

BREAKING GROUND FOR THE LASALLIAN MISSION: THE CASE FOR INDIGENOUS PEOPLES OF THE PHILIPPINES

*Br. Lawrence Aikee Esmeli FSC
District of LEAD
Sector of Philippines*

ABSTRACT

This study focused on gathering and examining the experiences of the IPs, particularly the Manobo tribe in the Caraga region in advancing their rights to self-determination and economic empowerment. The study sought to analyze the conflicts faced by the member tribes of the organization and evaluate options and strategies in addressing their concerns. Through the use of the Rapid Land Tenure Assessment, the study was able to collect and organize stories of the IPEU and its member tribes regarding its organization, its economic plans and their legal concerns and issues. Findings showed that instruments to protect the property rights of the IPs such as the IPRA have not been successful in gaining the respect and order that is needed to promote and sustain their economic plans. To achieve the protection of rights of the IPs, economic, legal and organizational interventions are needed.

Key words: indigenous peoples (IPs), Caraga region, Rapid Land Tenure Assessment, property rights, Indigenous Peoples' Economic Union (IPEU).

Narrative of IPs in the Philippines

The interest on indigenous peoples (IPs) has increased in the past 20 years as the Philippines continue to examine and define its identity through its colonial past. As academics and development workers uncover years of struggle and defeat, the IPs undeniably hold the key to the nation's history. Beyond excitement from archaeological finds and exotic appreciation of indigenous culture by the colonized majority, the quest for historical justice remains a quagmire, if not an arduous struggle.

Worldwide, the IPs comprise a third of the world's poorest and disadvantages include the basic social services such as health, education and human rights among many other forms of deprivation (UNDP, 2010). They have long faced marginalization through their exclusion from the dominant political systems and regimes and threatened with extinction along with their languages, cultures, customs and lives. Land tenure security, ownership and exploitation of natural resources, political determination and autonomy (ADB, 2007) are just some of the conflicts that the IPs experience even after a United Nations Declaration on the Rights of Indigenous Peoples in 2007.

In the Philippines, the IPs constitute about 14.1 million (NCIP, 2010), more than a tenth of the total population and comprise about 110 ethnolinguistic groups. Some tribes live in forest ecosystems, while others are found in the plains and coasts. The IPs from the Cordillera Administrative Region (CAR), in Luzon Island, make up to 33% while the Mindanao Islands tribes take up to 61% (UNDP, 2010). It is important to note, however that census and registration continue to be a problem for most IPs. Despite being tagged as a disadvantaged sector in RA 8425 or the Social Reform and Poverty Alleviation Act, the National Statistics Coordination Board has reported that

poverty statistics for the IP sector was not generated in the IP sector due to data constraints from existing censuses and surveys (NSCB, 2011). Absences of birth certificates and unregistered marriages in some areas only prove the IP exclusion, as 92% of them remain invisible in the planning statistics of the government (Philippine Daily Inquirer, 2013).

Republic Act 8731 or the Indigenous Peoples Rights Act (IPRA) has been lauded as a progressive measure in the region, ‘being at the forefront of recognizing the rights of the country’s indigenous people’ (Perez, 2004). The ADB notes that the Philippines and Malaysia have the legislation that assigns the most rights to IPs (ADB, 2007).

Years hence, a pilot study on the Indigenous Peoples’ rights to ancestral domains was conducted through the METAGORA project (NSCB, 2006) and reported that seven out of 10 members of the IP are aware of the rights to the ancestral domains and lands. Aside from awareness, it also described realizations and violations experienced by the IP. The study posted the following information:

- Highest rated rights: right to develop lands, right to ownership, right to safe and clean water.
- 41% of IPs experienced violations of rights on their ancestral domains
- Of these violations, 64.9% was about illegal entry, 48.7% encroachment, 29.5% experienced pollution and 11.4% were displaced.

The Philippine Partnership for Development of Human Resources in the Rural Areas (PhilDHRRA) in May 2008 released the Philippine Asset Reform Card which assessed the asset reform thrusts of the government. Concerning the IPRA, the study concluded that “the IPs ownership and rights over their ancestral domain are far from secure despite the IPRA.” They reported that 69% of the activities done within their ancestral domains are done without their consent and 44% of the respondents have conflicting claims over their ancestral domains (PhilDHRRA, 2008). Lederach (2005) recounts his discussion with an indigenous elder in Luzon Island. He quotes him:

...some believe that ancestral domain is essentially a term that refers to land fights where indigenous people claim historical rights to a piece of land when outside groups want the land, or the minerals, forests or water. I suppose that is true. But for us ancestral domain is not about the land as if it were a legal question of title. For us, it is the place is where our ancestors live. Where they live is where we are people. You take away our place, you take away our past. You take our past, and we cease to be (p.132).

In the discussion of indigenous peoples’ needs, a paradigm check is necessary, especially for non-IP academics in order to promote a fair perspective.

Call for assistance to the De La Salle Brothers

The Indigenous Peoples Economic Union (IPEU), a network of 31 Tribal Leaders in the CARAGA region in Mindanao Island wrote a formal letter to the President of De La Salle Philippines, Br. Jose Mari Jimenez FSC, requesting assistance in their goal to promote their rights and self-determination as Lumads in Mindanao. The members of IPEU also comprise ALLUMAD or the Alyansang Lumad Mindanao, a party list organization that was recognized and campaigned for a seat in the 2010 and 2013 National Elections. The tribal leaders are as well applicants and holders of Certificate of Ancestral Domain Claim (CADC), Certificate of Ancestral Domain Title (CADT) and Certificate of Ancestral Land Title (CALT) who organized to assert their rights.

