOCIO-ECONOMIC GROUP

Rapporteur: Ms. Cheryll D. Moreno, NHA

Members: Department of Agriculture (DA), Department of Environment and Natural Resources-Mines and Geosciences Bureau (DENR-MGB), Department of Education (DepEd), Department of Labor and Employment (DoLE), Department of Health (DoH), National Anti-Poverty Commission (NAPC), National Housing Authority (NHA), and Social Security System (SSS)



The discussions are based in the legal framework above. The IPRA law is the converging point of all.

ITEMS	Comments/ Reactions	Issues and Concerns	Elements/ Components/ Processes	Support
I. IP OBSERVATORY				
• DA	- Can support, need more information	- List of IPs? - Contents? - Role of agencies		
• DepEd	- Long overdue but will be difficult - IPRA cannot encompass the full IP culture, 4 bundles of rights does not capture all of IP-ness - IPRA provides the framework for legal interface of different key players	- Cannot be inclusive without being rights-based	- Rights-based orientation for all agencies, for all partners, to influence our planning systems, which will be basis for monitoring - Development of Rights Framework, understanding and appreciation of rights, justice, law from different points of view, interface of IP and government (IP - reconciliatory, government - punitive)	
• DOLE	- Will support - Will be difficult	- Will need data disaggregation - May not be attuned to real IP needs; government tendency to force their ideas - National planning may not be cultural- sensitive - Sustainability	- Data disaggregation	
• DOH	- Will support - But work is big, multi-layered, multi-sectoral - Will know IP client satisfaction on health services, and how these can be improved		- Vetting/process of selection of appropriate key participants/ working group	

ITEMS	Comments/ Reactions	Issues and Concerns	Elements/ Components/ Processes	Support
<ul style="list-style-type: none"> NAPC 			<ul style="list-style-type: none"> Menu of services Rights approach and entitlement frame: Available, Accessible, Adaptable, Quality Bottom-up, Top-bottom processes Capacity building, training and orientation, advocacy, information dissemination Public consultations, different and separate levels (pre-work at agency level, social preparation) 	<ul style="list-style-type: none"> Attendance, membership to TWGs Data sharing (but have to find mechanism for sharing, and inter-operability)
<ul style="list-style-type: none"> NHA 	<ul style="list-style-type: none"> Well supported, will facilitate access to data and mechanisms 	<ul style="list-style-type: none"> Information dissemination 	<ul style="list-style-type: none"> LGU consultation Conduct of local shelter planning with Key Shelter Agencies 	
<ul style="list-style-type: none"> SSS 	<ul style="list-style-type: none"> Welcome Agency will use observatory to know their beneficiaries, extent of organization, income potential, know concept of IPs on social security (attached to the environment), will be able to expand SSS view on social security 	<ul style="list-style-type: none"> Lack of awareness of IPs on their rights and government programs Need to identify IPs and list of membership in SSS 		

ITEMS	Comments/ Reactions	Issues and Concerns	Elements/ Components/ Processes	Support
II. NATIONAL INQUIRY ON IP RIGHTS				
	- Open and welcome	- Delineation between NCIP and CHR work - Should not duplicate work of NCIP but enhance/complement their work - Reporting should be clear and specific, evidence-based, not hear-say	- Clear inquiry framework (points for inquiry for government sector/ duty-bearers, IP, non-state actors) - Terms of Reference clear - Executive sessions, public inquiries - Same as above	- Same as above

IPMRs REGION II (BATANES, CAGAYAN, ISABELA, NUEVA VISCAYA, QUIRINO)

Rapporteur: Ms. Maria H. Nanud, IPMR Batanes

I. IP NATIONAL INQUIRY "SWOT ANALYSIS" (Strengths, Weaknesses, Opportunities and Threats)

Strength

- * Broad public awareness
- * It is a project development, management and resources generation
- * It is mandated to have IPMRs in the LGU to support IP initiative activities

Weaknesses

- * Difficulties in the access to rural areas (vise versa)
- * Time consuming (e.g. Language Translation for inputs)
- * Inadequate funding
- * Some LGUs do not acknowledge IPMRs

Opportunities

- * Establishing a network of researchers, data gatherers and documenters
- * Multisectoral agency participatory approach
- * Formulation of joint memorandum circular between DBM, DILG, NCIP and LGUs
- * Political Intervention (Positive perspective)

- * Capacity building and resource mobilization for preparation and implementation

Threats

- * Political Intervention (Negative perspective)
- * Protocol difficulties

Reaction, Comments and Suggestions:

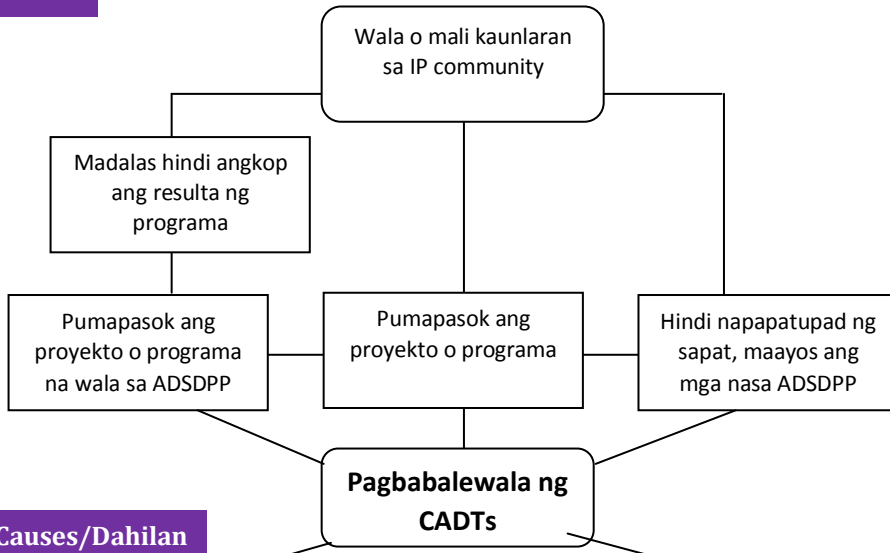
National Inquiry is good to assess IP rights for observatory and planning purposes.

We can fully assess and evaluate the gaps and flaws of IPRA implementation through data gathering which should start from the barangay level using certain assessment tools.

