

## **APPENDIX 8.2 – QUALITATIVE FINDINGS**

### **A. FINDINGS ON SOCIO-DEMOGRAPHIC PROFILE OF RESPONDENTS FROM THE THREE TRIBES**

This section does not apply here (for further information on this topic, please refer to the quantitative findings in appendix 7.1).

### **B. FINDINGS ON PERCEPTIONS AND AWARENESS OF THE THREE TRIBES ON THE RIGHTS TO ANCESTRAL DOMAINS AND ANCESTRAL LANDS (FROM FGDs)**

#### *B.1 General FGD Findings*

The findings on FGD reveal the following:

**B.1.1 Human Rights:** The perceptions and awareness of human rights by the FGD participants range from the general and rudimentary (“human rights are God-given in relation to family, land and work”) to a specific listing of rights to which they believe a human being is entitled (“right to live in a good environment,” “right to protect the land,” “right to education,” and “rights of people as provided by land”). Generally, women and tribal leaders have a slightly better understanding of human rights concepts than the youth, many of whom did not participate in the discussion.

**B.1.2 Indigenous Peoples Rights Act (IPRA):** Women and tribal leaders have a basic understanding of the IPRA (the law enacted for the protection of the rights of IPs to their ancestral domain and ancestral lands). The Bago youth couldn’t say much about it.

**B.1.3 Ancestral Domains:** The understanding of the participants is that “these are lands handed to them by their forefathers, which include water and all the natural resources.”

**B.1.4 Ancestral Lands:** It is not clear from the collective answers whether the distinction between ancestral domains and ancestral lands is understood. A common answer is that “These are lands in the community which are inherited from their ancestors and owned and used by community members.”

**B.1.5 Rights to Ancestral Domains:** What seems to be well understood by the participants are the right of ownership, the right to develop lands and natural resources, and the right to stay in the territories. There is no mention of other rights as specified in the IPRA.

**B.1.6 Rights to Ancestral Lands:** There is some understanding of these rights, specifically the right to transfer land or property rights among members of the same tribe and the right to redemption of transferred properties following certain conditions. There is an apparent confusion about these rights because participants are not knowledgeable about the distinction or difference between rights to ancestral domain and rights to ancestral lands.

#### *B.2 FGD Findings on the Perceptions of the Bugkalot Tribe Focus Groups*

##### **B.2.1 Perceptions of the Bugkalot Tribal Leader Focus Group**

*Perceptions and Awareness of Human Rights, Ancestral Domain, Ancestral Lands and Rights to Ancestral Domain and Ancestral Lands.* The tribal leaders did not have any response to the question “What are human rights?” All of them defined ancestral domain as the land occupied by the community. Except for two participants who said that ancestral land is the land where their forefathers lived, the rest did not give a definition of what ancestral lands are to them. It was evident, however that all tribal leaders considered it a right to defend their ancestral domain and lands. The group mentioned that IPRA is all about the rights of IPs.

Sample responses from the group were as follows:

1. On human rights: No response.
2. On ancestral domains: “Inherited lands from forefathers”; “Land protected by forefathers.”
3. On ancestral lands: “Land of every family”; “Place of the community.”
4. On rights to ancestral domains: “Right to protect land inherited from forefathers.”
5. On rights to ancestral lands: “Right to protect land inherited from forefathers.”
6. On IPRA: “IPRA is all about our IP rights.”

#### B.2.2 Perceptions of the Bugkalot Women Focus Group

*Perceptions and Awareness of Human Rights, Ancestral Domain, Ancestral Lands and Rights to Ancestral Domain and Ancestral Lands.* Human rights were not tackled by the women’s group. All said that ancestral domain and lands are the lands they occupied and that were given to them by their forefathers. Their rights to ancestral domain/lands are their rights to protect and preserve their ancestral domain/lands. As regards IPRA, some said that they are not knowledgeable, while others said that they want to learn more.

Sample responses from the group were as follows:

1. On human rights: No response.
2. On ancestral domains: “It is all about land, water, forest, animals and the richness given to us by God”; “Land is land where our forefathers live”; “A land we protect, a legacy for us by our forefathers.”
3. On ancestral lands: “A land we till, protect, improve and nurture”; “A land where we exercise our right to live productively and in harmony with nature”; “A land we inherited from our ancestors as IP’s, the source of our living for our children, and it will not sold and given.”
4. On rights to ancestral domains: “What my father gave me, all the rights is on me, nobody grab it for me”; “Right to ownership on our land, so I have the right to cultivate it and live to that land”; “At present I am protecting my land as given to me by my parents, but there were some intruders who went beyond our boundaries, I am asking what CHR can do”; “Migrants drove us out but thanks to God and the government in informing us and explaining our rights.”
5. On rights to ancestral lands: “We must protect our land and managed it well”; “I found out that I have big obligation in our land, I need to stand to it and protect it.”
6. On IPRA: “I don’t know, I am here to know about IPRA”; “It is an act that acknowledges and that strengthen our rights as IPs”; “I heard it, but I don’t know the meaning”; “We need explanation and information about our rights as IPs.”

#### B.2.3. Perceptions of the Bugkalot Youth Focus Group

*Perceptions and Awareness of Human Rights, Ancestral Domain, Ancestral Lands and Rights to Ancestral Domain and Ancestral Lands.* There were no responses regarding their perceptions of human rights. As regards ancestral domain and lands, most of the youth said that they inherited them from their forefathers and that they are ready to defend the land. They said that IPRA is about the rights of IPs.

Some responses from the group were as follows:

1. On human rights: No response.
2. On ancestral domains: "Inherited land from our forefathers."
3. On ancestral lands: "Own land"; "Land for the family."
4. On rights to ancestral domains: "The right to fight our lands."
5. On rights to ancestral lands: "The right to fight our lands."
6. On IPRA: "It is the rights of IPs."

### *B.3 FGD Findings on the Perceptions of the Kankana-ey Tribe*

#### B.3.1 Perceptions of the Kankana-ey Tribal Leader Focus Group

Human Rights: Tribal Leaders define human rights as "the right to protect their land," "the rights to prohibit mining exploration," and "the right to use the communal forests." One person said these also refer "to the welfare of a person."

Ancestral Domains: Ancestral domains are said to be "the land inherited from our forefathers who were the first to cultivate and care for the land" (87.5 percent said this). One participant said that "these are lands considered forest reserve."

Ancestral Lands: Ancestral lands are said to be those lands owned, occupied by our ancestors, which were inherited by their children.

Indigenous Peoples Rights Act (IPRA): "The law that guarantees the rights of IPs that protects them, prohibits the entry of developments such as dams, mines and roads" (62.5 percent said this)." One participant said, "It is the law on IPs, ancestral domains and ancestral lands."