The letter written by Julius Mabandos, whom they consider a Sultan and who for them was a duly

elected representative of legitimate datus in their network of tribes, contained their concern for the youth of the IPEU member tribes who were mostly of Manobo ancestry. They sought for assistance in the education of the young and the governance of the elder leaders primarily in the proper stewardship of their resources in their ancestral domains. Through this assistance, they believe that economic self-determination and eventually the preservation of their culture will be achieved. De La Salle Philippines and committed a long-term training of local leaders on governance through the De La Salle University (DLSU) Jesse Robredo Institute of Governance. Two immediate responses were given; first, a workshop where the tribal leaders were able to share their experiences, and second, a study to assess the land tenure security of the group members, from which the author was directly involved. This invitation to be of service to the indigenous peoples comes at an opportune time when after one hundred years of presence in the Philippines, the De La Salle Brothers continue to seek new forms of commitment to be of service the young, especially to the poor through education.

The organization IPEU is seen in their increased determination to exercise their rights to access to their resources through envisioned economic prospects in agroforestry and large-scale agriculture. This brings the study to ask the following relevant questions:

1. As IP groups seeking security of land tenure, what are the challenges that the organization will face in their vision to use their resources?
2. At the organization level, what options does the organization have in addressing these concerns?

Objectives of the Study

This study generally aims to determine how the IPEU can be assisted in their fight against oppression. The general objective is hoped to be realized through the following objectives:

1. Analyze the conflicts on land tenure and access faced by the member tribes of the organization; and,
2. Evaluate options and strategies for the organization in addressing their issues on land tenure and access.

Significance of the Study

The study is a humble attempt to address first, the need of the organization in planning of programs and activities for their respective ancestral domains and second, the need for relevant literature for cases and experiences of the IPs in the Caraga region.

The organization believes that in order for their groups to survive and meet their daily basic needs, they would need to utilize the resources, from which they believe are part of their ancestral domains. The study hopes to help the organization by presenting the facts and figures regarding security of land tenure and access to their resources, which is the response as well of the author to their written request.

While literature on IPs slowly increases, much has yet to be contributed specifically in their experiences of land tenure and access considering that the Indigenous Peoples' Rights Act was enacted only 17 years ago. Cases and field studies such as this attempt may count as a resource for this marginalized sector. This initiative by the IPEU is one important opportunity to conduct this

study because the author will be granted access to their documents, organizational network and even logistics which otherwise would be very difficult to seek.

Property Rights and Resources of the Indigenous Peoples

For a deeper understanding of the organization's situation, this study assumes that land tenure security is the key to the economic empowerment of the members of the IPEU (DFID, 2014). Of the three definitions of UN-HABITAT (2008) on land tenure security, this study used two of these, namely: 1) “the degree of confidence that land users will not be arbitrarily deprived of the rights they enjoy over land and the economic benefits that flow from it; and 2) the certainty that an individual’s rights to land will be recognized by others and protected in cases of specific challenges.” In the assessment of land tenure security, property rights were focused upon.

A property right is “the exclusive authority to determine how a resource is used, whether that resource is owned by government or by individuals” (Alchian, 2008). As the researcher studies exercise of property rights through ownership and control over resources, Edella Schlager and Ellinor Ostrom’s (1992) major scholarly work is of great help. In *Property-Rights Regimes and Natural Resources: A Conceptual Analysis* (1992), three important concepts offered were adapted in this study: bundle of rights, holders of rights and legitimacy of holders. Common-property resource, being defined as “property owned by government, by no one, or owned and defended by a community of resource users” (Ostrom and Schlager, 1992) was applied to the areas to be studied.

Ostrom (1976) refers to rights as “particular actions that are authorized” in the resource areas. It is argued that there are five rights associated in natural resources use which are as follows:

1. Access: the right to defined physical property.
2. Withdrawal: the right to obtain the “products” of a resource.
3. Management: The right to regulate internal use patterns and transform the resource by making improvements.
4. Exclusion: The right to determine who will have an access right and how that right may be transferred.
5. Alienation: The right to sell or lease either or both of the above collective-choice rights.

Holders of these rights are distinguished into four types: owner, proprietor, claimant and authorized user. These holders are associated with specific bundle of rights as described in *Table 1*.

	Owner	Proprietor	Claimant	Authorized User
Access	X	X	X	X
Withdrawal	X	X	X	X
Management	X	X	X	
Exclusion	X	X		
Alienation	X			

Table 1. Holders and Bundles of Rights

Legitimacy of holders depend whether they are *de jure*, or those actions towards resources that are enforced and authorized through legal and constitutional means, or *de facto*, where actions are agreed upon by resource users but are not recognized by the government.

Framework of Analysis

A theory of change (Weiss, 1995) is adapted to provide a causal pathway in the analysis of the findings in this research. As adopted from Domingo (2013) in promoting property rights and development, *Figure 1* graphically represents the expected contexts encountered in this study, its supposed interventions and respective intermediate and final outcomes.