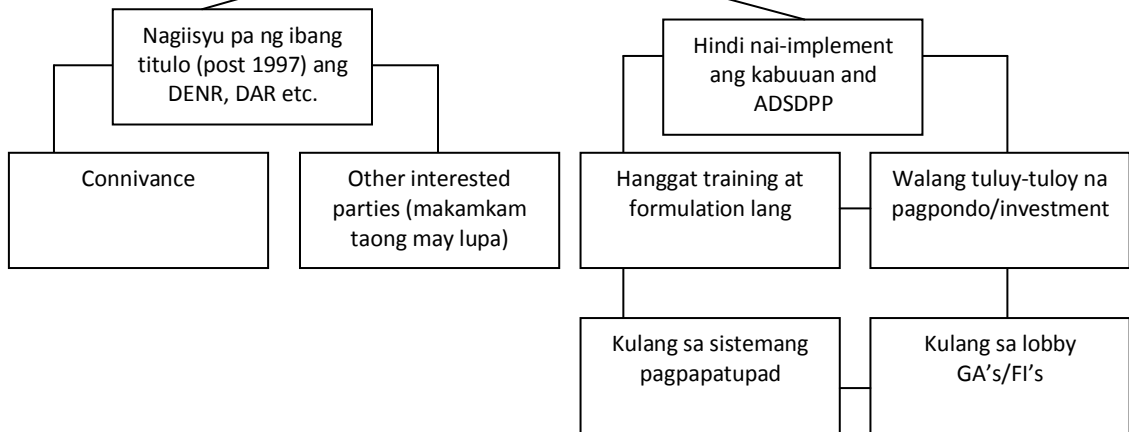
Since IP rights observatory is a tracking monitoring system on IPRA implementation, we suggest to amend the IPRA Law to be more specific.

IPMRs REGION III (AURORA, BATAAN, BULACAN, NUEVA ECIJA, PAMPANGA, ANGELES CITY, TARLAC, ZAMBALES, OLONGAPO CITY)

Epekto



Causes/Dahilan



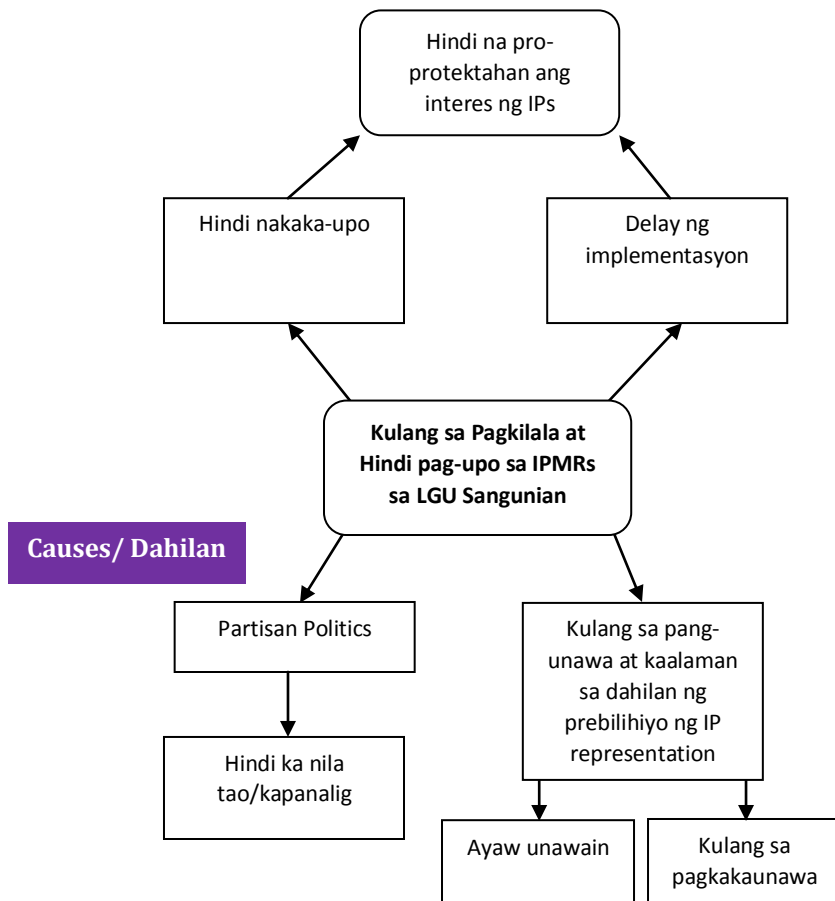
Legend:
 GAs – Government Agencies
 FIs – Financial Institutions
 CADTs – Certificate of Ancestral Domain Titles
 ADSDPP – Ancestral Domain Sustainable Development and Protection Plan

ANU ANG GUSTONG MANGYARI?/SINO ANG MAY OBLIGASYON?

1. Napondohanang mga plano para sa IP community ayon sa Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)
NCIP, NGAs, LGUs, Congress, Private Partners (duty bearers)
2. Mapalakas ang kakayahan (capacity bldg.) ng mga IP communities na ipatupad ang mga plano sa ADSDPP
NCIP, NGAs, LGUs, Congress, Private Partners (duty bearers)
3. Mapatigil ang pagiisyu ng ibang titulo ng DENR, DAR (kaso, petyon, etc.)
NCIP, LGU (Sangunian), IP community (duty bearer)

PANANAW:

Ahensya	Anong ginagawa?	Sapat o Hindi?	Paano ayusin pa
NCIP	Lobby Training Legal Support	Hindi	?
National Government Agencies (NGAs)	Training programs/ project – Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)	Hindi	?
LGUs (Sangunian)	Training Legal case Programs/Project - ADSDPP	Hindi	?
Congress	Pondo	Hindi	?
Private Partner	Pondo (investment) Technology	Hindi	?
IP Community	Legal case	Hindi	?