The Rights to Ancestral Domains: These rights are said to be the following:

- "the right to protect/prohibit entry to and destroying ancestral domains";
- "the right to plant trees and develop the area";
- "the right of our forefathers to pass on ancestral domain to their children for them to use and cultivate"; and
- "the right of the IP community to have a share of the taxes (or money) coming from the ancestral domain."

The Rights to Ancestral Lands: These rights are said to refer to the following:

- "the right to work on lands inherited from ancestors and improve it because nobody can grab these lands";
- "the right to prohibit illegal entry of development activities such as mines and dams";
- "the right to protect and develop our lands including having them surveyed and titled."

The inadequate understanding of the above-mentioned concepts is noted. There is an a weak differentiation between the perceptions of what ancestral domains are vis-à-vis ancestral lands.

It is noted that the tribal leaders have a general idea of what the IPRA contains (“right of IPs”), but it falls short of knowledge of specific rights.

The understanding of human rights is likewise about the right to the land and natural resources, but one participant declared that these refer to “the welfare of a person.”

### B.3.2 Perceptions of the Kankana-ey Women Focus Group

Human Rights: Women define human rights as 1) “the right of people provided by law (or the government)”; 2) “the right to do what I want to do as long as it is lawful”; 3) “the right of a family to correct family members if they are doing wrong”; 4) “the right of the individual which is in accordance with the law of the land”; 5) “the right to work and help in the development of their family and community”; 6) “the right to develop the lands that have been entrusted to them (*kukua*)”; 7) “the right to live in the customs and traditions of their village”; and 8) “the right to live in a good environment.”

Ancestral Domains: Ancestral domains are understood to be the following:

- “one’s birthplace” ;
- “land owned by a community with common understanding, culture, customs and traditions”;
- “a land inherited from our ancestors, protected and guarded by the whole that no other tribe can grab it”; and
- “the land owned by all the people of Kibungan as “saguday.”

These answers were reported by most of the participants (87.5 percent).

One woman answered that the concept of ancestral domain is not yet clear and she wants to learn more about it.

Ancestral Lands: Ancestral lands are understood by most women to be: 1) “the property of a family/clan inherited from ancestors and is transferred from one generation to another”; and 2) “land that is not supposed to be sold, and if it is to be sold, it should be to the nearest kin.”

One woman answered that she does not comprehend what ancestral lands are.

Indigenous Peoples Rights Act (IPRA): The IPRA is said to be: 1) “a special law enacted by the government for the protection of the IPs because they are different from lawlanders”; 2) “[the law] that gives us the rights to protect our land and natural resources including its mineral contents, and our culture”; and 3) “our guide to unite for development.”

It is noted that four women participated in the discussions; the rest just listened.

The Rights to Ancestral Domains: These were said to be:

- “the right to protect our natural resources”;
- “the right to protect our domain from foreigners who plan to come and use our land”;
- “the right to claim our domain”; and

- “the right to develop our domain.”

Most of the women actively participated in the discussions (87.5 percent). One woman said she agreed with the majority.

The Rights to Ancestral Lands: These were understood to mean: 1) “the right to claim the land if my grandfather gave it to me”; 2) “the right to give your land to your children as their inheritance”; 3) “the right to protect and preserve the land if my father would give it to someone who is not of our clan”; 4) “the right to sell the land to the nearest kin only”; 5) “the right to use the land for mortgage”; and 6) “the right to equal inheritance and distribution and the right to complain if this is not followed.”

There were 6 women who were active participants in the discussion (75 percent); the remaining two said they agreed with what the other women said.

There seems to be some understanding of the difference between ancestral domain and ancestral lands. But a bit of confusion was noted when the participants were asked about specific rights to ancestral domains and rights to ancestral lands; the rights mentioned are the same for both categories.

Many women (at least 50 percent) did not seem to know about the IPRA. There appears to be a hesitation to speak up at least for about 25 percent (two) of the women.

### B.3.3 Perceptions of the Kankana-ey Youth Focus Group

Human Rights: The youth define *human rights* as “the rights of people provided by law or government, such as the right to live enjoy natural resources or the right to education.” It is claimed that human rights are inherent, even if not in the law.

Ancestral Domains: As understood by the youths, ancestral domains are “the whole community of the tribe [which] encompasses ancestral lands.”

Ancestral Lands: The youth defined these as “lands inherited from ancestors.” These also refer to “all natural resources within a barangay.”

Indigenous Peoples Rights Act (IPRA): The youths define IPRA as a law “that guarantees the right to protect our inheritances...from land grabbing.” It “provides guidelines.”

Rights to Ancestral Domains: The youths believe these refer to “the right to preserve inheritance, customs and traditions.”

Rights to Ancestral Lands: According to the youths, these rights are the following: 1) “the right to maximise use of land”; 2) “the right to plant for the tribe’s survival”; 3) “the right to possess and preserve the land”; and 4) “the right to protect the watershed.”

The discussions on these topics reveal the limitation of the youths’ understanding. There is also a misunderstanding of the distinction between ancestral domains and ancestral lands, because the latter does not refer to “all natural resources within a barangay.”

### B.4 FGD Findings on the Perceptions of the Bago Tribe

#### B.4.1 Perceptions of the Bago Tribal Leader Focus Group

Human Rights: Tribal leaders view human rights as the rights to life, liberty (or freedom) and peace.

Indigenous Peoples Rights Act (IPRA): Some tribal leaders say that this is the law (or assurance) given by the government to indigenous peoples so that they can freely exercise their right to use their natural resources. Half of the tribal leaders said they have no knowledge of the IPRA. Although most agreed that it was the first time they heard about IPRA, they tried to answer the question as they understood it.

Ancestral Domain and Ancestral Land: Tribal leaders are of the opinion that ancestral domains are those areas found in their community that are inherited from their ancestors and owned and used by them. On the other hand, they said that lands are privately-owned properties that they likewise have inherited from their ancestors or their clan.

Rights to Ancestral Domains and Ancestral Lands: Tribal leaders believe that the rights to ancestral domains refer to their collective participation in all programmes, projects and activities extended by the government, including the use and protection of natural resources. Rights to ancestral lands are those rights given to individuals or families to use, develop and protect the lands inherited from their ancestors.

#### B.4.2 Perceptions of the Bago Women Focus Group

Human Rights: The women believe that these are their rights as human beings and as women belonging to a distinct community or sector.

Indigenous Peoples Rights Act (IPRA): Some women think that the IPRA is a law about people living in low-income municipalities or remote areas. Other women understand it to be about indigenous peoples' rights to possess the land they are taking care of. One woman said that IPRA refers to the rights "to bring out traditions and cultures that are applicable today."

Ancestral Domain and Ancestral Land: The women believe those ancestral domains are lands that belonged to their ancestors for generations that should remain with their tribe. As for ancestral lands, they likewise believe that it is land inherited from their ancestors, "owned by the first generation" that should be taken care of.