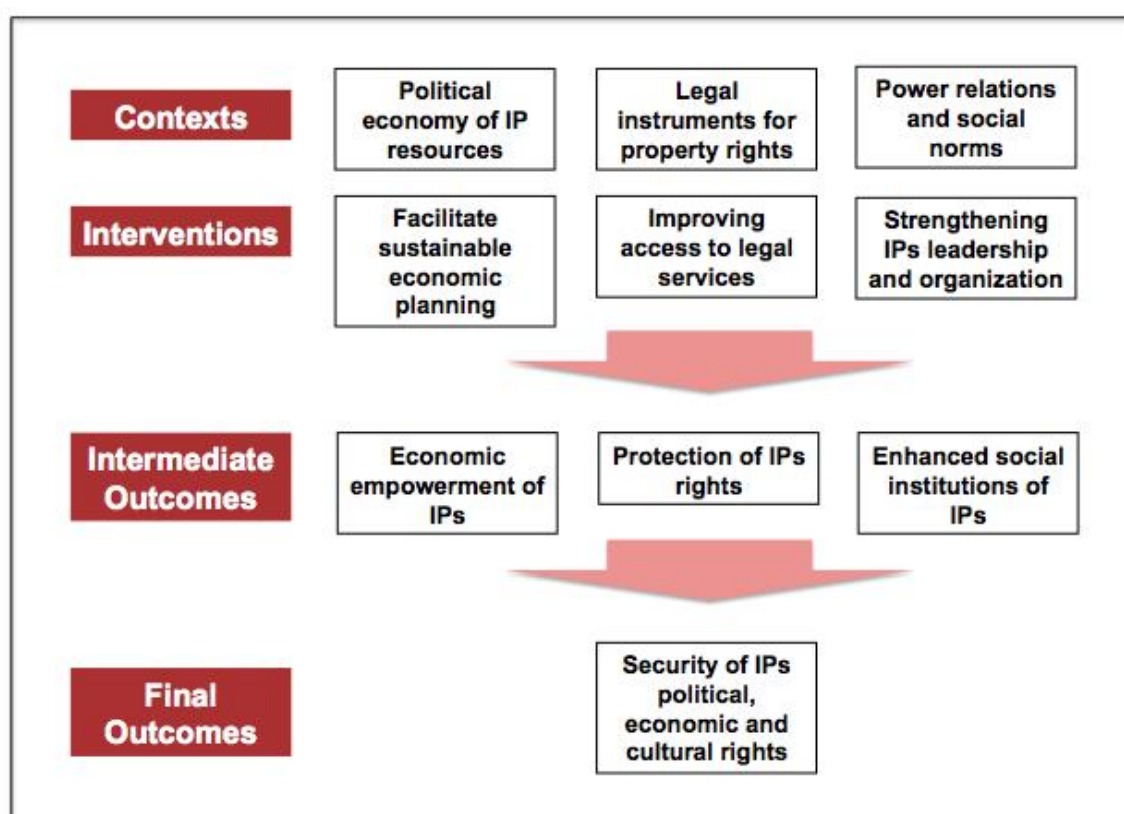


Figure 1. Framework of Analysis

Research Design

A key feature of this research is the use of the rapid land tenure assessment to describe and organize information about the contexts that the IPEU faces. In 2010, Galudra et al. through the World Agroforestry Center published the *RaTa: A Rapid Tenure Assessment Manual for Identifying the Nature of Land Tenure Conflicts*. Culled from experiences from Indonesia, it serves as a tool in describing relationships between land tenure and land claims and facilitating policy options and interventions in conflict analysis. Galudra et al. argue that in analyzing resource management issues – access, claims, control and distribution through tenure assessment can help analyze conflicts and future decisions. This assessment was chosen to assist the IPEU in analyzing the various experiences of their member tribes in the pursuance of their economic visions. To be able to execute their plans, they need assessment in order for them to make informed decisions.

Date and Place of Study

A preliminary visit was made on April 24-28, 2014 to assess the feasibility of the study and data gathering was done on September 4-8, 2014. The study maintained a focus on the organization, IPEU and its member tribes. The organization operates in the Caraga region in Mindanao across five provinces: Agusan del Norte, Agusan del Sur, Surigao del Norte, Surigao del Sur and Dinagat Islands.

Created through Republic Act No. 7901 in 1995, the region has 6 cities, namely Butuan, Cabadbaran, Bayugan, Surigao, Tandag and Bislig. While the majority of its population is Visayan, the region is also home to the Manobo and Mamanwa tribes. *Figure 2* illustrates the Caraga region map. About 71% of its land are forests and it is also abundant in mineral deposits such as iron, gold, silver, nickel, chromite, manganese and copper (NNC, 2014).



Figure 2. Map of Caraga Region

The Respondents and Informants

The IPEU has set eight member tribes as part of their first phase of development, noting their respective CADT / CADC statuses, hectareage, representatives and relevant resources. For purposes of security and privacy, names have been changed into codes. Those who belong to this phase are listed in *Table 2*.

CADT-CADC AREAS	No. of Hectares	Datu Representative	Project Potential & Known Mineral Reserves
CADT 1 – Bislig, Surigao del Sur	15,800	Bae 3	Tree plantation (cacao, rubber, palm oil, crops), Hydropower & energy source
CADT 2 – Veruela, Agusan del Sur	30,453	Datu 5	Tree plantation (cacao, rubber, palm oil, banana, rice and crops), Hydropower & energy resource
CADT 3 – Cabadbaran, Agusan del Norte (Case 1)	26,000	Bae 1, Datu 1	Tree plantation (cacao, coffee, rubber & crops), gold, silver, copper & nickel Hydro power & energy source
CADT 4 – Sibagat, Agusan del Sur	26,000	Datu 6	Tree plantation (rubber, coffee & crops) Gold, copper & coal, Hydropower & energy source
CADC 1 – Trento, Agusan del Sur (Case 2)	22,000	Datu 2	Tree plantation (cacao, palm oil & crops), Gold & copper Hydropower & energy source
CADC 2 – Santa Josefa, Agusan del Sur (Case 3)	10,000	Datu 3	Tree plantation (cacao, banana, bamboo, palm oil, rice & corn)
CADC 3 – Bayugan, Agusan del Sur (Case 4)	38,000	Bae 2, Datu 4	Tree plantation (fruits, rubber, palm oil, cacao, coffee, crops) Gold, copper & carbon Hydropower & energy source
CADC – 4 San Antonio RTR Agusan del Norte	15,000	Datu 7	Tree plantation (coffee, rubber & crops) Manganese, Hydropower & energy source
TOTAL	189,253		

Table 2. IPEU First Phase of Development

While in the process of implementing their development goals, they note that these areas confront various issues and conflicts over ownership and control of their resources. The group and the member tribes maintain that these are their lands and resources and that despite these problems, they will continue to exercise their rights and use the resources for their families' survival and

development. When asked about which of these areas are most problematic and could be the areas for the assessment, the Sultan chose four areas namely, CADT092 and three CADC holders in the municipalities of Trento, Santa Josefa and Bayugan (highlighted in light green). Key informants for the four cases are the respective representatives of their tribes.