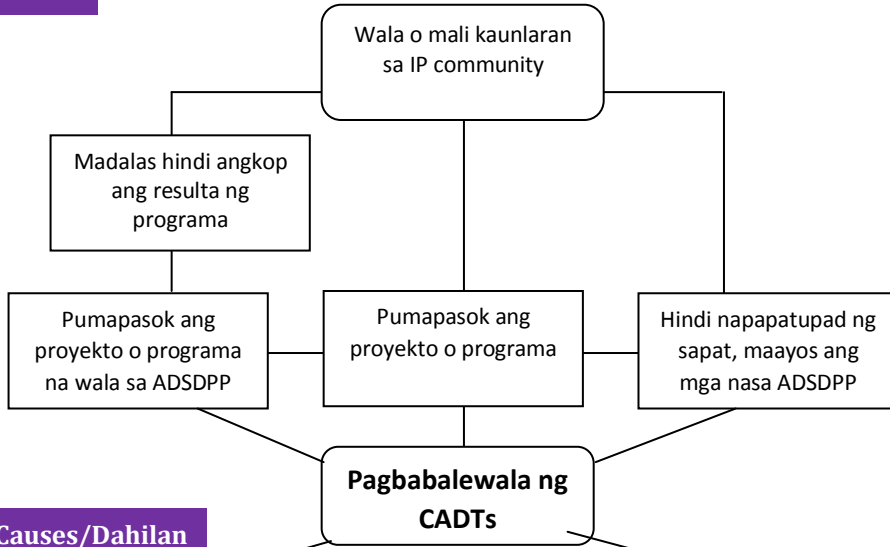
ANU ANG GUSTONG MANGYARI/SINO ANG MAY OBLIGASYON

1. Kilalanin at paupuin sa pinakamadaling panahon ang mga IPMRs sa LGU Sanggunian - DILG, NCIP, LGU (duty bearer)

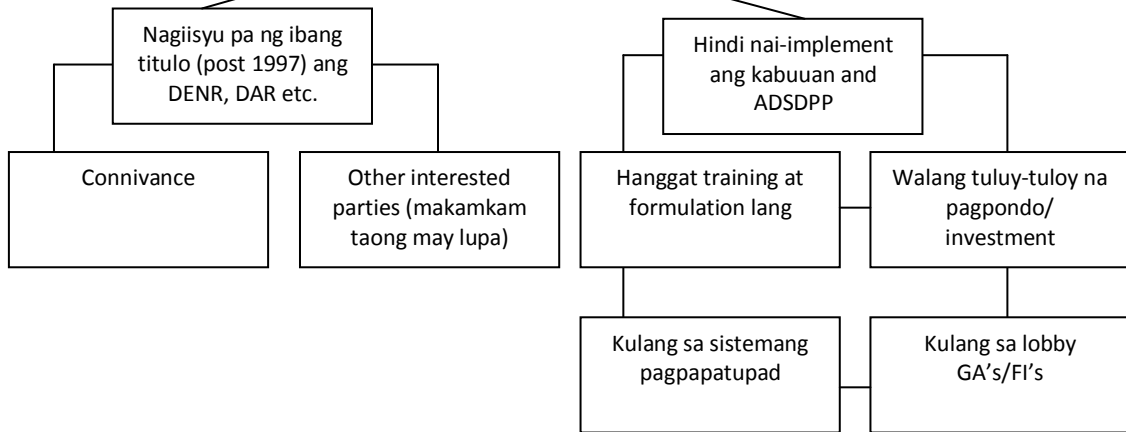
PANANAW:

Ahensya	Anong ginagawa?	Sapat o Hindi?	Paano ayusin pa?
DILG/NCIP	Legal opinion /petition/ dialogo Case filed	Medyo sapat	?
LGU	I-recognize ang IPMR	Hindi (hindi lahat)	?

Epekto



Causes/Dahilan



Legend:

GAs – Government Agencies

FIs – Financial Institutions

CADTs – Certificate of Ancestral Domain Titles

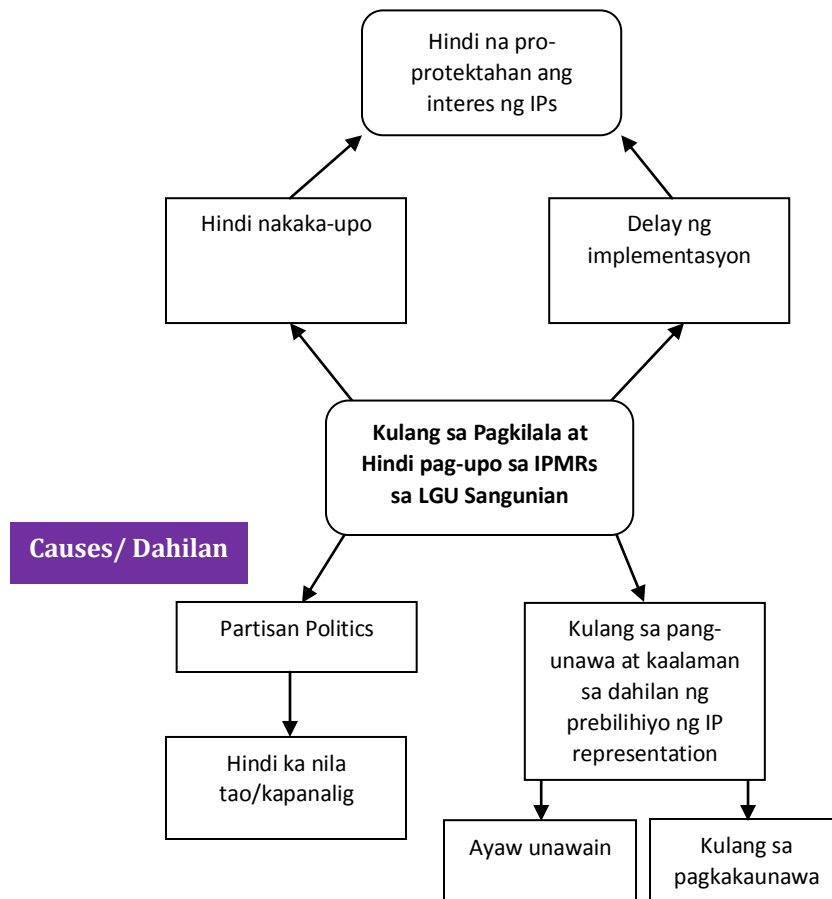
ADSDPP – Ancestral Domain Sustainable Development and Protection Plan

ANU ANG GUSTONG MANGYARI?/SINO ANG MAY OBLIGASYON?

4. Napondohanang mga plano para sa IP community ayon sa Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)
NCIP, NGAs, LGUs, Congress, Private Partners (duty bearers)
5. Mapalakas ang kakayahan (capacity bldg.) ng mga IP communities na ipatupad ang mga plano sa ADSDPP
NCIP, NGAs, LGUs, Congress, Private Partners (duty bearers)
6. Mapatigil ang pagiisyu ng ibang titulo ng DENR, DAR (kaso, petyson, etc.)
NCIP, LGU (Sangunian), IP community (duty bearer)

PANANAW:

Ahensya	Anong ginagawa?	Sapat o Hindi?	Paano ayusin pa
NCIP	Lobby Training Legal Support	Hindi	?
National Government Agencies (NGAs)	Training programs/ project – Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)	Hindi	?
LGUs (Sangunian)	Training Legal case Programs/Project - ADSDPP	Hindi	?
Congress	Pondo	Hindi	?
Private Partner	Pondo (investment) Technology	Hindi	?
IP Community	Legal case	Hindi	?



