



Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (KAMP)

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

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

**For the 13th Session of the Universal Periodic Review of the Philippine Government in
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SUBMITTED BY:

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**Kalipunan ng mga Katutubong Mamamayan ng Pilipinas is a national alliance of
indigenous peoples' organizations in the Philippines. It is the largest indigenous peoples'
formation in the Philippines.**

1. Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (KAMP) is the largest alliance of indigenous peoples organizations in the Philippines. It is national alliance of three island-wide organizations¹, ten regional organizations² and three provincial organizations³. Also affiliated with KAMP is a national network of indigenous women's organizations. Data was collected from documentation of member organizations, fact-finding missions, on-site visits, focused group discussions and secondary data gathering.
2. The Philippine Government has ratified all the UN Human Rights instruments except for the International Convention on the Protection of All persons from Enforced Disappearance and several optional protocols. The Philippines has ratified the optional protocols to ICCPR, CEDAW and CRC. However, it has not yet ratified the optional protocol to the Convention against Torture. The 2008 UPR process took note of this and has urged the government to have this ratified. The Philippines also adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP.)
3. The Philippines enacted the Indigenous Peoples Rights Act (IPRA) in 1997, an Act recognized by the international community as among the very few progressive laws protecting the rights of indigenous peoples.
4. The government signed on August 7, 1998 the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL). It was a comprehensive agreement between the Government of the Republic of the Philippine and the National Democratic Front of the Philippines to guarantee the protection of human rights of all Filipinos under all circumstances and to re-affirm and apply the International Humanitarian Laws in the conduct of the armed conflict between the two parties.
5. KAMP welcomes the recommendations of the UPR process to the Philippine government in its session in 2008, all of which are exceedingly relevant to indigenous peoples. However, we have noted with great concern that there were no recommendations raised specifically on the obligation of the Philippine government to the rights of indigenous peoples. In view of this, KAMP wishes to draw the attention of the UPR mechanism on serious human rights issues faced by our member organizations and the indigenous peoples we represent.
6. Despite the enactment of the IPRA, indigenous peoples all over the country continue to be subjected to various forms of human rights violations, as individuals and as collective peoples. We appeal to the UPR mechanism to urge the Philippine government to respond to the following issues:

¹ In Palawan, Mindoro and Mindanao.

² Regions of Cagayan Valley, Cordillera, Central Luzon, Southern Tagalog, Central Visayas, Caraga, Northern Mindanao, Western Mindanao, Southern Mindanao and SOCSKSARGEN

³ Provinces of Rizal, Aurora and Quezon

Worsening ‘Development Aggression’

7. The operation and numerous applications of large-scale mining by local and transnational corporations is the biggest threat to the right to ancestral land and to self-determination of indigenous peoples. Taken from government data, there are at least 184 approved mining applications in areas occupied by indigenous peoples covering an estimated 595,058.11 hectares of ancestral lands in 28 provinces⁴. Nationwide, five of the six Financial Technical Assistance Agreements⁵ (FTAA), 118 of the 338 approved Mineral Production Sharing Agreement⁶ (MPSA), 39 of the 89 Exploration Permit⁷ (EP), and eight of the 49 Mineral Processing Permits⁸ (MPP) are located within the ancestral lands of indigenous peoples⁹.
8. For indigenous peoples, large-scale mining activities are threats to their survival and bring about irreparable damage to the environment. In some cases, mining activities impinge on sacred sites, burial grounds and cultural beliefs and practices. The impact of mining is ethnocide.
9. The inherent right of indigenous peoples to their ancestral land and natural resources therein are undermined by jurisprudence, Mining Act of 1995, regressive interpretation of the IPRA, weakened Implementing Rules and Regulations, Administrative Orders and several other domestic laws and national policies. The right to Free, Prior and Informed Consent (FPIC) legally protected under the IPRA, the UNDRIP and other UN instruments are manipulated, either blatantly or through subtle means, and in many cases, through coercion and use of the military and paramilitary.

⁴ Based on KAMP’s analysis of the data on the Approved Mining Tenements from the Mines and Geosciences Bureau under the Department of Natural Resources accessed on October 2010.

⁵ FTAA is an agreement for large-scale exploration, development and utilization of minerals.