Rights to Ancestral Domains and Ancestral Lands: The women believe that the right to ancestral domains is the right to all areas occupied by the Bago Tribe, including all natural resources, which no one can prohibit the tribe from using since the tribe owns them. They believe that ancestral lands rights are composed of the following: 1) the right to protect those occupying the land from those who want to destroy it; 2) the right to possess and use the land; 3) the right to take care of, improve and sell the land; 4) the right to plant different food crops; and 5) the right to obtain title to the land.

#### *4.3 Perceptions of the Bago Youth Focus Group*

Human Rights: The youths did not have a response.

Indigenous Peoples Rights Act (IPRA): No response from the youths.

Ancestral Domain and Ancestral Land: The youths claim that ancestral domains refers to the culture of the tribe and land and all territories inherited from their ancestors and forefathers. Ancestral lands are lands owned by a family, inherited from their ancestors, which they have the right to improve without interference from others.

Rights to Ancestral Domains and Ancestral Lands: The Youth Focus Group only talked about the rights to ancestral lands, which they understood to be: 1) the right to sell their land or rent it; 2) the right to secure title to the land; and 3) the right to land inherited from their ancestors.

## **C. FINDINGS ON THE PROGRESSIVE REALISATION OF THE INDIGENOUS PEOPLES' RIGHTS TO ANCESTRAL DOMAINS AND ANCESTRAL LANDS**

### *C.1 General FGD Findings*

*Ways IPRA-guaranteed Rights to Ancestral Domains and Ancestral Lands Affect the Situation of IPs (Indigenous Peoples)*. There is general agreement about the positive effects of the passage of the IPRA, especially in relation to ancestral domains and ancestral lands. The participants have said that by recognising their claims and eventually awarding them titles, they have become more confident in undertaking improvements on their lands and have become more industrious. Perhaps payment of real property taxes affirms one's ownership of the land because one woman said, "I now pay taxes on my land." This sense of ownership emboldened most participants to say that they are ready to defend their ancestral domains and fight for these, if necessary.

### *C.2 FGD Findings from Bugkalot Tribe*

#### C.2.1 Tribal Leader Focus Group

It is because of IPRA that tribal leaders said they have to work for the release of their land titles and claims.

Sample responses from the group were:

"Awarding of land title is delayed; that is why we have to work for the immediate release of land titles"; "That is what we need in Kasibu."

The enjoyment of rights is perceived to be related to the IPRA, particularly "the right of ownership over ancestral domains and ancestral lands" and "the right to inherit/develop land of our forefathers."

#### C.2.2 Women Focus Group

One participant said that before, their parents didn't value their domain/land; they sold their lands in exchange for fishnets (*sigay*). Now that they were informed of their rights over their domain/land, they have to protect and value it, since it would help them. Others said that since they are unified, they should fight for their ancestral domain/land rights.

Sample responses from the group were:

“Now we have known our rights, we must fight it”; “Our parents before don’t know how to value the land, today they know already how to fight their rights as owners of the vast lands”; “I appreciate the unity of Bugkalot.”

### C.2.3 Bugkalot Youth Focus Group

With the implementation of IPRA, some said that they are always ready to defend their ancestral domain and lands; others seconded that thought.

### C.3 *FGD Findings from the Kankana-ey Tribe*

The enjoyment of rights is perceived as made possible through the IPRA, particularly “the right of ownership over ancestral domains and ancestral lands” and “the right to inherit/develop land of our forefathers.” IPRA had provided them with guarantees of their right to protect their land inheritances and provides guidelines to prevent land-grabbing.

### C.4 *FGD Findings from the Bago Tribe*

Answers of the three focus groups to the question, “In what ways do the guaranteed rights to ancestral domain/ancestral land affect your situation?” reveal a feeling of security over their land tenure.

#### C.4.1 Tribal Leader Focus Group

The tribal leaders recognised IPRA’s significant contribution to their rights to ancestral domains and lands, as made clear by their response: IPRA’s enumeration of our rights lessens our anxiety; we can now make decisions and exercise the rights of ownership over our lands. Some stated that they have become more industrious in cultivating their lands because of their feeling of security due to the realisation of their right to ancestral domain.

#### C.4.2 Women Focus Group

The women showed that they have the right to protect their land from people who exploit the natural resources within their lands. One woman is now paying taxes on the land. One wants to have title to their land, even if the right to their land and ancestral domain has been secured. The women’s responses show a changing attitude from that of rent-seeking behaviour to that of a sense of ownership.

The responses of the women were:

- I can protect my land from those who want to cut trees (3);
- I still would like a title (1);
- I can protect my land from *kaingineros* (1); and,
- I pay taxes on my land (1).

#### C.4.3 Youth Focus Group

Youths revealed a feeling of security over the ownership of their land.

Sample response: No more worries about possibility of land being taken away from them.

## **D. DUTIES AND OBLIGATIONS OF IPS**

### *D.1 General FGD Findings*

Most participants mentioned that they were involved in the improvement of their ancestral domains and ancestral lands in activities like constructing or repairing the stone-wall terraces, cleaning foot trails, and planting trees and high-value crops. The youths said that it is an obligation for them to know the contents of the IPRA well. Some women and youths said that it is their responsibility to help in acquiring the title to their ancestral domain and inherited land, but did not say what they have to do. Some claim to have cleared the land for farming. Some confusion exists on what they have undertaken and what they feel needs to be done. Some comments to this effect were: “We need to cooperate more to protect our natural resources”; “We should practice proper waste disposal”; and “We have to coordinate and get help from the government to control entry of migrants.”

### *D.2 FGD Findings from the Bugkalot Tribe*

D.2.1 Tribal leaders identified as an individual and community duty of tribe members to coordinate and get help from the government in controlling migrants’ entry into their lands.

D.2.2 Tribal women cited duties that emanate from ownership of the land. To them, acquiring titles for their inherited land require the commitment to care/nurture, cultivate and develop the land as their source of livelihood. The women also indicated that the Bugkalot, as an IP community, should continuously protect, improve and nurture its domain/land. They said that they had planted their lands with vegetables, palay and other plants. They agreed to value it by not selling the lands.

D.2.3 The youths stated that individual tribe members should promote tribal unity to protect their lands. As a community, the Bugkalot tribe should assert its rights and seek issuance of land titles for tribe members.

### *D.3 FGD Findings from the Bago Tribe*

D.3.1 Tribal leaders mentioned that it is the duty of individual members of the tribe to undertake proper waste disposal and proper cultivation of the land. Their concern on waste disposal reveals their sense of duty towards the environment. The tribal leaders said it was a community duty to participate in sustaining their environment through seedling distribution and tree planting. They agreed that the Bago tribe should cooperate to protect the natural resources within their ancestral domains and lands.

D.3.2 The tribal women cited the following as the individual duties of tribe members:

- take care of/value the land;
- plant trees, fruit and non-fruit bearing trees, improve the land (1);
- clean their land twice a year and plant trees;
- build dikes to protect their land from erosion;
- plant their lands with different crops; and
- make *kaingin*.