Research Instruments

Site Visits. Visits were facilitated by the organization but transportation costs were shouldered by the author. IPEU has committed to send with the author a vehicle with a driver, and a security detail who will also act as a liaison in providing contact and advanced arrangements with the communities concerned.

Key Informant Interviews (KII). The study prioritized the opinion of the member tribes in gathering relevant data. In the description of the conflict, interviews were conducted with the member tribe's leaders, depending on the sample provided by the IPEU, taking into consideration as well constraints in logistics, transportation and accommodation costs, distance, health, well-being and safety of the informants. The guide for semi-structured interviews also provided by Galudra which were translated into Filipino (or Visaya, whenever needed) and were used as the springboard for discussion among the tribal leaders.

Review of Documents and Photographs. Documents presented by the tribal leaders were examined and photographed for reference. This was also used to support claims of incidents and proof of identity.

Data Collection Procedure

The rapid land tenure assessment contained specific inputs and outputs through respective phases (Galudra, 2010). These phases included: 1) locating and mapping potential sites, 2) competing claims dimension, 3) actor analysis, 4) assessment, 5) policy study and 6) policy option. *Figure 3* illustrates these phases and the needed methods and references.

Data Analysis

To fulfill the first objective of this study, which is to analyze the conflicts on land tenure and access faced by the member tribes of the organization, the following were used to organize and analyze data that were gathered:

- *Mapping of Tenure and Conflicting Claims*, where spatial dimension and geographical boundaries of land and resource use were expected to help in structuring discussion and help identify actors.
- *Competing Claims Time Line*, where history of competing claims and sequence of events helped clarify dynamics and key issues.
- *Actor Analysis*, where key actors were identified and assessed of their interests, power and potential impacts over land tenure conflicts.
- *Guide Questions for Semi-Structured Interviews*, where basic information was gathered and the general situation was drawn from the participants.

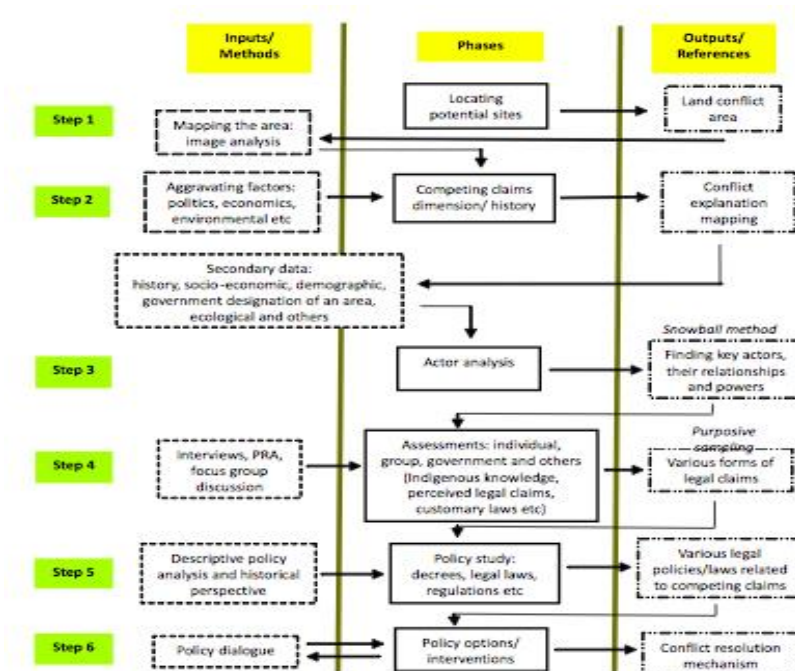


Figure 3. Steps in Rapid Land Tenure Assessment

Findings from the Study

The Indigenous Peoples' Economic Union (IPEU)

According to the fact sheet provided by the IPEU Chairman and its Executive Director, the purpose of the alliance is to “serve as the institutional vehicle and strategy for the economic and cultural empowerment of the Lumad tribes”. In their vision and mission statement, they wish to achieve the following:

- Targeted investment return;
- Resource sustainability;
- Inclusive growth and;
- Capital build-up

Their Lumad Union Program and its structure are illustrated in *Figure 4*. They proclaim to have 21 clan owners of CADT in their membership with a total hectareage of 470,000 – 150,000 of which have been committed to the future projects of IPEU. In their governance principles, they note that “with the release of the draft Bangsamoro Basic Law (bill) last April 14, 2014 it is evident that the National Government has no regard for the IPs’ rights... and despite being at the core and adjacent to the Bangsamoro territory their efforts (to consult their communities and stakeholders) were never heard and recognized by the Bangsamoro Transition Commission.” While they do not wish to form an autonomous territory, they wish to support their ancestral domains most of which are situated near each other. In their economic agenda, they have prioritized a resource pool system wherein their member tribes will contribute to their collective development as illustrated in their Resource Pool System from their framework paper.

View from Four Stories

While the intention was to interview individual tribal leaders, upon arrival in the area were various leaders who wished to listen to the discussion. The author as well encouraged them to contribute, out of respect and value to their experiences. Some either added or simply affirmed what the leader/s has/have shared. The following case studies provide a profile of the areas and as well a discussion in accordance with the provided list of objectives from the Rapid Land Tenure Assessment framework. For the safety and security of the informants, their real names were withheld.