⁶ MPSA is a mineral agreement wherein Government shares in the production of the contractor, whether in kind or value, as owner of the minerals, and the contractor gets the rest. In return, the contractor provides the necessary financing, technology, management and personnel for the mining project.

⁷ EP allows a qualified person to undertake exploration activities for mineral resources in certain areas open to mining.

⁸ MPP is the permit granted to a qualified person for the processing of minerals which includes milling, beneficiation, leaching, smelting, cyanidation, calcination or upgrading of ores, minerals, rocks, mill tallings, mine wastes and/or other metallurgical by-products or by similar means to convert the same into marketable products.

⁹ Based on KAMP’s analysis of the data on the Approved Mining Tenements from the Mines and Geosciences Bureau under the Department of Natural Resources accessed on October 2010.

10. Such is the case of the application for mining in Bakun, Benguet in the Cordillera. Australian mining company Royalco Philippines Inc. was granted a mining exploration permit for more than 5,400-hectares covering Kankana-ey ancestral territories after the National Commission on Indigenous Peoples (NCIP) granted certificate of compliance to the FPIC. Several occasions of congressional investigations, legislative inquiries and a congressional on-site hearing convened by the Cong. Teodoro Baguilat Jr., in response to broad and sustained opposition from the community concluded that the FPIC process was flawed. First, there was overwhelming rejection to the mining exploration in the first FPIC meeting conducted by NCIP. Also, in several resolutions and petitions of the Bakun Aywanan people's organization, submitted to NCIP and Royalco as collective decision of 'no consent.' But none of these were recognized as decision-making process. Thereafter, the NCIP repeated the FPIC process, this time dividing the affected communities to three separate processes, effectively weakening the community's collective decision. Reportedly, Royalco, through the facilitation of NCIP, forged Memorandum of Agreement with selected tribal leaders, in violation of indigenous decision-making processes.
11. Compounding the outright violation of the right to FPIC, corporations engage the use of military, police forces, paramilitary groups and other state-sanctioned armed groups to quell opposition.

Use of Para-military Groups and Arming of Indigenous Peoples

12. The **formation and recruitment of indigenous peoples to paramilitary groups** to augment military operations or to protect corporate interests is another phenomenon exacerbating the violation of the rights of indigenous peoples.
13. Despite the recommendation of then UN Special Rapporteur Rodolfo Stavenhagen for the Philippine government to end the use of paramilitary groups, the current administration of President Benigno Aquino continues to sanction paramilitary groups.
14. The most recent engagement of the Aquino administration in promoting paramilitary groups is an agreement entered into with the Cordillera People's Liberation Army¹⁰ (CPLA), making the CPLA a formal partner of the government in the implementation of socio-economic projects in their communities. The CPLA acknowledged their accountability for the extrajudicial killing of indigenous leaders Daniel Ngayaan of Kalinga and Romy Gardo of Abra in 1987. In spite of this, former President Corazon Aquino forged partnership with the CPLA while Gloria Arroyo integrated its members into the AFP. The present government of President Benigno Aquino III has once again given the CPLA privileged positions and committed millions of pesos for their socio-economic projects, ignoring their

¹⁰ CPLA is a splinter group of the New Peoples Army in 1986

accountability for the killing of indigenous leaders and numerous other violations. Further, the CPLA are widely known as goons to local politicians.

15. The most atrocious paramilitary groups are found in Mindanao: the **Wild Dogs**, now known as **Salakawan** in Ezperanza, Agusan del Sur under self-acclaimed *Higaonon* leader **Deo** “Datu Macombate” **Manpatilan**, Bungkatol Liberation Front (BULIF) under Ronald Manhumosay and ALAMARA under Ruben Labawan and Joel Unad. These paramilitary groups are operating in Northern Mindanao¹¹ forested area which is being eyed by corporate firms for plantations and mining business¹². Manpatilan, a former Mayor of Esperanza, is the holder of a Certificate of Ancestral Domain Certificate (CADC) in Agusan del Sur comprising of 74,827 hectares. Manhumosay is, in like manner, the holder of another CADC, covering 8,000 hectares along the boundary between Agusan del Sur and Agusan del Norte. His CADC is adjacent to that of Manpatilan. Labawan is the administrative officer of two CADCs and a 37,000-hectare Certificate of Ancestral Domain Title (CADT) in Paquibato. Unad is the chair of the Mindanao Indigenous Peoples Conference on Peace and Development¹³ (MIPCPD). MIPCPD entered into a Memorandum of Understanding with the Eastern Mindanao Command of the AFP to deal with legitimate movements of indigenous peoples in Mindanao. The leaders of the MIPCPD have also entered into contracts with private companies exploiting natural resources found in ancestral domains of Lumads.