The women also indicated that the Bagotribe members consider it a duty to improve and protect their ancestral domain by planting trees to avoid erosion, building dikes to protect the land from floods, and supporting the government's programmes.

D.3.3 The tribal youths mentioned that it is an individual duty of tribe members to work for titling of their ancestral lands, to engage in tree planting and similar activities. They also stated that the Bago community should secure title to the lands so they can be assured of their rights, thus they should cooperate with local officials to secure those titles.

## **E. VIOLATIONS OF IPS' RIGHTS**

### *E.1 General FGD Findings*

*Violations of IPs' Rights to Ancestral Domains and Ancestral Lands.* Most participants claimed that there have been no violations of their rights. Some have said that violations are perpetrated by other tribe members or by other tribes (these include boundary disputes, land-grabbers, squatters and illegal mining activities). A number of young people said that they don't know their rights well so they don't know if violations have occurred.

### *E.2 FGD Findings from the Bugkalot Tribe*

Two tribal leaders stated that programmes and services were given to non-Bugkalots but the Ilongots/Bugkalots did not receive any.

Sample responses from the group were:

"They are using the Bugkalots in illegal logging and also in giving scholarships even if they are not for us"; "There are still migrants who are not allowed to enter the place."

Bugkalot tribal women reported "land squatting," "land grabbing," and "displacement issues" as violations of IPs' rights.

Sample responses from the group were:

"Dismayed, though I know my right, but nowhere to seek help"; "Our land was grabbed by migrants, so I was thinking whether to sell it or retrieve it"; "Migrants blocked our irrigation, the source of water to our farm."

Bugkalot tribal youths reported that the violations consisted of "grabbing of pasture of land by a mayor," "titling of lot by another person," and overlapping of programmes and projects."

### *E.3 FGD Findings from the Bago Tribe*

E.3.1 Tribal leaders claim that they are not aware of any violations so far.

E.3.2 Most of the women say they have not experienced any violation, although one woman claims that the land they inherited was being titled by another party even though her family has been paying the property tax on the property. Another woman said that her right to have a beautiful house and appliances was violated.

E.3.3 Youth participants all claim that there have been no violations so far.

#### *E.4 FGD Findings from the Kankana-ey Tribe*

E.4.1 Most violations identified are related to resource misuse, such as illegal mining. Theft and robbery were mentioned, including the swindling of IPs by outsiders.

E.4.2 Many of the tribal youths said that there are no violations of their rights. One youth said that “people are still learning their rights as written in a law”. They said that since they do not have much knowledge of their rights, then they are not also aware if these rights are violated. Their views are contrary to those of the tribal leaders and women.

E.4.3 The tribal women mentioned illegal water tapping. One of them said: “Water from road floods my property (poor drainage).” Boundary disputes between IPs were also mentioned.

E.4.4 The tribal leaders mentioned violations against their right to participate in decision-making processes, especially their experience in Barangay Palina, in which mining was permitted without their consent.

## **F. MECHANISMS FOR GRIEVANCES/REDRESS**

### *F.1 FGD Findings from the BUGKALOT Tribe*

F.1.1 The tribal leaders stated that the full implementation of IPRA and the formulation of ADSDPP and the consultative bodies, and measurement of lands, should be prioritised.

F.1.2 Most of the tribal women said they settled disputes and other serious matters through an amicable settlement, with their elders presiding.

F.1.3

The youth focus group was not informed about legal and judicial assistance given by the government and other concerned groups. That is why there were no responses about these issues.

### *F.2 FGD Findings from the BAGO Tribe*

The focus groups’ responses were classified under the topic *Measures*.

### *F.3 FGD Findings from the Kankana-ey Tribe*

The focus groups’ responses were classified under the topic *Measures*.

## **G. CUSTOMARY LAWS AND PRACTICES**

Some customs and traditions of the Bago Tribe were mentioned, including the *areglo*, or settlement of disputes between parties by the elders; *sintatako*, or the practice of allowing members of one's tribe who are in need to use one's land until the owner decides to use it; and *sapit*, in which the elders (*panglakayen*) serve as arbiters in settling disputes.

The Kankanaey youth mentioned that the *Lupon* can help in the settlement of disputes. One young woman said that amicable settlement through the *Lupon* is often used. (The *Lupon* referred to is the *Lupong Tagapamayapa*, which is a barangay mechanism or body, created under the local government code, composed of a person of authority who hears arguments so that disputes can be settled amicably).

A young man said that elders are often called as witnesses to provide proof in establishing boundaries between clans.

Some customary laws mentioned by the Kankana-ey tribal leaders were:

1. tribal leaders/elders are called to settle boundary disputes;
2. rental of lands leased comes from proceeds of the harvest;
3. all inherited lands shall be divided equally among the children; and
4. if the ancestral land is to be sold, the heirs have the right of first refusal (before it is offered to other members of the clan).

Most participants mentioned specific practices, including equal distribution of properties among siblings (women of Bugkalot, tribal leaders of Kibungan), and inherited land can be sold only to next of kin (women of Kibungan, tribal leaders of Kibungan).

## **H. MEASURES TO PROTECT IPS' RIGHTS**

### *H.1 General FGD Findings*

The focus groups identified measures undertaken by three governance stakeholders: the IP community, the government, and the private sector. These are briefly described below.

**H.1.1 Measures Undertaken by the IP Community.** The participants said that members of the community helped to fulfil the requirements for the Certificates of Ancestral Domains Title (CADT) and Ancestral Lands Title (CALT), including submission of proof or evidence of possession/occupation. However, some tribal leaders were silent about this topic. Other measures included: improved and protected their domains and lands by planting trees, and building dikes, footpaths, and fences; attended information campaigns on solid-waste management and reforestation; joined organisations, such as cooperatives and cause-oriented groups; and contributed cash for road maintenance and other self-help projects.

**H.1.2 Measures Undertaken by the Government.** From the participants' perspective, the government was most helpful in conducting cadastral surveys (specifically the NCIP, DENR and the local government units); reforestation projects (DENR); provision of domestic water-supply systems, and building and maintenance of roads (DPWH); conduct of information and education campaigns on the IPRA (NCIP); and the formulation of the ancestral-domain management plan (DENR).

H.1.3 Measures Undertaken by NGOs and the Private Sector. Participants mentioned that NGOs contribute to capacity-building efforts for strengthening rights to ancestral domains and ancestral lands. They cited the Philippine Business for Social Progress, Shontug Foundation, Cordillera Green Network, RP-GERMAN NGO, Federation of Igorots Foundation, CARABYO, CONVALCO, PAFID, KIDAL, and others. Participants recalled the efforts of the Roman Catholic Church in conducting IEC on the IPRA. UNDP and OECD (METAGORA) were those development assistance organisations/institutions acknowledged.