Case 1

In their refurbished association center, Datu 1 and Bae 2 started the discussion with their complaint on a hydroelectric power generator project by X Hydropower Corporation Inc. covering 24 hectares that allegedly was recently approved by the NCIP. She explained that her father had a second wife from which she had a half-brother, Datu 1.2. She said that it was her half-brother who claimed the land that was supposed to be hers. Despite the awarding of the CADT to their clan, she said that the NCIP recognized her half-brother for this project which led her to file a complaint to the Ombudsman. She won but the Memorandum of Agreement between the tribe and the X Hydropower Corporation Inc. has already been approved. Given her illiteracy, she asked help from a forester, Mr. A whom they trusted to prepare documents on their behalf. At present, she has been recognized by the NCIP but the project has not started. A letter of assurance was given by the NCIP however, that their clan will benefit from its proceeds.

She added another case of encroachment from a number of small scale miners especially those extracting gold. She said that her half-brother sold half of her land to a certain Tony through the Barangay Captain. Datu 1 mentioned that the Barangay Captain maintained a small gold processing plant inside his house. She shared various instances where the Barangay Captain threatened and demeaned her verbally and through short message service (SMS). Another case is a mining exploration that involved drilling but she was able to apprehend them. A lawyer, allegedly from the exploring company offered money to them but she refused, saying they can live with rootcrops, and that they only seek respect.

She emphasized that what they have originally planned for the area was to cultivate the land for agriculture and that they do not want to mine because they do not want to destroy the soil. However, part of their land was included the Cabadbaran River Watershed Forest Reservation (Presidential Proclamation No. 834) of 16,000 hectares but their customary farm has long been approved by the DENR. Within the discussion, Bae affirmed the presence of the New People's Army (NPA) in the forests and the military detachment near the entrance of their association center. Datu mentioned that they could not start their own *bagani* (tribal army) to secure the area because they are concerned about the reaction of the NPA. To date, they are awaiting the opening of the hydropower project but still on a stalemate with the Barangay Captain regarding their operation of a small gold processing plant in their house. They are also anticipating the IPEU agro-forestry projects.

Case 2

Datu 2 is the tribal chieftain of their town's Council of Elders. They have a center for their tribal organization, complete with tarpaulins and posters explaining their organization and its officers. He started with a discussion on a competing tribal leader whom he contested legitimacy from Datu 2.4. In 2005, he was recognized by the NCIP as the real tribal leader. Despite a survey in 2010, the official title has yet to be released. This delay fuels the opposition in arguing that their organization is not yet the official owner of the area and its resources.

He vehemently said that the people around their area do not respect their ancestral domain. He cited that various financiers and illegal miners continue to operate in their claimed area. Through the years, however, they have allowed these through permits that were applied and approved by their organization.

He focused his discussion on his concerns, however, on the rampant illegal logging. He mentioned the death of his son on July 2, 2013 who was shot outside of their area when he tried to bring out logs from their ancestral domain. His son said that since the illegal loggers were able to bring out logs which were supposed to be theirs, he could do the same because it belongs to them. There were two trucks of illegal logs that were able to pass through the DENR checkpoint but when it was his son's turn, he was apprehended. The son threatened to report the financiers of the other two trucks who passed the checkpoint but he was shot soon after. Apart from violence, these illegal operators are also able to make roads or bridges whenever and wherever they want to. He said that they could have asked help from the Public Attorney's Office for help but they have a sense of distrust against government officials.

Their area also included a forest reservation of 500 hectares but they said they are unfazed by the prohibition of the DENR to use this area since a lot of illegal loggers operate there. He reported also a conflict against another Barangay Captain who forged a project with the DENR on the National Greening Program involving some 800 hectares within their ancestral domain. He tried to claim the falcata trees planted in their area but the Barangay Captain did not agree.

In addition to these, he added situations when he received reports that migrants whom they have accommodated in their land sold some of their parcels. While the area was not mentioned, he said that they would still involve them in their future projects. When asked about the project proposals of the IPEU, he said that this would give them hope for a better source of income. He remained unfazed with the cases of violence and the other encroachment saying that they would still be able to plant trees and make use of their resources.

Case 3

Datu 3 came with his wife and four other datos from their area. For security and logistical considerations, the author met them near the Trento highway at a bakery shop. He started with his complaint regarding the NCIP when their tribe applied in 2010 but was stalled due to lack of funding. When his father died recently, he had to reapply on their tribe's behalf, now as the head claimant at the age of 25.

He cited numerous claims to their lands especially from various local government agencies (ex-vice governor, mayor, police, Barangay officials) and from migrants who were already able to farm about 600 hectares from their claim. A certain Barangay Captain allegedly barred them from entering a forest which was still within their ancestral domain. He specifically mentioned the claim also by former Vice-Governor of some 97 hectares for a palm oil plantation and Y Multipurpose Cooperative of approximately 300 hectares for the same purpose.

He related three counts of violence and murder attempts to three of their members - first, a member was burned alive in his house, allegedly by the migrants; second, an ambush (but details were not mentioned) and third, Datu 3.2. The last attempt was last March 9, 2014 which included him and his wife on a motorcycle but only Datu 3.2 was shot.

He said that the NCIP is the only institution from which they could seek for help. Despite the years that had passed, however, their area has not been surveyed and no reply has been given to them regarding their application. He said that since the CADC survey in 1972 and the numerous claims over their land, no resolution has been provided yet. They said that they are safe within their territory but danger is outside where they are met with hostility. They initially proposed to have a *bagani* force (or a tribal army) but they were forbidden to carry firearms.

While they continue to farm for subsistence, they could only drink rainwater due to the high acidity and turbidity of their ground water. They related as well how some Koreans were able to discover minerals from their land. They also said that their soil is flammable and that a white substance (possibly talc) is present in their area, aside from gold and high-octane fuel. While admitting that they do not have enough financial resources to seek help from a private lawyer, they raise their hopes with the IPEU on their economic plans.