16. In June 2011, Arpe “Datu Lapugotan” Belayong of the Higaonon tribe in Ezperanza and his nephew Solte San-ogan were killed by members of Salakawan¹⁴. Wounded in the incident are his two children. Earlier in 2009, Datu Mampaagi Belayong, brother of Arpe “Datu Lapugotan” Belayong was killed by members of the Task Force Gantangan and Bungkalot Liberation Force. A similar incident happened in 2007 in Agusan del Norte where another Higaonon leader, Somo Senga, was killed by Mahumosay’s Bungkatol Liberation Front over conflict on CADT and logging intrusions. This incident was reported to the UN Special Rapporteur Philip Alston. These killings had led to sporadic evacuations of Higaonons. There has been a historical conflict over the issue on CADC, agroforestry, logging operations and mining interests between the Higaonons against Manpatilan.

¹¹ In the quad-boundaries of Agusan del Norte, Agusan del Sur, Misamis Oriental and Bukidnon.

¹² See Annex 2

¹³ MIPCPD was established by the AFP in 2003 and has been the main instrumentalities in the implementation of the National Internal Security Plan – Indigenous Peoples, a counter-insurgency plan specifically designed to deal with indigenous peoples in Mindanao.

¹⁴ See Annex 1

17. Of note is the formation of the **Task Force Gantangan (TFG)** by the Armed Forces of the Philippines. The TFG is known for conscripting Lumads into tribal warrior groups for intelligence gathering and military operations against the New People's Army (NPA), including suspected supporters. Aside from causing human rights atrocities, Gantangan bastardizes indigenous socio-cultural practices and defense systems, such as the *pangayaw*. Traditionally intended to defend Lumad territory from encroachment and destruction, the *pangayaw* was used for counter-insurgency and security for businesses, commonly harming other Lumads resisting development aggression.

Extra-judicial Killings

18. The spate of extrajudicial killings among indigenous peoples continues as the Philippine government aggressively encouraged foreign enterprises and transnational companies to invest in the country's resources, which are largely found in indigenous peoples' territories. From 2008 to November 2011, there had been 33 killings indigenous peoples from various tribes and geographical regions.

19. From her installment to the presidency in 2001 to the end of her term in 2010, **the Arroyo administration accounts for 151 extrajudicial slays of indigenous persons, 20 of these killed from January 2008 to July 2010.**

20. Inaugurated in June 2011, Benigno Aquino III extended the implementation of Oplan Bantay Laya, the counter-insurgency program blamed for the spate of extrajudicial killings and enforced disappearances during the Arroyo administration for six months. It was replaced by Oplan Bayanihan in January 2011. In the one-year old Aquino government, **13 indigenous peoples have been victims of extrajudicial killings, making the total of extrajudicial slays among indigenous peoples to 33 from January 2008 to November 2011¹⁵.**

21. Rabenio Sungit¹⁶, member of the Palaw'an tribe was slain last October 10, 2011 in Quezon, Palawan by motorcycle-riding gunmen typical of the assassins who executed the extrajudicial slays during the Arroyo administration. Rabenio is brother of Avenio Sungit, also a victim of extrajudicial killing in 2005. Rabenio is a known leader of Pagsambatan, an indigenous organization, vocal in local struggles against mining and human rights violations.

¹⁵ See Annex 5

¹⁶ See Annex 3

22. The counter-insurgency program of the Aquino administration, Oplan Bayanihan, is no different, if not potentially more treacherous, than the Oplan Bantay Laya. While Oplan Bayanihan purports to work within the human rights framework, on the contrary, it puts lives of civilians in danger through its strategy of “community development teams” and the deployment of military engineering brigades that will be implementing development projects. The strategy of community development under the auspices of the AFP endangers civilians, strips off otherwise civilian functions from the civil bureaucracy with high probability that development programs will be utilized with non-development objectives.