#### H.1.4 Knowledge of Government Services, Programmes and Projects Provided

##### *In Relation to IPs' Rights to Ancestral Domains and Ancestral Lands*

- Tribal leaders almost unanimously agree that the issuance of a Certificate of Ancestral Domain Title (CADT) is through the efforts of the government. Other programmes/projects mentioned include:
  - a) Reforestation Programme – DENR;
  - b) Seminar on Kaingin System – DENR; and
  - c) Clean and Green Programme – DENR.
- The women likewise believe that the issuance of free titles is the realisation of their rights to ancestral domains and ancestral lands. They also mentioned the government's reforestation programme.
- The youths were mostly silent on this question, but one participant mentioned "cadastral survey" and two participants said "(the creation of the) NCIP."

#### H.1.5 Knowledge of Other Institutions/Organisations Providing Services, Programmes and Projects In Relation to IPs' Rights to Ancestral Domains and Ancestral Lands

- Tribal leaders recall NGO projects, such as irrigation systems and bamboo planting along riverbanks.
- The women did not have any reply/response.
- The youth also had no reply.

#### H.1.6 Knowledge of IPs' Obligations in the protection, promotion and fulfillment of the Rights of Ancestral Domains and Ancestral Lands

The tribal leaders say that they have conducted campaign drives on proper waste disposal and proper cultivation practices. The women claim they planted trees, both fruit and non-fruit bearing, which improved the land, took care of and valued the land, cleaned their land twice a year, and planted different crops.

### *H.2 FGD Findings from the KANKANA-EY TRIBE*

H.2.1 The tribal leaders identified cadastral surveying and administrative services related to titling as the most significant measures undertaken by government. The DENR was cited for having undertaken agro-reforestation projects; DAR for the titling of lands in Brgy. Palina; DPWH for the

provision of a domestic water supply system in Brgy. Lagpat, and the NCIP for information campaigns on the rights to ancestral domains and ancestral lands.

According to the tribal leaders, the measures undertaken by individuals and the community to fulfil their rights to ancestral lands included constructing canals and permanent fences for boundary/property delineation; cleaning foot trails and planting trees to prevent erosion; prohibiting tree cutting; and contributing cash for clearing roads.

H.2.2 The youths mentioned cadastral surveys, implementation of the IPRA, and livelihood projects, such as raising pigs and maintaining fisheries as measures undertaken by the government to fulfil their rights to ancestral domains and ancestral lands.

On measures undertaken by the community to fulfill rights to ancestral domains and ancestral lands, the discussion focused on what needs to be done rather than what has been undertaken. The youths suggested the following activities:

- a) create an association/organisation to protect rights to ancestral domains/ancestral lands;
- b) build unity and cooperation among members of the community to fight for their rights; and,
- c) hold seminars by CHR and NCIP on human rights and IPRA.

Regarding measures undertaken by individuals to fulfil rights to ancestral domain and ancestral lands, the youth understood this to mean what they intend to do in the future. These measures include learning more about IPRA and disseminating information about the IPRA to those who need to know more about it.

### *H.3 Findings from the BUGKALOT*

H.3.1 Four participants stated that programmes and services exist, but they are limited and sometimes not given to them. One participant said that KIDAL is supporting them in their needs, while the other two participants mentioned DA-CSMTF.

The tribal leaders said that they have to get help from the government in controlling migrants into their area.

Sample responses from the group were:

“Technical assistance in the ancestral domain use”; “The government is helping us by putting up schools, day-care centres and health centres”; “PAFID is giving us the marker for our ancestral domain.”

H.3.2 The women mentioned the following as measures undertaken by the government: “Accessible roads to facilitate the delivery of their products to the market,” “acquisition of land titles,” “spring development,” “electricity,” “school buildings and teachers,” “livelihood programmes, especially for women, banks as lending institution for them,” “special educational assistance programme” and “farm technologies.”

The participants also cited UNDP, PAFID, and DA-CSMTF as other institutions that provide services and programmes to the IPs.

H.3.3 The youths mentioned “farm-to-market roads,” “school building constructions,” “offering scholarship programmes,” “reforestation,” “communication facilities, like having a cellular site,” “day-care centres,” and the “issuance of land titles” as the government services and programmes given to them.

California Energy, CARABYO, CONVALCO and DA-CSMTF are the non-governmental organisations that help them realise their rights to ancestral domain and lands.

They said that they have to be united as one tribal group in order to protect their lands.

#### *H.4 Findings from the BAGO TRIBE*

H.4.1 The women mentioned free title and reforestation projects. The undertaking of cadastral surveys, facilitating the tribe’s claim of their ancestral domain, and the awarding of CADT were also listed as among the measures undertaken by government to fulfil their rights to ancestral domain and lands.

H.4.2 The youth recognised the assistance given to their tribe by NCIP in their claim for ancestral domain. That assistance led to the issuance of their CADT. Cadastral surveys conducted were also remembered as measures that helped them fulfil their rights to ancestral domains and lands.

H.4.3 Tribal leaders recalled that DENR gave seedlings for reforestation, planted trees, and gave a seminar on the dangers of the *kaingin* system. They also recalled the clean-green programme. But the most important measure was the assistance they obtained in acquiring their CADT. It showed that the whole community was involved in this major event as indigenous peoples.

## **I. IP ISSUES AND CONCERNS RAISED DURING LOCAL CONSULTATIONS CONDUCTED**

Issues and concerns of indigenous peoples, especially those of the tribe members surveyed, were raised during local consultations conducted in the course of project implementation. These are described below.

### **1. First Local Consultation: 4 June 2004, Ating Tahanan, Baguio City**

#### ***First Consultative Workshop on the Metagora Project with IP Stakeholders and IP Representatives***

During the first Consultative Workshop on the Metagora Project, attended by IP stakeholders and representatives, the following issues were raised:

- 1.1 Discrimination against IPs in using basic services and in opportunities to fulfil their rights;
- 1.2 Land issues that have not yet been resolved and that further prevent IPs from enjoying their rights to their ancestral domains and lands;

1.3 The government's liberalisation of mining policies that enable private foreign and national mining companies to secure permits to mine within the ancestral domains of the indigenous tribes;

1.4 Poor delivery of government services that result in inequitable distribution of the fruits of development;

1.5 Violations of rights to ancestral domain, such as IPs' lack of access to forest products. Participants asked: "Why can't IPs cut trees within their ancestral domains to build their homes?"

Alluding to the study that will be conducted under the Metagora project, some IP leaders said: "We don't need studies; we need action. We have been deprived for a long time."

Some IP leaders requested that any project brought to the tribes should consider the sensitivities of the tribe members.

