

## INDIGENOUS GROUP IN CENTRAL MINDANAO STRUGGLES FOR HOMELAND



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& by Alexia Knappmann

*In order to create an atmosphere of equal cooperation as a pre-condition for the work of human rights defenders, IPON established a new office in Mindanao to conduct international human rights observations. Currently IPON accompanies human rights defenders belonging to the Panalsalan Dagumbaan Tribal Association. Members of this indigenous peoples association face severe harassment as a result of their aspiration for land rights.*

As announced in the previous edition, IPON's new office in the southern Philippines, which was opened in May 2011 is located in Malaybalay, the capital city of the province Bukidnon in North-Eastern Mindanao. Panalsalan Dagumbaan Tribal Association is a group of indigenous people consisting of approximately 250 households. The tribal association was founded in 2004 with the aim to secure a land title, locally known as the Certificate of Ancestral Domain Title (CADT) issued by the National Commission for Indigenous Peoples (NCIP)<sup>1</sup>. This title would allow them to set up proper development programs for the land and organize themselves according to customary laws. In July 2011 the association approached IPON and requested for assistance, to which request IPON responded by conducting a pre-study to ascertain any possibilities of cooperation. The members of the association struggle for basic human rights as set out in international human rights documents and declarations. They fight for the right to an adequate standard of living, right to life, liberty and the right to security of person. IPON consequently considers them to be human rights defenders and to that effect, supports them by monitoring the human rights situation in the affected

area. Up to now, the human rights situation is of deep concern.

After having been expelled from the territory leased as a ranch<sup>2</sup> by the lessee Mr. Ernesto Villalon, most of the PADATA members returned to the claimed area in 2008, where they have been living since then. The first ranch licence expired in 1997. According to PADATA members, Mr. Villalon did not renew his license<sup>3</sup> until PADATA members returned to the land in 2008. However, he got the Free and Prior Informed Consent (FPIC) needed for a renewal of the licence from an indigenous community located near Kibawe – a city about 30 kilometres away from the ranch<sup>4</sup>. The PADATA members, actually living on the ranch, were never asked for approval.

Mr. Villalon hired private security guards officially to protect the area. While some of the security guards claim to work for a security agency, none of them is wearing an official uniform. Most of them are even reported to carry illegal high-power guns.

PADATA claims that the security guards threaten their members by shooting in the air and/or directly at them. The guards have also been strafing the houses of the human rights defenders, forcing them to



© PADATA | Death threat on a PADATA house.

1) See information box below for further information.

2) The property is specifically defined as a ranch, as Villalon rears cattle on it. It is said, however, that the property does not meet the requirements for being a ranch due to the fact that there is less and one cow per hectare.

3) Forest Land Grazing Management Agreement (FLGMA).

4) On September 28<sup>th</sup> 2011 the NCIP annulled the FPIC (Compliance Certificate No. CCRX-08-07-150). Now the process is with the DENR, as it is responsible for the revocation of the FLGMA.

vacate and to hide for safety. Some members have been beaten by the security guards with riffles butts. Furthermore, the security guards have been destroying the houses of many PADATA members. They had also designs on the belongings of PADATA members, such as animals, rice, coffee, farming utensils and domestic appliances. The security guards would not allow the members of PADATA to harvest. Even worse, the guards have been harvesting the fields themselves and threatened the indigenous people with death if they dare to enter the fields. Violence culminated on 24th August 2011, with the killing of PADATA member Welcie Gica, 28 years old. He was shot dead by an alleged security guard on the Villalon-ranch.

All cases described above were reported to the police and were registered as entries in the police blotter<sup>5</sup>. However, the police failed to implement effective measures to restore peace and order as well as to investigate the cases.

5) A written document preserving knowledge of facts or events, which can be used as evidence in court.



CC PADATA | Destroyed house of a PADATA member.

In addition to these physical harassments, many PADATA members experience criminalisation. They face fake lawsuits, filed by Mr. Villalon and his men against them. Though most of the cases are dismissed

by the courts. If law, IPON is concerned about this rate of harassment, and the fact that such behaviour and actions strain the already limited resources of the community even more. ■



CC PADATA | PADATA demonstrating, shortly before the murder happens.

## THE INDIGENOUS PEOPLES RIGHTS ACT

*After centuries of dispossessing, neglecting and ignoring the native peoples of the Philippines, the rise of environmental and indigenous peoples' movements in the 20th century forced the state authorities to address the issues of indigenous peoples. Eventually, the implementation of the Indigenous Peoples Rights Act (IPRA) in 1997 mandates that the state should create a policy to "recognize and promote the rights of indigenous peoples within the framework of national unity and development" (Philippine Constitution, Sec. 22, Act II) and to "protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being (Philippine Constitution, 1987, Sec. 5, Act XIII and Sec. 17, Act XIV). The National Commission on Indigenous Peoples (NCIP) is the government body mandated to implement the IPRA law.*

*The Act has four key elements. They include the right to ancestral land/domain, the right to self-governance and empowerment, the right to cultural integrity as well as social justice and human rights. Rights over ancestral domain are manifested through the application of a particular tribal community to obtain the Certificate for Ancestral Domain Title (CADT), which is issued by the NCIP after assessment of submitted documents. Over these lands/domains the IPs have the right of ownership and to develop and manage lands and natural resources. They also enjoy the right to reside in this territory and must not be displaced therefrom and the right to resolve conflict according to customary laws.*