ANU ANG GUSTONG MANGYARI/SINO ANG MAY OBLIGASYON

2. Kilalanin at paupuin sa pinakamadaling panahon ang mga IPMRs sa LGU Sanggunian - DILG, NCIP, LGU (duty bearer)

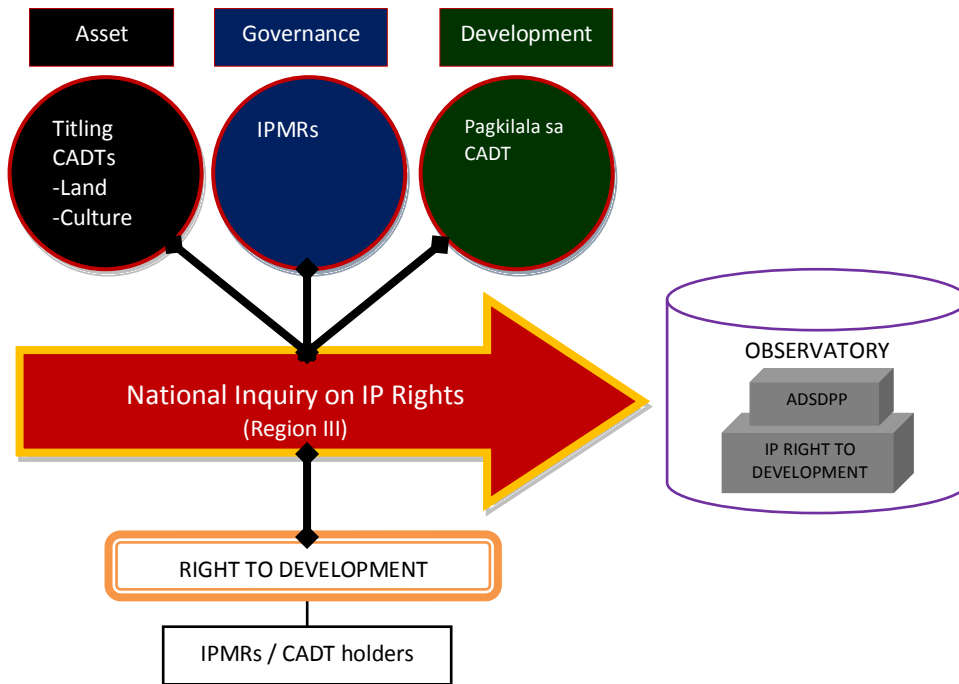
PANANAW:

Ahensya	Anong ginagawa?	Sapat o Hindi?	Paano ayusin pa?
DILG/NCIP	Legal opinion /petition/ dialogo Case filed	Medyo sapat	?
LGU	I-recognize ang IPMR	Hindi (hindi lahat)	?

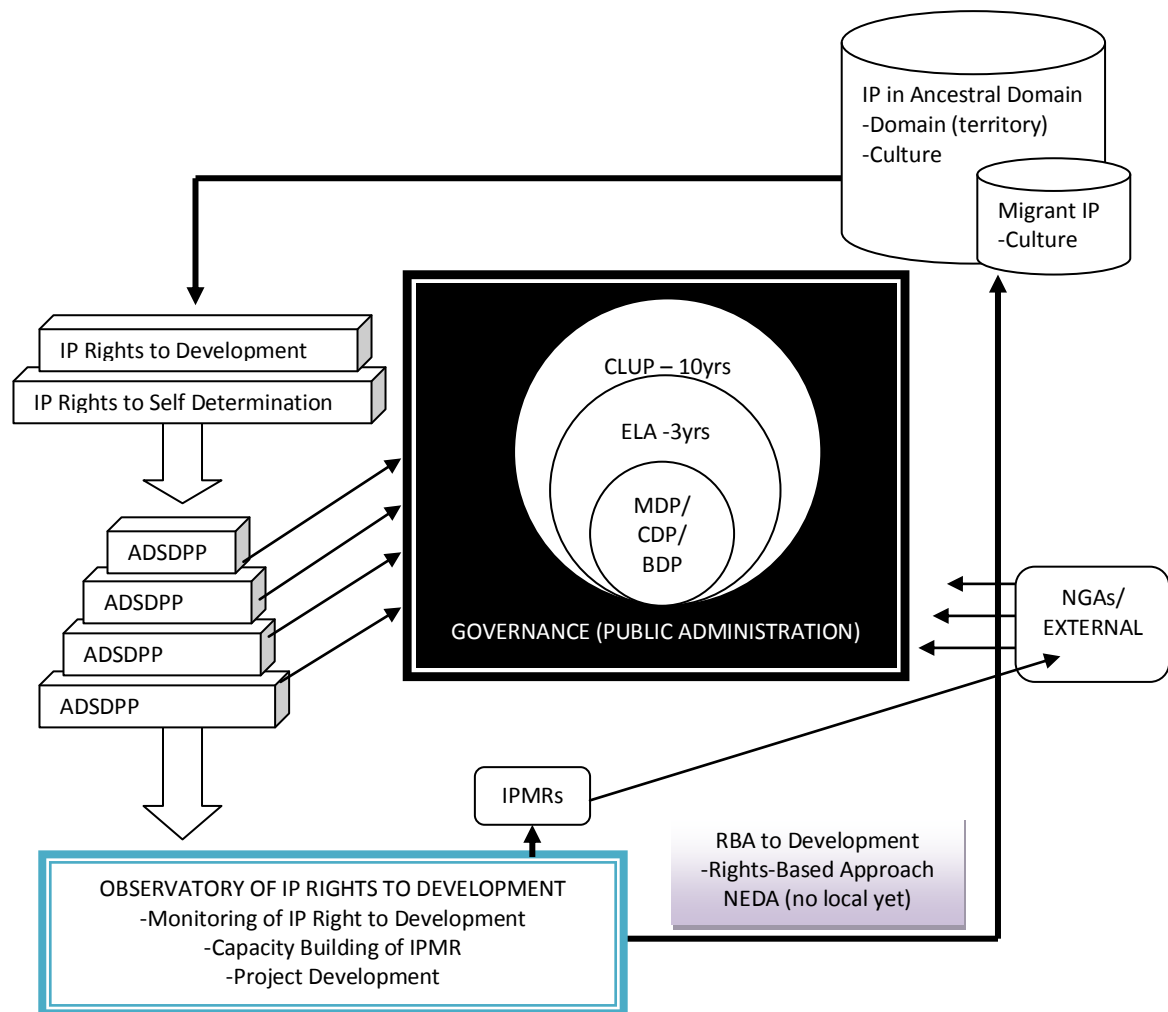
IPMRs REGION IV (MIMAROPA/CALABARZON) AND REGION V (ALBAY, CAMARINES NORTE, CAMARINES SUR, CATANDUANES, MASBATE, SORSOGON)