## **2. Second Local Consultation: 17 September 2004, Hotel Supreme, La Trinidad, Benguet**

### ***Technical Workshop-cum-Consultation with IP Stakeholders and Local Partners on the Metagora Pilot Survey***

This was a Technical Workshop-cum-Consultation with IP stakeholders and local partners on Metagora Pilot Survey design and tools. There was a lively discussion, especially on the matter of translating from the English language to the tribe's preferred language. Ms. Jana Asher, OECD consultant on the survey design, explained why the questionnaire should be translated into the tribal language. Native speakers of the Kankana-ey tribe from other parts of the province of Benguet emphatically maintained that the Kankana-ey tribe understands English and the questionnaire does not have to be translated into the Kankana-ey language. The issue was resolved when it was acknowledged that perhaps not all of the respondents in remote barangays would be able to understand the questions in English.

Other issues raised were:

2.1. Users' information on the findings/results. IP leaders asked if the findings of the study would be made known to the target tribes after completion. They observed that after previous research studies, the findings were not disseminated among IPs, and that some inaccurate information on the IPs was produced. The project team assured participants that users' forums would be undertaken with tribe members after the data have been analysed.

2.2. Participation in the study by IP tribes. IP leaders said that those IPs living in remote areas would not receive outsiders without consent of the tribe. The project team assured the IP leaders that they, and other members of the tribe, would be included in discussions on many aspects of the study.

## **3. Third Consultation: 6-8 October 2004, Kibungan, Benguet**

### ***Ancestral Domain Consultation with the Kankana-ey Tribe***

This consultation satisfied the requirement for free prior informed consent that must be met before any project can be implemented in any IP community. The project was explained to the

tribe leaders and local officials of the Municipality of Kibungan, home of the Kankana-ey ancestral domain. Among the issues raised were:

3.1. Benefit of the study to IP community. Since the project consisted of a survey, focus group discussions and local consultations on IPs' rights to ancestral domains and lands, participants asked what the actual benefits of the project would be. The project team explained how the study could benefit the IP community in drawing attention to the policies and programmes that could assist them in realising their rights as a people.

3.2. Development needs of the ancestral domain. The mayor of Kibungan asked how the Metagora study would help the Kankana-ey tribe in meeting the development needs of their ancestral domain. The project team answered that the findings of the study would provide evidenced-based findings that will be useful for planning for the development of the Kankana-ey ancestral domain.

3.3. Benefits to the tribe. There was also a question on what material benefits the study would bring to the tribe. The project team stated that the methodology of the study provides opportunities to empower the tribe, since its representatives will be given training and assigned specific tasks during the survey and the focus group discussions.

3.4. Damage to environment caused by mining. Representatives from a barangay whose environment was badly damaged due to mining activities raised this issue. The project team promised to visit the area so that the matter could be taken up with the concerned authorities. The IPs right to free prior informed consent was explained.

3.5. Lack of delivery of services to IPs. The Kankana-ey tribe representatives noted the lack of delivery of services to IPs, especially services from the national government. The resources of the municipality where the tribe resides are not sufficient to meet the needs and fulfil the rights that must be fulfilled by the State.

3.6 Pro-development and peace-loving nature of the Kankana-ey Tribe. The tribe leaders stressed that the Kankana-ey tribe is pro-development and peace-loving; hence, if any development project is brought to them and they have assessed the project as positive, the tribe will cooperate.

#### **4. Fourth Consultation: 9-11 October 2004, Sugpon, Ilocos Sur** ***Ancestral Domain Consultation of Sugpon Tribe***

This consultation was also conducted prior to project implementation as a requirement before any project will be allowed in any IP Community. The following issues were raised:

4.1 Application of the principle of non-discrimination. There are Kankana-eyes living within the ancestral domain. They are also residents of barangays covered by the ancestral domain in

Sugpon, Ilocos Sur. Are they to be included? Exclusion of one barangay in the study will create a problem between leaders and constituencies.

4.2 Benefits to be derived from acceptance of the project. How will the project benefit the tribe? The project team explained how the project findings could be used for the development of the tribe.

#### **5. Fifth Consultation: 19-21 October 2004, Nagtipunan, Quirino** ***Ancestral Domain Consultation of Bugkalot Tribe***

This is the third consultation conducted to meet the requirements of free prior informed consent. Among the issues raised were:

5.1 Usefulness of the study to the tribe. This issue was repeated by the Bugkalot tribe.

5.2 Issue on access to education. The IP tribal leaders expressed the tribe's growing awareness of the importance of educating their youths. However, given their low standard of living, the Bugkalot youths could not obtain high grades. Their low grades limit their access to scholarships, even in state universities and colleges (SUCs) within their reach. They requested that the grade requirement for scholarships from Bugkalot entrants be lowered to enable more youths to make use of scholarships in SUCs.

5.3 Other benefits from the pilot project. The tribe members also asked for an explanation of what other benefits the tribe could derive from the project.

#### **6. Sixth Local Consultation: 8 March 2005, Nagtipunan, Quirino** ***Local Consultation-cum-Technical Assistance/Livelihood Training***

This consultation was conducted at the same time a training of interviewers was conducted by NSO. The project staff, in coordination with NCIP Quirino, arranged for a consultation involving mostly the Bugkalot women of Quirino. Among the issues aired were:

6.1 Lack of access to five percent of the GAD budget. Bugkalot women do not have access to the GAD budget. According to one woman, "We cannot rely much on LGU leaders." The five percent GAD budget is a policy emanating from the Women in Development Act, or Republic Act 6192, which is already in force. The women were not aware of this opportunity for accessing resources for development.

6.2 Availability of water for agricultural production. The Bugkalot women told of the tribe's need for a water supply for their agricultural crops, especially corn, which is grown on high lands and mountains within their ancestral domain. The women said, "Our corn did not grow much because of lack of water." It is ironic that the Cagayan River, which provides water for the CASECNAN dam that irrigates thousands of hectares in the lowland provinces of Nueva Ecija and Pangasinan and other provinces, is found within the ancestral domain of the Bugkalot tribe.

6.3 Right to work through livelihood or income-generating projects. The women stated that they need other income-generating projects or activities.

6.4 The right to organise for their benefit. When explained how the women could make use of opportunities to access financial assistance for livelihood projects, the women asked to be assisted in organising themselves.

### **7. Seventh Local Consultation: 10 March 2005, Brgy. Paket, Kasibu, Nueva Vizcaya** ***Local Consultation among Bugkalots and Field Visit to Survey Sites***

This consultation was conducted in parallel to that of interviewers by NSO. The project staff visited one of the most remote barangays to be reached by the survey of the Bugkalot tribe. Participants in these local consultations were tribal barangay leaders. Among the issues raised were:

7.1 Consultation of the IPs. Tribal leaders said there was a lack of consultation with the tribe members on development projects that enter their ancestral domain. They cited a mining firm that had begun operating inside their domain without their knowledge. They asked if IPs have the right to be consulted under the FPIC policy because, in the case of the mining firm, they were not. They asked if this was a violation of FPIC.

7.2 Access to markets for their products. Their barangay produces good quality ginger but the price is low. They are at the mercy of middle traders who make more profits than the producers. They need assistance in finding markets for their products.

