OPEN LETTER TO PRESIDENT BENIGNO AQUINO III

Dear President Aquino:

Greetings of peace from Indigenous peoples, advocates and development organizations working for the advancement of indigenous peoples rights!

On the occasion of the International Day of the World’s Indigenous Peoples, commemorated by the United Nations on August 9 each year since 1994, we challenge you to give due attention to the urgent plight of indigenous peoples in our country. Indigenous peoples comprise a significant 15% of the population of the country, yet didn’t even merit a mention in your State of the Nation Address. Every day, indigenous peoples face life and death struggles due to daily threats and violations of their rights to land, life, resources and self-determination. Such a situation arises as indigenous peoples have been deprived ownership and control of their ancestral lands, which they have inhabited since time immemorial. Worse, they have been historically discriminated against, marginalized in government policies and ignored in government development planning.

Two years ago on August 9, 2010, soon after you became president, 65 organizations of indigenous peoples and support groups from all over the country, at the community, regional, national and international levels, crafted an Indigenous Peoples (IP) Agenda and submitted this to you through your sister, Ms. Viel Aquino-Dy for your consideration and immediate action.

The IP Agenda consisted of five main themes: (1) On the National Commission on Indigenous Peoples (NCIP), titling of ancestral lands and domain, Free Prior and Informed Consent (FPIC) and the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP); (2) Millennium Development Goals (MDGs) and Indigenous Peoples; (3) The GRP and MILF Peace Talks, the Bangsa Moro Juridical Entity (BJE) and the GRP and NDFP Peace Talks; (4) Human Rights Violations; (5) Mining and other Development Projects; and (6) Conflicting Laws.

Mr. President, until now, we have not received any response from you on the IP Agenda, nor has there been any significant development in favor of indigenous peoples. In fact, indigenous peoples still suffer the same problems raised in the IP agenda. There has been little government action to respond to the issues raised by indigenous peoples and advocates in 2010.
While we welcome the changes done to the NCIP by appointing new commissioners to the job, this is certainly not enough. We need more grounded, able and rights-oriented personnel down to the regional level, who are not cowed by large corporate and political interests in fulfilling their mandate of protecting indigenous peoples’ rights. We welcome the review and revision of the 2006 FPIC guidelines, to which we actually contributed through the technical working group (TWG) formed by the National Cultural Communities Committee of the House of Representatives and NCIP officials. However, to our dismay, the final revised FPIC guidelines promulgated in April 2012 did not include some major points discussed in detail in the TWG such as the decision-making of the community not being time-bound, among other provisions. We also still need to hear a positive response from you regarding the institutional assessment of the NCIP done by UP Baguio, which clearly identifies serious weaknesses on the part of NCIP in terms of ancestral land and domain titling, FPIC, education, financial management, among others. We expect you to take this assessment of the NCIP more seriously and to act decisively on its findings, in the interest of indigenous peoples.

Mr. President, national laws and policies have generally failed to recognize the rights of indigenous peoples. Laws that mention indigenous peoples, ancestral lands and culture are sorely lacking and even dangerous for indigenous peoples. For instance, the Philippine Mining Act of 1995 which governs all mining activities in the country at present opens up ancestral lands for local and foreign mining corporations. The National Integrated Protected Areas System purports to protect our ecosystems but actually has dispossessed and deprived indigenous peoples of areas of livelihood. The Forestry Code restricts indigenous peoples from accessing forest products and cutting trees for household or small community use, yet at the same time, industrial logging is tolerated. These laws go against the interests of indigenous peoples, many of whom reside in declared protected areas, forests and mineral lands. Mr. President, it is urgent that you look into these issues and take remedial action to protect indigenous peoples’ rights.

On poverty eradication, Mr. President, your administration continues to implement the Pantawid Pamilyang Pilipino Program (4Ps) which provides financial assistance to poor households with infants and children going to elementary and secondary schools. While we recognize that some indigenous peoples are included in this program, testimonies from our communities and organizations reveal that the process in getting financial assistance is too tedious, requiring documents that indigenous peoples usually don’t have or can’t acquire and entailing additional expenses for the family. There are also cases of discrimination against indigenous peoples and misappropriation of financial assistance. We believe that the 4Ps is not the solution to the impoverished situation of indigenous peoples. What they primarily need is full control of their ancestral domains and government support for basic services and agriculture. Furthermore, the 4Ps is unsustainable being reliant on foreign loans, while reinforcing the culture of mendicancy and dole-out dependency of poor families.

Compared to the former administration, you immediately pursued peace talks with the NDFP and the MILF. The GPH panel (of the GPH-NDFP peace talks) participated in peace consultations with indigenous peoples in several occasions, including the Cordillera Day celebration held at Lacub, Abra on April 24, 2011 and a dialogue held during the IP Day celebration on August 8, 2011 at the House of Representatives. In these activities, the indigenous peoples shared their views on the peace talks and submitted demands for consideration by both panels. However, it was disappointing that no GPH representative from the GPh-MILF peace panels attended the dialogue at the House of Representatives.
last year. In this regard, we strongly urge you to give the proper attention that they deserve to indigenous peoples’ concerns in the peace negotiations.