Rapporteur: Ms. Erlina B. Buenviaje, IPMR Camarines Sur

I. National Inquiry on IP Rights



II. IP Observatory



III. NATIONAL INQUIRY AND IP RIGHTS OBSERVATORY

General Comments/Reactions (Conference)

- Proposal of landmark program through this Conference
- This is another venue for complaints
- The program is complementary to the programs of NCIP, as well as the interests of the IPs, and does not encroach on the jurisdiction of NCIP

Issues

- Concrete output of government's promises for the programs and projects that will benefit the IP community especially on infrastructure
- Information Campaign for this Observatory Project
- IP Observatory should monitor livelihood projects for IPs

Key Processes

- Sponsor IP Assemblies
- For the initial year of implementation, coordinate with DILG, DPWH DENR, & LGU concerned

Support of IPMRs

- Sponsor Resolution for this activity at the LGU level
- Conduct information campaign
- Act as intermediary between CHR & different agencies

Q & A

WORKSHOP III: QUESTION AND ANSWER, COMMENT, SUGGESTION, AND CLARIFICATION.

Facilitated by: Atty. Gemma F. Parojinog

Atty. Torres, CHR: How do you envision the IP observatory in being more “sector specific” e.g. IP women, IP children, etc.

Atty. Parojinog, CHR: Based on the discussion we did not identify the particular sector. We only talked of IP in general. In the 14 thematic concerns of the NCIP, there may be some cross-intersections. We should try to be focused on specific sectors however it is heavily dependent on data gathering, which is also one of the main issues.

Atty. Torres, CHR: We therefore say that one value added of the IP observatory is data disaggregation. We will have IP recognition e.g. registration which should be culturally sensitive for the IP groups.

Comm. Wandag, NCIP: The answer is the ethnography survey, which is not present in the Philippines. This will give us how many Indigenous People belong to men, women, children, etc.

Atty. Torres, CHR: As part of our ways forward, it is good if CHR will also be invited along with the on-going discussion of NCIP about ethnicity.

Comm. Wandag, NCIP: The ethnicity is 2020; maybe even earlier. I talked with Comm. Gwen if you are all ready to sit down with us we can talk of our ways forward. Everything that NCIP will do should emanate from En Banc Resolution.

Dr. Basas, CHR: The observatory will also cover an in-depth study on IPs as Internally Displaced Persons (IDPs).

Atty. Parojinog, CHR: From the discussion earlier, one of the main issues is the registration of the IPs. They never die, born, got married, because you cannot get any data about them. We have to do it in accordance with the civil registration guideline and must conform to the cultural registration. Some has already been registered but changed their names and age, and therefore an issue of identity validation. These issues must be settled before the IP profiling and demographic survey.

Mr. Yano, DepEd-IPed: You mentioned of late registration. I am curious what happened to AO3 the joint memorandum of NCIP and DepEd for late registration.

Comm. Wandag, NCIP: It was on-hold. We will revisit them because of some issues, e.g. registration of marriage, there should be a solemnizing officer, yet in IP there was no solemnizing officer needed. For IPs they do not just say "I hereby pronounce you as husband and wife..."

Mr. Quioang, IPMR Ilocos Sur: For the IP curriculum of DepEd, we were asked what format should be given to them in order to distinguish an IP child.

Comm. Wandag, NCIP: NCIP AO64 partners with DepEd and was able to make the MOA. There was a support on how the NCIP-DepEd in the development of the IP curriculum. The Indigenous Knowledge Systems and Practices (IKSP) turned into lesson plan which is sustainable. It was with the help of the IP mothers of Sierra Madre.

Mr. Yano, DepEd-IPed: In the IP curriculum is synalogous to the DepEd national competencies in curriculum we interface the IP competencies of the IP knowledge system. This is in all subject area. The same thing that is happening for Alternative Learning System (ALS)

Mr. Cabonegro, CHR: There has been difficulty in identifying the IP children, and as you have said DepEd is already doing it. May we know how DepEd is doing it?

Mr. Yano, DepEd-IPed: We have data from NCIP and makes engagement with the cultural community. This is what we place in the learner's data.

Comm. Wandag, NCIP: We have the certificate of membership from the service centers and in the provinces. In the Regions, we have the Certificate of Confirmation. We have documentation process.

Mr. Cayasen, IPMR Abra: We have the information, enrollment form from the tribal affiliation.

Mr. Quioang, IPMR Ilocos Sur: For verification purpose, was it true or not?

Mr. Cabonegro, CHR: There has been documentation in the Municipalities, Provinces and in the Regions.

Mr. Quioang, IPMR Ilocos Sur: There is discrepancy in the documentation. We used the old format of genealogy. Some teachers say, "There is no need for genealogy." How can we know the tribal affiliation without the tribal genealogy?

Comm. Wandag, NCIP: We have the membership certification. The parents should go to the community centers, or provincial office.

SYNTHESIS

PROPOSED IP RIGHTS OBSERVATORY AND NATIONAL INQUIRY ON IP RIGHTS

*Y*esterday, we tackled “WHAT” and today it is about “HOW”. However base on the presentations it is again ‘what and how’. The idea of having the Pulse IP is the same as the Pulse Asia which is a scanning of all general idea. I am going to synthesis today’s activity into:



I. PULSE-IP (Attitudes/Views)

MIXED Views about IP Observatory and IP National Inquiry:

- generally, a welcomed idea
- overdue
- strengthen inter-agency mechanism/collaboration
- on various IP concerns
- complementation with NCIP – a good partnership but not to duplicate from the work of CHR, enhance partnership with other line agencies
- good venue: IPRA assessment, complaint mechanism

II. MENU-IP: 14+

What will be the content of the issues and concerns?

a. Civil, Political, Economic, Social, Cultural and Development Rights

- Free Prior and Informed Consent (FPIC)
- Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) – with special topic on the environment
- Non-recognition, grasp of IPRA law
- Peace Security-related issues & implications on data gathering
- Labor-related issues
- Politics (interference, alliance)
- “never born, died and gotten married”: Civil registration/identity

b. Community-based monitoring system

c. Sustainability

III. ELEMENTS/PROCESS

a. Clear inquiry framework and Terms of Reference (TOR) – defined roles of all line agencies

b. Inclusive/collaborative in actual inquiry

- c. Policy
- d. Establish Memorandum of Agreement (MOA) with various agencies
- e. Sharing of “operable” data