7.3 Access to basic services and other opportunities through road repair and maintenance. The IPs said that their roads are in dire need of repairs. Travel time is long, and tribal members cannot get the services they need, especially during emergencies. During rainy seasons, remote barangays are cut off from the outside world.

### **8. Eighth Local Consultation: 25-28 March 2005, Brgy. Landingan, Nagtipunan, Quirino** ***Local Consultation and Technical Assistance-cum-Livelihood Training to Bugkalot Women and Visit to Survey Sites***

The project staff verified the conduct of interviews among the households and engaged the barangay tribe members in dialogue. The issues they raised were:

8.1 Capacity-building of Bugkalot women. The women reported that they were organised for the first time. They acknowledged a lack of knowledge and skills in project development and management. They also expressed the need to augment the family income to enable their families to survive.

8.2 Markets for their skills and products. The Bugkalot women had skills in weaving, bead-making and costume-making; the men are skilled in other handicrafts. They have access to raw materials found in their large ancestral domain but their skills have to be honed. They need assistance in product designing and development and in entrepreneurship.

8.3 Funding assistance for their products and crops. The Bugkalots are mainly engaged in agriculture. Formerly a semi-nomadic tribe, they realise the need to settle in communities and exploit their ancestral lands and other natural resources. They have become corn producers, but they need funding assistance for their crop production and for the handicrafts they produce and market. But since many of them have no titles to their ancestral lands, they have no access to credit through the formal sources, and they fall prey to usurers.

8.4 Pricing of their products and access to markets. The Bugkalots complained of low prices for their products that render production unsustainable and vulnerable to bad sources of credit. They said, "The price of corn we produce is at the mercy of traders." They cannot penetrate the market due to distance and bad roads.

### **9. Ninth Local Consultation: 3 May 2005, Sugpon, Ilocos Sur**

#### ***Local Users Forum-cum-IP Proposals for the Development of the Bago Tribe Ancestral Domain***

This was the first Users' Forum conducted after completion of the study. As promised, the Bago tribe was informed of the results of the study. Among the issues raised were:

9.1 Confirmation of the findings. There was no objection as to the findings of the study pertaining to the tribe.

9.2 Development needs. The Bago tribe prepared project ideas that reflect the need for development of their ancestral domains. They also noted their unfulfilled rights in statements such as:

- a) We need a connecting bridge from our poblacion to the adjoining town.
- b) If Baguio market does not get our *ube* products, we do not have a better market elsewhere.
- c) There are areas where we need small irrigation for our farms.
- d) We need connecting farm-to-market roads.
- e) We want to make our place good for eco-tourism, but we need financial and technical assistance.
- f) Our youths who have had schooling can not find jobs so they are just here doing nothing.
- g) The Bago tribe needs to be further educated about their rights, especially their IPRA rights.

### **10. Tenth Local Consultations: 5 May 2005, Kibungan, Benguet**

#### ***Local Users Forum-cum-IP Proposals for the Development of the Kankana-ey Tribe Ancestral Domain***

As promised during the ancestral domain consultation, the project team conducted an inspection in Brgy. Lubo, Kibungan. This barangay was the site of mining activities undertaken by a private mining company. Among the issues raised during the interview were:

10.1 Lack of adequate information on the extent of damage to the environment as a result of the mining operations. The tribe members, lacking in education and expertise in mining, are not aware of the extent of the damage to the vast area subjected to open-pit mining. The land is now desert-like with open pits filled with water that is probably polluted.

The barangay captain said, "Brgy. Lubo, which was left by a mining company, has become a wasteland and we don't know the hazards left. We need technical assistance to ensure that the residents there will not become displaced again if anything happens to the environment due to the mining tails and excavations done there."

10.2 Internal displacement of the tribe members. The mining operations had flattened the second tallest mountain in the area, which used to be the farms of the tribes members. The mining company compensated some residents who left their farms and transferred to other provinces, but over the years these tribe members returned to the barangay. They have become landless as a result and many now have no livelihood and have lost a sense of cultural unity with the tribe.

10.3 Development problems. The mining company left the area earlier than planned. According to the management, the company was losing money on its venture. As it left, the mining company gave no information to tribal leaders about what they were leaving behind and how it could affect the environment. The barangay captain recalled how the tribe tried to barricade the mining personnel still there, but its attempts failed, allegedly because some tribe members were protecting the company personnel.

After the inspection of Brgy. Lubo, the team went to the Users' Forum in the town hall of Kibungan. The tribe treated the team and other guests with Kankana-ey cultural dances and other rituals that showed their appreciation for being involved in the Metagora project. They butchered a black pig as part of the ritual, and held a *canao* dance involving the team and guests.

The findings of the study of Kankana-ey households were presented during this consultation. Among the issues raised were:

**a) Ancestral Domain Sustainable Development and Protection Plan (ADSDPP).**

The tribal leaders and local government officials who are, themselves, members of the tribe requested assistance in disseminating the ADSDPP among the tribe. This ADSDPP was prepared through a joint local government and non-governmental organisation effort, but has not yet been disseminated and implemented. The tribe leaders said, "Our ADSDPP is not yet disseminated to the tribe because we don't have funds to print it. We would also like to update the plan now that we have acquired more linkages through Metagora." The tribe also felt the need to involve their youths in formulating the ADSDPP. They said, "Our youths have to be more involved in the planning and implementing the ADSDPP." It was agreed that the ADSDPP would be reviewed to determine if it is in accordance with rights-based norms and standards. In a later meeting, the tribe leaders agreed to enhance the ADSDPP to make it rights-based.

**b) Farming Technology System.** The tribe's members derive their livelihood mainly from vegetable farming, but they needed money for inorganic fertilisers and pesticides. This has raised some concern, given the continuous increase in prices for these products at the local market and the adverse affect these products have on the natural environment of the ancestral domain. The tribe members said, "Our farming system that has become dependent on use of inorganic fertilisers and pesticides needs to be changed because our waters are affected."

**c) Adequate Water Supply for Domestic and Agricultural Use.** Although the tribe's ancestral domain has rivers, streams and waterfalls that could generate an adequate water supply, these natural resources are not developed; in fact, they are threatened by the use of harmful farming technologies. The tribe reported that in barangays where intensive vegetable farming requires large quantities of inorganic fertilisers and pesticides, the potable water has been affected. There is also no infrastructure to store water, especially during the summer months, when the tribe's communities are subject to water shortages. The tribe said, "We also want to do reforestation in our watershed areas. We want a mini-hydro to improve our economy. How do we get assisted?"

**d) Preservation of Indigenous Cultural Customs and Traditions.** The tribe felt the need to preserve their cultural customs, laws, practices and norms, which are threatened by modern cultural practices, especially those learned by their youths in their interactions in school and at work outside of their communities. The tribe said, "Our culture needs to be preserved. We want to document our customary laws and practices for posterity."