Case 4

Bae 2 currently serves as the municipal tribal officer of Bayugan. Her husband, Datu 4 shares their house for this office where they meet with various tribal leaders and members for concerns. They have the biggest area from among these four cases but is also a basket case of conflicts on land tenure. Their area is a source of gold, copper, silver, manganese, limestone, coal and timber.

While they have been working with two large scale mining companies, there are a lot of other mining groups that did not ask for their permission to operate despite the area being part of a civil reservation by virtue of Presidential Proclamation No. 1122 in 1973. Aside from mining activities, they have reported various agroforestry initiatives in the past, specifically a Gmelina plantation that operated for about four years. By virtue of Presidential Proclamation No. 734, the Andanan watershed, with an area of 15,000 hectares belonged to their claimed area. Bae 2 affirmed that access to that area is open and people have been free to plant whenever and wherever they wish to.

To date, they strongly condemn the inclusion of parcels of their claimed domain in the Comprehensive Agrarian Reform Program of about 1900 hectares. Despite numerous letters of complaints to the Municipal Agrarian Reform Officer, no reply was received. Another is the delay and postponement of the NCIP in their petition for delineation despite releasing 2.5 million for the survey since 5 years ago. They suspect that the cause of delay was because they shared their plan with the Mines and Geosciences Bureau (MGB) of the DENR of not allowing mining applications in their area should they finally receive their CADT. A copy of their petition for identification, recognition and delineation to the DENR in 1995 can be seen in Appendix L.

Within the discussion, Datu affirmed the presence as well of the New People's Army (NPA), the Revolutionary Proletariat Army (RPA), various *bandidos* (loose criminals) and syndicates in the area. He mentioned that the NPA opposes the CADT application but they have plans for them in the future when they start the projects with the IPEU. He admitted that they used to work together in driving out the mining companies in the past through the destruction of their mining equipment. He said that if they become successful in receiving the CADT, he would be able to talk to them and work out an agreeable arrangement.

Analysis**Different Land Contexts, Confused Property Rights**

Using the lens provided by Ostrom on property rights, the cases provided above illustrate both similarities and differences and contexts. Following the proposed theory on bundles and holders of rights, various inconsistencies may be observed. First, actors claim different types of rights or combinations depending on their interest. Access and withdrawal have been combined in Ostrom's proposal but some actors exercise only access but not withdrawal, others do both. Some try their best to manage and some exclude. In the case of the NPA, they have been only proven to have access to the land claimed by some tribes but not necessarily withdraw and manage resources. Part of the difficulty in considering the government as a single actor is the fact that various executive agencies and levels of government are involved in different ways of claiming combinations of the bundle of rights. Some government agencies are involved in access and withdrawal, such as the Barangay Captain and some local officials.

Second, these mixed behaviors of actors not only confuse the contexts but also blur the distinctions between the holders of rights. Despite the fact that a tribe has been given full rights over the land by virtue of the IPRA, the government through its different agencies and officials send mixed messages to the IPs. While it is assumed that owners, which is the case for the CADT holders, are given full rights over their ancestral domain, the government still proves its ownership of the land by exercising the bundles of rights of an owner while proclaiming that it is not. From the cases mentioned, it seems that even unauthorized users are able to claim full the bundle of rights to the land as seen in the actions of illegal miners and loggers.

Third, while legitimacy is supposedly provided by the government in order for the IP groups to become de jure owners, the inaction of the NCIP and the claims by the local government fuel the conflict between them and the IPs. While the government had legitimized ownership to the IP groups through the IPRA, it is the same government, through the actions of various government units – Barangay officials, local government, etc. that claim ownership and exercise all rights over ancestral domains. Immediate arbitration is necessary to stop not only unauthorized access but also life-threatening tension and conflict brought about by competition for ownership.

Interventions and Options

If the tribal leaders and the IPEU wish to continue with their plans, various interventions are needed in three areas - first, support in planning of sustainable economic plans, second, increased access to legal services and third, providing opportunities to strengthen the organization.

Economic Interventions

Risks have to be managed as the IPEU proceeds with its phases of development. While the economic plans of the organization are detailed in a process, a deeper assessment is necessary in order for their plans to be sustainable. There is danger on both ends – from the input of capital and technology to the areas provided for in the proposed projects. It is understandable that economic benefits are needed immediately but reckless execution of these projects, notwithstanding the conflicts raised by the member tribes will eventually raise the risk of hampering these opportunities for development. The leadership needs to provide mechanisms as well to screen and select business partners for their projects. It is also hoped that necessary environmental assessments are done to preserve and sustain their resources.

Legal Interventions

While access to legal services remains to be a challenge for the tribal leaders experiencing problems, much can be done to discuss and explore possible legal options for the organization to take initiatives from. The implementation of various laws affecting ancestral domain areas is seen to be a source of conflict specifically: 1) the involvement of the local government in various affairs affecting land tenure and access to resources as seen in the cases of intimidation of the tribal leaders and the control of resources in the ancestral domain by the Barangay Captain; 2) the coverage of parts of the ancestral domain by the various laws on national natural resources (presidential proclamations, NIPAS Act) being declared as forest reservations or watersheds; 3) the coverage of parts of the ancestral domain by the Comprehensive Agrarian Reform Law, as seen in the distribution of parcels of land within the tribal territory, and 4) the varied roles and actions of the

National Commission on Indigenous Peoples despite being the main agency in protecting the rights of the indigenous peoples in the areas studied.

Capability Building Interventions

The issues presented also open opportunities for skills development of the organization. While the determination of the tribal leaders in securing their land tenure is present, their skill to engage in self-protection remains limited specifically in securing their domain borders, given the amount of their logistical resources and increasing access to legal services and considering illiteracy and inability of leaders to maintain coordination with respective government agencies. Their desire to benefit from the resources within their ancestral domain continue to be a dangerous gamble, as provided in the experiences shared by the leaders and from what the organization plans to do. Through capability building measures however, these can be addressed from a platform provided for by the IPEU.