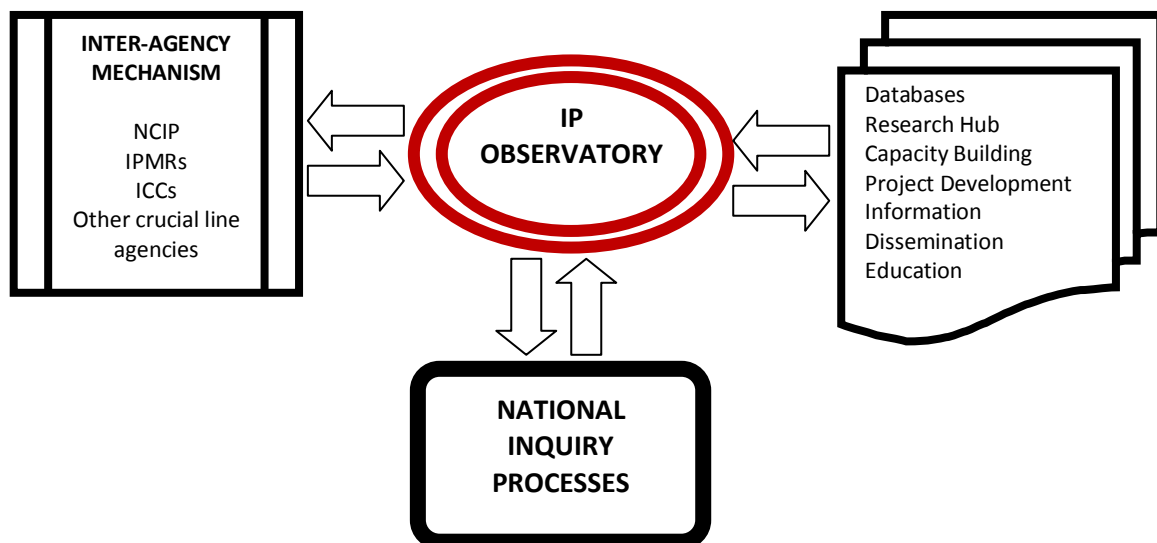
IV. HELPING EACH OTHER: EXPECTATIONS

- Resolution sponsorship
- Bridge - LGU
- Creation of IP desks nationwide – to include in the line agencies’ offices
- Implementation of MOA (NCIP, security, etc.)
- Incentivisation: e.g. good practices, awards who have great contribution in the function of IP rights observatory

V. ASSISTANCE-FPIC

- Presence –attendance of the IPs during the conduct of the FPIC
- Security
- Documents, needed data
- Other Matters

SUMMARY



CONCLUDING WORDS

INPUTS IN SETTING UP THE IP RIGHTS OBSERVATORY AND NATIONAL INQUIRY PROCESSES.

Commissioner Gwendolyn Ll. Pimentel-Gana

Comm. Gwen emphasized that CHR will continue collaborating with the NCIP and other line agencies.

The IP Observatory will be lodged to CHR office. It is about data gathering and information depository. This is not an investigative department. It is a monitoring and information gathering department for check and balance. CHR will welcome everyone to contribute or may secure data from the IP Observatory.

While IP National Inquiry, is consultative in nature. Everyone's participation is very important. The CHR team will go around in main areas. It may appear like it is a public hearing but not adversarial. It is more on consultation/ dialogue. The CHR will come up with own findings.



Commissioner Gwendolyn Ll. Pimentel-Gana

On the investigation side, Comm. Gwen says *"We have our own department to do the investigation as part of our mandate. You can visit our Regional Offices to help you. However, this is different from the IP Observatory and IP National Inquiry."*

The CHR is using the human-rights lenses. *"We are using human rights-based approach in order to see some violations as against our rights. We do call other agencies and other duty-bearers to remind them about the rule of law."* Comm. Gwen further says.

The NCIP is still the over-all agency who is in-charged with the IPs. The CHR is just merely helping NCIP and the IP communities.

In closing, Comm. Gwen says, *"I would like to express my personal gratitude and my appreciation to all of you. Madami po kaming napulot para sa IP National Inquiry and IP Observatory. We will contact you again and will continue our collaboration and partnership with you."*

CLOSING REMARKS

*I*t is a pleasure to close this IP Conference on the Right to development.

Through the years of my stay at the CHR I had the opportunity of meeting IPs and hearing about their historical struggles their contributions to mother earth, their sustainable ways of learning their calls for recognition and respect on their identities and rights as IPs.

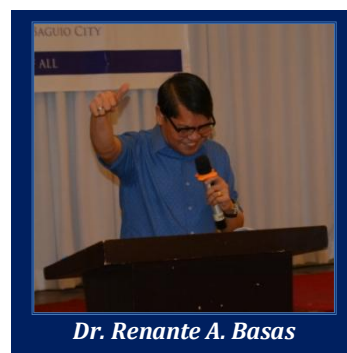
In the same day I also had the opportunity of meeting government workers and learning about their works towards their promotion and protection of IPs' right. It is fortunate indeed that government servants (through us) and IPs come together at this conference to discuss and evaluate the current situations of IPs.

Did we achieve the objectives of this 2-day conference? I am just on reality check. Let's review the four (4) objectives:

1. Identify the challenges to the full realization of the rights to development of IPs. Did we able to identify these challenges?
2. Discussing the structures and processes of each agency of government that could serve as mechanisms to protect and promote the four bundles of IP rights, i.e., to ancestral domains and lands; to self-governance and empowerment; to social justice and human rights; and to cultural integrity. Nagawa po ba natin ito?
3. Identifying priority areas of cooperation among concerned government agencies and IP Mandatory Representatives (IPMRs) with CHR, using the framework of the right to development. Nagawa rin po ba ito? Lastly...
4. Gathering insights on the structures, processes and outcomes that would lead to the formalization of an IP Rights Observatory lodged with the CHR. Nagawa rin po ba natin?

Our verdict is YES! We achieved the objectives of this conference. Let's congratulate ourselves.

However our efforts in this conference will go only so far they need to be coupled with true commitment to follow up on recommendations. "We need an action – a principled action. One which signifies that our result to advance the rights of IPs is not a matter of empty words but a real one." – as quoted by, Prince Zeid bin Ra'ad Zeid al-Hussein, United Nations High Commissioner for Human Rights.