Forced Evacuation

23. The escalation of military operations in indigenous peoples’ territories had in several cases led to forcible evacuation. We have documented 41 **instances of forced evacuations of Lumads** since January 2008 to November 2011¹⁷.
24. Some communities evacuate repeatedly, such as in Agusan del Norte. Members of the Mamanwa tribe in Kitcharao and Jabonga, Agusan del Norte evacuated four times since May 2010, three of these occurring in six months in 2011. Militarization of the Zapanta Valley is linked to the on rush of mining applications in the mineral-rich land. Agusan del Norte has 15,530.65 hectares of approved mining applications which are being opposed by the indigenous communities. After an NPA attack on the mining company, widely known for its tremendous environmental destruction, what ensued was unrelenting bombing from howitzer cannons in Zapanta Valley. The bombings prompted the latest evacuation in November 2, 2011.
25. Repeated military operations in communities pose serious threats to the mental and physical health of residents. Forty-three evacuees have died in evacuation centers, and 3 children died in the course of evacuation. Evacuees also suffered subhuman conditions in evacuation centers.

Compliance of the Philippine Government with Human Rights Instruments

26. KAMP believes that the Philippine government has failed to comply with core human rights obligations to indigenous peoples as enshrined in the IPRA, UNDRIP and all the UN Human Rights instruments that it has ratified. The Philippine government has failed to protect indigenous peoples from “development aggression”, in particular, mining activities in their territories. In fact, it is the very government that is promoting and facilitating entry of these mining activities in violation of the right to FPIC and the inherent and prior right to ancestral land. The Philippine government is promoting and supporting paramilitary groups

¹⁷ See Annex 4

who are notoriously acting without restraint in dealing with legitimate grievances. No prosecution and conviction has been lodged against perpetrators of human rights violations, leading to the conclusion that the government is tolerating impunity among its security forces. The government is not taking concrete steps to address forced evacuation.

Recommendations

27. KAMP strongly believes that the key to long lasting peace for indigenous peoples is the protection of their **inherent, prior, existing and inalienable right to their ancestral territories** and its indivisible, inter-related and interdependent **right to self-determination**. These rights are protected in the domestic law and several international declarations and conventions. In this light, KAMP appeals to the UPR mechanism to urge the Philippine government to provide particular response on how the government is the dealing with the mining activities as this relates with the indigenous peoples inherent, prior, existing and inalienable right to self-determined development and to ancestral territories and natural resources.
28. KAMP supports the recommendation of the UPR 2008 for the Philippines to ratify the International Convention on the Protection of All persons from Enforced Disappearance and the Optional Protocol on the Convention Against Torture.
29. KAMP restates its call for the Philippine government to implement the recommendation of UN Special Rapporteur Rodolfo Stavenhagen to cease from using paramilitary groups.
30. Finally, KAMP restates the specific recommendations of UN Special Rapporteur Philip Alston for speedy and effective mechanism of prosecuting and convicting perpetrators of human rights violations.

Recommendations to the Government

31. Recognize and uphold the prior rights of indigenous peoples and revoke discriminatory legislation and doctrines, and with urgency, the Mining Act of 1995.
32. Abandon counter-insurgency program, Oplan Bayanihan. Seriously pursue peace negotiations with the National Democratic Front of the Philippines (NDFP) to pave the way in addressing and resolving the roots of the conflict. Implement the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL) to ensure civilians and combatants declared hors d combat are protected in the course of armed conflict.
33. Immediately dismantle paramilitary groups.
34. Pull out State forces in indigenous communities.

35. Carry out prompt and effective investigation of the human rights violations committed against indigenous peoples, which have been documented by human rights organizations and fact-finding missions. Ensure that all responsible for these violations, including officers under whose command such abuse occurred, be prosecuted.

Recommendations to the International Community

36. Conduct international investigative missions to look into gross human violations committed against indigenous peoples in the Philippines.
37. Support the ongoing peace negotiations between the Government of the Philippines (GPH) and the NDFP as well as the GPH and the Moro Islamic Liberation Front.