Options for De La Salle Philippines

As Brothers and Lasallian Partners continue to seek various ways to be in direct service to the poor, this invitation encourages the Sector of Philippines to be discerning yet bold in its steps in providing access to services, which may not necessarily limited to education. While traditional schools have been the strength of the sector, much traction has been gained over the recent decades in innovating and diversifying the means to be of service not only to the students but also for the rest of the country, most especially through research and extension services done by higher educational institutions. As evident in the forum in June 2014, which was organized to gather support for the IPEU, assistance could take the form of legal services, economic planning and business incubation and research projects to document and sustain their heritage through culture and history, all of which could support the aforementioned interventions.

Conclusion

This study focused on gathering and examining the experiences of the IPs, particularly the Manobo tribe in the Caraga region in advancing their rights to self-determination and economic empowerment. The study sought to analyze the conflicts faced by the member tribes of the organization and evaluate options and strategies in addressing their concerns. Through the use of the Rapid Land Tenure Assessment, the study was able to collect and organize stories of the IPEU and its member tribes regarding its organization, its economic plans and their legal concerns and issues.

The organization and four member tribes and their respective areas were visited. Key informant interviews and document reviews were conducted gather their experiences, their plans and the challenges that they face. Findings showed that instruments to protect the property rights of the IPs such as the IPRA have not been successful in gaining the respect and order that is needed to promote and sustain their economic plans. To achieve the protection of rights of the IPs, economic, legal and organizational interventions are needed.

Among the different studies and narratives of property rights, the IPs continue to face insecurity in land tenure, despite legal instruments to do otherwise. The confusion and inconsistencies from the side of the government in protecting ancestral domains and the relentless disrespect of illegal

miners and foresters to the sacredness of their land further prove the need for assistance and empowerment for the member tribes of the IPEU.

The initiative of the IPs in creating an organization and deciding to achieve development collectively is ingenious and inspiring. Despite the violence and discrimination, their desire for peaceful coexistence with the prevailing social order and their dream for sustainable development is worthy of support. The member tribes interviewed have consistently expressed their hope on the IPEU. It is incumbent therefore for the alliance, with all the resources it has, to promote the welfare of the Lumad IPs. From the issues presented, there is no other option but collective action. Given their experiences, a member tribe cannot just simply think of its own concerns but hope for interdependence both for the security and economic development of their fellow Lumad IPs. The alliance needs to be careful in engendering the interests and welfare of its member tribes. The power that the member tribes have bestowed upon its leadership can work for the better or for the worse.

This movement is a welcome improvement in the struggle of the IPs and an opportunity as well in the asset development of our country. The ancestral domains undeniably comprise the last stronghold of the best economic resources the Philippines has. The country is indebted to the IPs in the stewardship of its wealth and it deserves to be extended support and protection for this shared dream.

References

- ADB Environment and Social Safeguard Division Regional and Sustainable Development Department. 2002. *Indigenous Peoples/Ethnic Minorities and Poverty Reduction*. Asian Development Bank. Manila, Philippines.
- ADB Evaluation Study. 2007. *Indigenous Peoples Safeguards*. Asian Development Bank. Manila, Philippines.
- ALCHIAN, ARMEN. 2008. "Property Rights." *The Concise Encyclopedia of Economics*. Library of Economics and Liberty. [<http://www.econlib.org/cgi-bin/cite.pl> Accessed December 5, 2014]
- BEAUCLERK, JOHN AND NARBY, JEREMY. 1988. *Indigenous Peoples: A Field Guide for Development*. Oxfam. Oxford, United Kingdom.
- BRITANICO, STELLA AND BELLO, ROLANDO. 2012. *Revisiting Tenure in Lake Sebu, South Cotabato*. University of the Philippines – Los Baños.
- CABREZA, VINCENT. 2013. Giving indigenous peoples a face in Inquirer.net. [<http://newsinfo.inquirer.net/535431/giving-indigenous-peoples-a-face>; Accessed May 1, 2014]
- CANDELARIA, SEDFREY, GULAPA, ARIS AND BENEDICTO, ANGELICA. 2008. *Indigenous Peoples and the Law: A Commentary on the Indigenous Peoples' Rights Act of 1997 (RA 8371)*. CD Technologies Asia, Inc. Philippines.
- DE VERA, DAVID. 2007. *The Indigenous Peoples of the Philippines: A Background*. Presented at the RNIP Regional Assembly, Hanoi, Vietnam.
- DEKKER, HENRI. 2005. *In Pursuit of Land Tenure Security: Essays on Land Reform and Land Tenure*. Pallas Publications. Amsterdam, The Netherlands.