Dr. Renante A. Basas

As Amartya Kumar Sen wrote “Development means greater freedom, it should not mean greater exploitation. Through development incorporates and advances human rights.” Many IPs are exploited, they are caught in the poverty trap and as we all know not just economic trap but a political and structural one, we can dismantle that. Can we do that? Yes. But in doing so, we should ensure that throughout the processes due emphasis is given to the rights and to the voices of IPs.

At this juncture I would like to thank the funder of this event, GoJust-ACEID, the Secretariat, the organizer of this event, the ESCR Center under the Human Rights Management Office, to our Commissioner Gwen Pimentel-Gana, for full support being our Focal Commissioner, and of course to YOU – our participants. Without your active, sincere, formed participation this event will not be a success.

Magandang araw po and be safe. Thank you.



Development means greater freedom, it should not mean greater exploitation. Through development incorporates and advances human rights.

IP STATEMENT OF PARTNERSHIP

STATEMENT OF PARTNERSHIP

Adopted in Baguio Conference on the IPs Right to Development

Venus Parkview Hotel

March 3, 2017

On March 2-3, 2017, 68 participants from government agencies of the Philippines, together with the Indigenous Peoples Mandatory Representatives (IPMRs) of the six (6) regions of Luzon (Cordillera Administrative Region, Regions I, II, III, IV, V), and the Commission on Human Rights (CHR) convened in Baguio City, Philippines to review the efforts to protect and promote the Right to Development, focusing on the Filipino Indigenous Peoples. The Right to Development is an alienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

Government Agencies, such as the *National Commission on Indigenous Peoples (NCIP)*, *Philippine Statistics Authority (PSA)*, *National Economic and Development Authority (NEDA)*, *National Anti-Poverty Commission (NAPC)*, *Mines and Geosciences Bureau (MGB)*, *Department of Labor and Employment (DoLE)*, *Department of Agriculture (DA)*, *National Housing Authority (NHA)*, *Department of Education (DepEd)*, *Social Security System (SSS)*, *Department of Health (DoH)*, *Department of Interior and Local Government (DILG)*, *Philippine National Police (PNP)* and the *Armed Forces of the Philippines (AFP)* and *Indigenous Peoples Mandatory Representatives (IPMRs)* discussed their programs and projects that represent the conditions favorable to the realization of the Right to Development of Filipino IPs, and the mechanisms by which their implementation is being monitored. The participants identified challenges in the implementation and monitoring, such as insufficient budget, improper intervention of some politicians, and gaps in the existing policies of government that do not correspond or realistically address the needs of Indigenous Peoples. The IPMRs present during the conference recognized the efforts of the government as the duty-bearer in rendering such programs and services pursuant to their Right to Development, while there is a need to capacitate the IPs to protect, promote, and fully grasp the normative contents of their rights and responsibilities. The

vulnerability of the Filipino IPs, particularly those in far-flung areas, is demonstrated by their susceptibility to unwarranted influence due to the lack of information on their rights, responsibilities, and government efforts to assist them. On the other hand, stronger regional autonomy, particularly in governance and fiscal matters, is being advocated in the Cordilleras. Encroachment of non-IPs to their ancestral domains and land should be addressed, and there are instances when indigenous identity requires clarification in the government guidelines.

The participants agree that the present reality requires particular attention to the needs of the Filipino IPs, and further collaboration among rights-holder and duty-bearers. The challenges can be addressed by, among others, setting up the IP Rights Observatory (IPRO), wherein one of the component processes is the conduct of inquiries to obtain updated information on the human rights situation of all Filipino IPs, applying in practice the standards of participation, accountability, nondiscrimination, transparency, human dignity, empowerment and the rule of law.

The participants also elaborated on their view about the IP Rights Observatory (IPRO) and the issues that would be addressed in the national inquiry. Thematic concerns are identified, such as challenges to the formal recognition of ancestral domains, their control and management by the IPs in the pursuit of their right to self-determination, displacement, environmental degradation, non-compliance of the rule to obtain FPIC, loss of cultural identity, and weak IPs' governance structures. The IPs is often victims of armed conflict.

The IP Rights Observatory (IPRO) is perceived to be an independent source of data that would identify the impacts of government programs and projects to the realization of IPs human rights. It shall specialize in the documentation, application, and practice of customary laws in all efforts to provide expeditious remedial measures to the IPs. Through the IPRO, IPs' participation in development planning, implementation, and monitoring shall be given full space.

Given the discussions during the Baguio Conference, CHR, pursuant to its mandate, will initiate the conduct of a national inquiry on the current human rights situation of the Filipino Indigenous Peoples in 2017, to coincide with the 20th year since the enactment of the Indigenous Peoples Rights Act of 1997 (IPRA). Thus this partnership is being pursued between CHR, the various government agencies, and the IPMRs to mobilize nationwide support for the effective conduct of this national inquiry and setting up the IP Rights Observatory (IPRO). Towards this endeavor, CHR and the NCIP shall:

1. Take the lead and facilitate all the processes of the national inquiry, including providing the appropriate guidelines for the conduct of the national inquiry.

2. Provide secretariat support for all activities of the national inquiry.
3. Provide core funding for the major activities of the inquiry.
4. Call for press conferences, if any in relation to the national inquiry.

The ***National Commission on Indigenous Peoples (NCIP), Philippine Statistics Authority (PSA), National Economic and Development Authority (NEDA), National Anti-Poverty Commission (NAPC), Mines and Geosciences Bureau (MGB), Department of Labor and Employment (DoLE), Department of Agriculture (DA), National Housing Authority (NHA), Department of Education (DepEd), Social Security System (SSS), Department of Health (DoH), Department of Interior and Local Government (DILG), Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) and Indigenous Peoples Mandatory Representatives (IPMRs)***, within this partnership shall:

1. Assign permanent representatives at the national, regional and local levels to any and all processes requiring their participation and involvement in the national inquiry. In particular, the agency representatives to the secretariat of the national inquiry will be tasked to provide technical and legal support and to assist in the drafting of its reports and issuances;
2. Make available all relevant information, data and personnel as resource persons from their agencies as needed in the national inquiry, including providing legal opinion and official positions of the agencies;
3. Provide counterpart funding, as may be available, to cover travel-related expenses of their representatives as well as secretariat operation-related expenses, for relevant activities and processes of the national inquiry; particularly as regards to programs, projects, activities of the agency/organization related to realization of IP rights that may be covered by the inquiry;
4. Respect the independence of CHR to make a final review, assessment, adoption and publication of the final report of this inquiry, including its policy recommendations.