**e) Demand for Continuing Human Rights and IPRA Education.** As a result of human rights and IPRA orientations conducted in the course of implementing this project, the tribe leaders recognised the importance of human rights and IPRA education, which they find useful for the full enjoyment of their rights to ancestral domains and lands. As rights-holders, they realised that with adequate knowledge and skills in human rights and IPRA, they will be better prepared to protect and sustain the enjoyment of their rights. The tribe leaders said, "We need more human rights and IPRA education."

**f) Reaction to Identification of Basic Delivery of Services by Government Agencies.** During the consultation, the tribe members observed that the social services that the tribe had accessed from government were not mainly from DSWD Central /National Office but from the devolved local government units. They sought the findings to be corrected. They stressed that it should be their local government unit that should get the credit rather than DSWD. This reaction showed that the tribe can differentiate between the sources of basic services delivered to them. It also shows that the local government units are able to respond to their needs and thus facilitate fulfillment of their rights.

**g) Inaccessibility of Some Barangays because of Lack of Roads and Land Transportation.** Officials and leaders from one barangay had to walk eight hours to reach the town proper. Since the terrain was mountainous, it will take years before a road network can be constructed, especially given the practice of determining return on investments when planning and approving projects for development in remote rural areas.

The participants said, "We have barangays unreached by land transportation. These barangays are beautiful and need to be reached, but only through foot trails." It was suggested that donkeys be used to transport goods and bring their children to high school.

**h) Environmental Sustainability.** The Kankana-eyes have begun to understand the need to protect the environment in their ancestral domain. The area is the biggest producer of sayote

vegetable. They said, "Our sayote farms are eroding the upland. We must find substitute crops that have a good market. We need technical development assistance for crop diversification."

*i) Low Prices of Crops and High Inputs.* Brgy. Madaymen produces vegetables but markets are limited and prices do not reflect the work involved in producing them. They said, "The inputs to farming is becoming our big problem."

## **11. Eleventh Local Consultation: 7 May 2005 Aglipay, Quirino**

### ***Local Users' Forum-cum-IP Proposals for Development of Bugkalot Tribe Ancestral Domain***

This is the third of the local users' forums conducted mainly for the purpose of presenting the findings of the survey of Bugkalot households. Among the issues raised were:

11.1 The need to prepare their ADSDPP. The Bugkalot ancestral domain in Quirino occupies 50 percent of the Quirino land area, hence the Metagora findings on socio-demographic characteristics are useful in preparing the Quirino Protected Area Plan. The Bugkalot ADSDPP also has to be prepared but there is no funding yet. The tribe leaders said, "We were informed that UNDP gave funds to do this. Where is the fund? Was it really released and to whom?" The tribe also recognised the need for assistance and training in preparing a relevant ADSDPP. They said, "We need to be capacitated in planning and implementing ADSDPP."

11.2 Value for education. As a semi-nomadic tribe, the Bugkalots could not obtain their education from formal schooling because they change residences frequently. Very few of them reach higher levels of education. Some parents realised the importance of education and decided to cultivate their land so their children could stay in school. The tribe leaders said, "We value education now because we have seen how education can help us develop our ancestral domain. We need to send more youths to schools."

11.3 Protection of their ancestral domains from illegal entrants. Among the three tribes surveyed, the Bugkalots expressed the most concern about illegal entrants onto their lands. The Bugkalots have about 138,000 hectares of ancestral domains in three provinces: Nueva Vizcaya, Quirino and Aurora. The ancestral domain is rich in natural resources and mineral deposits that could bring prosperity for the tribe if they were able to exploit these for their own welfare and benefit. They mentioned that when they have not valued their lands, other tribes who arrive in their ancestral domains would ask their tribal leaders to occupy certain portions of these lands and the leaders would allow them. They also mentioned that, as semi-nomads, their tribe members would clear areas within their ancestral domain and convert these into swidden farms. They would occupy their swidden farms for a few years and then leave the land fallow to allow for natural replenishment. However, other tribes would then settle in these swidden farms after the tribe members left. When they returned, the Bugkalots would have to find another area, usually more remote, in which to establish a swidden farm for their families. They no longer leave their farms, but the more accessible tracks of ancestral lands have since then been occupied by other entrants. Some of their tribe members also sold their lands because they couldn't afford to retrieve them from the more entrepreneurial entrants coming from other tribes. The tribe leaders said, "The illegal entrants are not fully controlled within our ancestral domain. When will the

Bugkalot CADT be awarded so that we could establish boundaries that will enable our tribe members to protect their ancestral lands?”

11.4 Award of their ancestral domain title. The Bugkalots expressed the need for NCIP to fasttrack the awarding of their CADT so that they can delineate the boundaries of their ancestral lands. The tribe believes that the CADT would enable it to control the influx of illegal entrants. The tribe leaders ask, "How can our ancestral land titles be awarded if the CADT is not yet awarded?"

11.5 Right to ancestral domain waters. The tribe leaders expressed their displeasure about the CASECNAN Dam project, which resulted in their lack of access to water sources needed for their crop production. The tribe leaders said, "Our ancestral domain is the source of the Cagayan River that is now used in irrigation through the CASECNAN dam, but our tribe has not yet gotten any tax or share from the Casecnan Dam. We are not even informed when the dam releases water. We had cases of lives lost due to this."

11.6 Demand for human rights and IPRA education. The tribe leaders recognised that knowing their rights and the means by which they could claim them will assist them in realising their rights to ancestral domains and lands. Thus, the tribe leaders said, "CHR and NCIP should provide our tribe leaders, women and youths with intensive human rights and IPRA education. We are willing to undergo training."

## **12. Twelfth Consultation: 18 July 2005, Makati Palace Hotel, Makati City**

### ***The National Stakeholders Forum***

This is the last of the consultations conducted on the findings for dissemination purposes. Participants came from representative delegations of the three tribes, from the partner agencies (CHR, NSO, NSCB, NCIP, SRTC, human rights NGOs and academia), funding agencies, the media, and other NGOs focusing on IP issues. Ms. Sylvie Walter, Project Officer of OECD MCT, led the forum. The forum consisted of presentations of the tools, approaches, coordinating mechanisms and quantitative and qualitative findings of the study conducted. Issues raised include:

12.1 Need for human rights action based on evidence gathered. Human rights policies and programmes must be developed to strengthen the claims for the respect, protection and fulfillment of IPs' rights to ancestral domains and lands. The roles of CHR and NCIP were highlighted, as were those of various statistical agencies.

12.2 Do not leave us yet. This was an issue raised by the tribes. For them, a continuous interaction with the agencies that participated in the study is needed to provide them with technical and other forms of assistance to create a better environment for the fulfillment of their rights.

12.3 Validation of the findings. The findings that were presented were validated by spokespersons from the three tribes. Other participating tribe members also confirmed the findings.