A matter of urgent concern is the impact of large-scale mining operations ongoing in many indigenous peoples’ communities. In fact, mining applications and agreements are increasing despite peoples’ opposition at all fronts. The swift entry of numerous foreign-owned mining corporations into our country is facilitated by the Philippine Mining Act of 1995, which liberalized the mining industry to the benefit of foreign investors. For indigenous peoples, large-scale mining spells “death” and displacement from their livelihood sources, aside from the loss of their ancestral domains that was passed on to them by their ancestors.

Mr. President, the new mining policy EO 79 that you recently passed is but a reiteration of the Philippine Mining Act of 1995. Considering previously approved mining agreements as valid without review despite sustained opposition of the people, and creating a one-stop shop for mining applications is very dangerous for the welfare of indigenous peoples. This is a direct affront to their right to self-determination, free prior informed consent (FPIC) and the right to control their ancestral domain. The passage of a new People’s Mining Act is urgently needed to be able to impose stricter environmental and social standards for mining operations and to reorient the mining industry towards genuine national industrialization.

Aside from mining, indigenous peoples are adversely affected by other development projects imposed upon them such as mega-dams and plantations. Mr. President, please bear in mind the plight of indigenous peoples who will surely suffer from the construction of Pulangi Dam V. Also, consider the rights of the Higaonon in Opol, Misamis Oriental whose lands were unjustly grabbed and occupied by A. Brown, an oil palm plantation company. We challenge you to act immediately to stop such development aggression being committed against indigenous peoples.

It is understandable why indigenous peoples oppose projects and government programs that do not benefit them. However, it is unacceptable that the government’s response to legitimate peoples’ protest is militarization and deployment of huge military forces in communities. Leaders and members of indigenous peoples’ organizations are vilified and branded as communists or members of the CPP-NPA. A number of indigenous leaders were killed fighting against environmental destruction, development aggression and militarization. To mention some: Rafael “Markus” Bangit, Nicanor delos Santos, Abe Sungit, Rabenio Sungit, Jimmy Liguoyon and the Belayong brothers. The government has yet to apprehend and bring the perpetrators to justice. Militarization is a serious problem because soldiers sow fear and restrict community mobility, even disrupting the education and training of indigenous leaders and school children. The military deployed in communities often set up their camps in schools, barangay halls and community multi-purpose halls. Mr. President, is this the straight path you are talking about?
Mr. President, your response and action on the IP Agenda is long overdue. We challenge you to take the interests of Philippine indigenous peoples to heart and we expect more decisive action from you. We reiterate our demands based on the Indigenous Peoples Agenda and the present situation of indigenous peoples under your administration. We appeal to you to:

1. Work for the repeal of the Philippine Mining Act of 1995 and the urgent passage of a new People’s Mining Act based on a review of several alternative mining bills currently being deliberated in Congress.

2. Stop the construction of the Pulangi Dam V that will affect numerous indigenous peoples’ communities in Mindanao.

3. Revoke and review previously approved agreements with mining companies that do not have proper FPIC and environmental impact assessment. Declare a moratorium on the approval of new mining applications in indigenous peoples’ lands.

4. Bring to justice the killers of Jimmy Liguyon, Rafael “Markus” Bangit, Nicanor delos Santos, Abe Sungit, Rabenio Sungit, the Belayong brothers and other indigenous peoples who died defending their ancestral domain from environmental destruction and development aggression.

5. Withdraw military and paramilitary troops from indigenous peoples’ communities and prohibit the military from occupying schools, barangay halls, health centers, indigenous meeting places and other community-owned institutions.

6. Recognize and support Community–based Renewable Energy Systems set up and operated by development organizations and indigenous peoples organizations as real alternative renewable energy sources in far-flung areas.

7. Review the Joint Administrative Order of the DENR, DAR, NCIP and Register of Deeds should not be allowed to undermine the rights of IP to their lands, but should, instead fast-track the processing of the IPs legal recognition to their lands.

8. Revamp and reform the NCIP structure, processes and programs to be truly responsive to indigenous peoples concerns and to be able to fulfill its mandate of protecting indigenous peoples’ rights.

**PHILIPPINE TASK FORCE FOR INDIGENOUS PEOPLES’ RIGHTS**

Consortium of Christian Organizations in Rural Development
Cordillera Women’s Education Action Research Center
Episcopal Churches in the Philippines
Iglesia Filipina Independiente- Visayas-Mindanao Regional Office for Development (IFI-VIMROD)
Regional Development Center – Katinnulong Dagiti Umili ti Amianan
Montañosa Research and Development Center
Peoples’ Development Institute
Southern Christian College – Community Education, Research and Extension Administration
Sibol ng Agham and Teknolohiya
Tebtebba Foundation, Indigenous Peoples’ International Center for Policy Research and Education
United Church of Christ in the Philippines – Integrated Development Program for Indigenous Peoples in Southern Tagalog