The participants unanimously welcome and support the initiative to set up the IP Rights Observatory (IPRO), and the conduct of inquiries.

Adopted by acclamation, 03 March 2017, Baguio City.

EXCERPTS

THOUGHTS, QUOTES AND EXCERPTS IN THE CONFERENCE.

*I*n deed, vibrant participants came from fourteen (14) Provinces and Cities in Luzon. They are as follows: Abra, Batanes, Benguet, Camarines Sur, Ilocos Sur, La Union, Mountain Province, Nueva Ecija, Nueva Viscaya, Olongapo City, Pangasinan, Quirino Province, Romblon, Santiago City and Tanay Rizal.

However, the supportive participants from the government agencies are as follows: AFP-HRAO, AFP-NoLCom, CHR, DA, DENR,-MGB, NEDA, NAPC, NCIP, DepEd, DoH, DoLE, NHA, PNP-HRAO, PSA, and SSS.

Undeniably, there are more spaces for advancement and perfection in dealing with issues and concerns of the IP Sector. There is a need for coordination, cooperation, credibility, sustainability, and many other factors that Indigenous Peoples Right to Development is facing in reality and to finally realize the real meaning of the ‘*development*’ without sacrificing its culture (if possible).

The creation of IP Observatory and the organization of the IP National Public Inquiry is another step higher that will surely benefit the Indigenous Peoples in the country.

CITATIONS FROM THE PLENARY PRESENTATIONS

“We always respect the right to self-determination and self-governance of the IPs. This can be shown in the Rights to Development. If you have the right governance, therefore you have the right to determine what course of development you are taking.

– *Commissioner Gwendolyn Ll. Pimentel-Gana, CHR Focal Commissioner for IP Rights*

“The Ethno-linguistic Groups has been misconstrued, dahil ang gamit ng iba ay ‘*tribe*’. Pero ang ginamit ng batas ay ‘*Ethno-linguistic Groups*.’ “

– *Commissioner Basilio A. Wandag, NCIP Focal Commissioner for CAR and Region I*

“Being Indigenous Peoples is not necessarily mean we are ‘*indigents*’ people.”

– *Commissioner Basilio A. Wandag, NCIP Focal Commissioner for CAR and Region I*

“NCIP are often misconstrued by others... FPIC... is a process that is needed by the Indigenous Peoples.”

– *Commissioner Basilio A. Wandag, NCIP Focal Commissioner for CAR and Region I*

“Ang sabi ng iba, *“hindi na kailangan ang IPS.”* Mali sila! You are no longer helping the IP communities, because this will help in solving the IP disputes.”

- *Commissioner Basilio A. Wandag, NCIP Focal Commissioner for CAR and Region I*

“Those who have less in life should have more in law.”

- *Pres. Ramon Magsaysay*

“This is Mavulis island, we raised the Philippine flag here at exactly 12 noon when the sun (is) at its brightest. We assert our sovereignty on this northern frontier of our nation.”

- *Lt. Gen. Romeo T. Tanalgo, AFP Commander, NoLCom, April 30, 2016*

“We opted to have the timeframe from the past so we can move forward.”

- *Atty. Jesus G. Torres, CHR Chief, ESCR Center*

“The Life of the law has not been logic. It has been experienced.”

- *Justice Oliver Wendell Holmes, Jr., Massachusetts, US Supreme Court 1902-1932*

“We know all the laws in black and white, but we need the reality. We want to know the gaps, the ideals as provided by the laws.”

- *Atty. Jesus G. Torres, CHR Chief, ESCR Center*

“We have different levels of actualizing things, inspite of intentions because of the policy limitations that the government agency can move to whatever the situation is.”

- *Mr. Belmer Yano, DepEd-IPEd*

“In moving forward of becoming rights-base, even though we have difficulties culturally, one strong recommendation is to strengthen our local base, our local governance, and our decision-making. The critical here is having the right documentation in doing the right thing.”

- *Mr. Belmer Yano, DepEd-IPEd*

“We know that there are problems in our judicial system, everyone is affected. However, during the past there are historical discrimination and injustices for the IPs; that is why they were given this kind of preferences.”

- *Mr. Roy J. Cabonagro, CHR*

“This is about IP empowerment and unemployment. It is not true that the IP always seek for the help of the government agencies. In Batanes, we have the TESDA giving skills and livelihood training. This means that if IP is not employed they will learn the livelihood project in order not to depend on others.”

- *Ms. Maria H. Nanud, IPMR Batanes*

“What is the context of IPs on Right to Development? Is it about the ‘*culture is changing*’? In any essence if we go back to the history, ‘*development*’ is aggression to the Indigenous Peoples.”

- Atty. Dahlielyn Dait-Cawed, MNSA – NCIP HR Division

“You ask, are we [NCIP] effective? My answer is YES. Because the more the Indigenous Peoples assert their right the more we [duty-bearers] in the government should bear their call.”

- Atty. Dahlielyn Dait-Cawed, MNSA – NCIP HR Division

“IP needs Training for Tourism Management so that we will know how to manage tourist destinations in our place.”

- Mr. Noel Licaban Apayyo, IPMR Ilocos Sur

“Everyone is treated equally regardless of the affiliation/ tribe/ religion or political point of view.”

- Department of Agriculture

“National Inter-Agency Committee (NIAC) and Regional Inter-Agency Committee (RIAC) must be organized and functional, not merely in attendance.”

- Department of Health

“The NEDA has the eye, the hand, the right connection, primarily with the DBM if the budget is concern. NEDA has a lot of facilities, the reservoir of data and expertise, and has the capacity to share on the budget side. Hindi naman tayo mabibigyan ng pondo kung wala tayong mararating. We believe that the best agency to carry on with this is the NEDA.”

- Ms. Ma. Nympha M. Ragel, SSS

“We need an action – a principled action. One which signifies that our result to advance the rights of IPs is not a matter of empty words but a real one.”

- Prince Zeid bin Ra'ad Zeid al-Hussein, United Nations High Commissioner for Human Rights

“Development means greater freedom; it should not mean greater exploitation. Through development incorporates and advances human rights.”

- Amartya Kumar Sen, Indian economist and philosopher of Bengali ethnicity

“The acceptance from the security groups such as PNP, AFP is easier if they are included in the group.”

- PCINSP Emmanuel Salvador L. Enriquez, PNP-HRAO

ANNEXES