- DEPARTMENT FOR INTERNATIONAL DEVELOPMENT OF THE UNITED KINGDOM. 2014. [https://www.gov.uk/government/organisations/departement-for-international-development. Accessed December 5, 2014]. 113
- DOMINGO, PILAR. 2013. Property Rights and Development: Property Rights and Social, Political and Economic Empowerment. Overseas Development Institute. London, UK.
- EVERSOLE, ROBYN, MCNEISH, JOHN-ANDREW AND CIMADAMORE, ALBERTO (eds.). 2005. Indigenous Peoples and Poverty: An International Perspective. Zed Books. New York, USA.
- FOOD AND AGRICULTURAL ORGANIZATION. 2003. Right to Adequate Food and Indigenous Peoples. February 2003.
- GASPAR, KARL. 2000. The Lumad's Struggle in the Face of Globalization. Alternate Forum for Research in Mindanao, Inc. Davao City, Philippines.
- HERBST, SARAH. 2011. Mining in the Caraga Region, Philippines: Insiders' Perspectives on Emergent Social and Environmental Problems. Undergraduate Thesis. Michigan State University.
- Indigenous Peoples' Agenda: A challenge to the new administration. Conference resolution. Quezon City, Philippines. 2010. [http://www.kasapi.org/index.php/news/25-indigenous-peoples-agenda-a-challenge-to-the-new-administration-under-the-leadership-of-president-benigno-simeon-aquino-iii Accessed March 28, 2014]
- INSTITUTE FOR AUTONOMY AND GOVERNANCE. 2011. The Struggle Continues: Uphold the Rights of Indigenous Peoples. IAG Policy Brief. Notre Dame University, Cotabato City.
- JAYANTHA, PERERA. 2009. *Land and Cultural Survival: The Communal Land Rights of Indigenous Peoples in Asia*. Asian Development Bank. Manila, Philippines.
- LARSON, ANNE. 2012. Tenure rights and access to forests: A training manual for research. Center for International Forestry Research. Indonesia.
- LEDERACH, JOHN PAUL. 2005. *The Moral Imagination: The Art and Soul of Building Peace*. Oxford University Press.
- LUTZ, ELLEN. 2004. The International Decade of the World's Indigenous People. Cultural Survival Quarterly.
- MOLINTAS, JOSE. 2004. Indigenous Peoples' Struggle for Land and Life: Challenging Legal Texts. *Arizona Journal of International & Comparative Law*, Vol. 21, No. 1.
- NATIONAL COMMISSION ON INDIGENOUS PEOPLES. 2010. Annual Report.
- NATIONAL STATISTICS COORDINATION BOARD. 2012. First Semester Official Poverty Statistics.
- ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT. 2008. Measuring Human Rights and Democratic Governance: Experiences and Lessons from Metagora. *OECD Journal for Development*. Vol. 9. No. 2.
- OSTROM, VINCENT. 1976. in SCHLAGER, EDELLA AND OSTROM, ELINOR. 1992. Property-Rights Regimes and Natural Resources: A Conceptual Analysis. *Land Economics*. Vol. 68. No. 92. University of Wisconsin Press, USA.
- PEREZ, PADMAPANI AND MINTER, T. 2004. International Institute for Asian Studies Newsletter. Netherlands.

PHILIPPINE PARTNERSHIP FOR THE DEVELOPMENT OF HUMAN RESOURCES IN RURAL AREAS. 2008. Philippine Asset Reform Report Card.

PLANT, ROGER. 2002. Indigenous Peoples / Ethnic Minorities and Poverty Reduction: Regional Report. Asian Development Bank, Manila.

PRILL-BRETT, JUNE. 1994. Indigenous Land Rights and Legal Pluralism among Philippine Highlanders. *Law and Society Review*. Vol. 28. No. 3. Law and Society in Southeast Asia.

PULHIN, JUAN, DIZON, JOSEFINA AND CRUZ, REX VICTOR. 2008. Tenure Reform and Its Impacts in the Philippine Forest Lands. Presented at Cheltenham, England.

QUITORIANO, EDDIE. 2009. Land Foreign Aid and the Rural Poor in Mindanao; Caraga Participatory Conflict Assessment. Focus on the Global South.

REPUBLIC OF THE PHILIPPINES. Republic Act 8731. 1997. An Act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/ Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Therefore, and for Other Purposes.

RODIL, B. R. 1994. The Minoritization of the Indigenous Communities of Mindanao and the Sulu Archipelago. Alternative Forum for Research in Mindanao, Inc. Davao City, Philippines

SCHLAGER, EDELLA AND OSTROM, ELINOR. 1992. Property-Rights Regimes and Natural Resources: A Conceptual Analysis. *Land Economics*. Vol. 68. No. 92. University of Wisconsin Press, USA.

TANGAN, MARGRET FAYE. 2009. Reconciling the Vested Rights Doctrine with Indigenous Ownership under the Indigenous Peoples' Rights Act. Unpublished thesis. Ateneo de Manila University College of Law. Manila, Philippines.

TAULI-CORPUZ, VICTORIA. 2007. Security among the Indigenous Peoples in Missing Targets: An Alternative MDG Midterm Report. Social Watch Philippines.

TEBTEBBA FOUNDATION. 2011. Understanding the Lumad: A Closer Look at a Misunderstood Culture. Baguio City, Philippines.

Tri-People Consortium for Peace, Progress and Development of Mindanao (TRICOM). 1998. Defending the Land: Lumad and Moro Peoples' Struggle for Ancestral Domain in Mindanao. Davao City, Philippines

UBINK, JANINE, HOEKEMA, ANDRE AND ASSIES, WILLEM. 2009. Legalizing Land Rights: Local Practices, State Responses and Tenure Security in Africa, Asia and Latin America. Leiden University Press, Amsterdam.

UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP). 2010. Fast Facts: Indigenous Peoples of the Philippines. Makati, Philippines.

UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME (UN-HABITAT). 2008. Secure Land Rights for All. Nairobi, Kenya.

VIDAL, AIDA AND FERANIL, SALVADOR. 2003. The Indigenous Peoples Rights Act: Policy Implementation and Outcomes in Mindanao.

VIDAL, AIDA. 2004. Conflicting Laws, Overlapping Claims: The Politics of Indigenous Peoples' Land Rights in Mindanao. Alternate Forum for Research in Mindanao, Inc. Davao City, Philippines.

WEISS, CAROL. 1995. New Approaches to Evaluating Comprehensive Community Initiatives.
[<http://www.theoryofchange.org/what-is-theory-of-change/toc-background/toc-origins/> Accessed
December 5, 2014]

WILMSEN, EDWIN. 1989. *We Are Here: The Politics of Aboriginal Land Tenure*. University of California
Press, USA.