



World Bank National Dialogue with Indigenous Peoples in the Philippines

Manila, November 5, 2013

Summary

On November 5, 2013, the World Bank held a national dialogue with representatives of Indigenous Peoples from the Philippines. This dialogue was part of a global series of meetings being held to support the review and update of the World Bank's environmental and social safeguard policies. It also served as an opportunity to address broader development issues of interest to Indigenous Peoples in the country. The participants were invited in close coordination with Indigenous Peoples communities (see list of participants).

The dialogue was guided by the following questions:

- 1. Indigenous Peoples Engagement Strategy in the Philippines**
- 2. What are the critical issues related to full and effective participation of Indigenous Peoples in the Philippines?**
- 3. How to involve Indigenous Peoples in a more effective way in the preparation and implementation of World Bank programs?**
- 4. What is the vision of Indigenous Peoples for development; what are the main premises?**
- 5. Lessons learned from implementation of OP 4.10 on Indigenous Peoples**

World Bank and Indigenous Peoples representatives made several presentations relating to the questions. Below is a summary of key comments, observations and recommendations made by one or more participants during the dialogue. It was agreed that comments would not be attributed by name in the summary report.

1. Indigenous Peoples Engagement Strategy in the Philippines

- Indigenous Peoples should be key participants in the Indigenous Peoples project itself. They should not only be engaged as guides for enumerators, but could themselves be project enumerators.
- In relation to the Indigenous Peoples population survey, Indigenous Peoples were involved. There was a desire expressed to see the final conclusion on the ethnicity variable. The survey has not yet been signed by the President.
- A major concern is the discussion on ancestral domain in relation to resettlement. For example, the Mt. Pinatubo explosion has affected a number of Indigenous Peoples communities. But the survey that was conducted then had no ethnicity variable.
- The National Commission on Indigenous Peoples (NCIP) website has very interesting maps, information and data on Indigenous Peoples. It is good that the Bank provided technical assistance to the NCIP in terms of maintaining the website. However, for the past few months, the website cannot be accessed.

- There is still no official data on Indigenous Peoples from the National Statistics Office (NSO) (no Indigenous Peoples data in NSO documents). Such information and data would be useful for community planning.
- In relation to the conditional cash transfer project, “4 Ps” (Pantawid Pamilyang Pilipino Program) an Indigenous Peoples consultation was held in August 2013 and one issue raised was the seeming lack of sensitivity regarding indigenous women’s situation, for example, by requiring indigenous women to be checked by a nurse in a clinic.

2. What are the critical issues related to full and effective participation of Indigenous Peoples in the Philippines?

- ***Free Prior Informed Consent (FPIC)***

Bank funded projects are usually implemented by Local Government Units (LGU); consultation process is done through public hearing to get support from the people without really considering/consulting the Indigenous Peoples who will be affected by the project.

- ***Ancestral domain recognition***

Alienable areas are still a part of ancestral domain.

Support for title rights of Indigenous Peoples is needed.

- ***Indigenous People Mandatory Representative (IPMR) recognition***

The process is reported to be manipulated by the LGUs, e.g., local officials who select/appoint the IPMR in a ceremonial fashion, but with a hidden agenda in relation to Indigenous Peoples-related concerns (logging, mining issues, etc.)

- ***NCIP limited funding and capacity***

Limited resources have a huge impact on Indigenous Peoples programs.

Indigenous Peoples are asking for capacity building activities from NCIP but the capacity of NCIP staff themselves is itself in question.

The constitution provides for NCIP to be the lead implementing agency for Indigenous Peoples, but NCIP has limited capacity to implement the Indigenous Peoples Rights Act (IPRA). There was a budget extension because NCIP was not able to submit the budget on time.

- ***Access to basic social services*** (education, livelihood, health, etc.)

- ***Indigenous Peoples’ community-based mechanisms (implementation and programs):*** IPMR, local school board and legislative council have not yet been established.

- Indigenous Peoples have limited participation in activities related to ***environmental and climate change***.

3. How to involve Indigenous Peoples in a more effective way in the preparation and implementation of World Bank programs?

- ***Indigenous Peoples’ information and data***

Community-driven or determined; communities themselves to do the work, i.e., enumeration, facilitation.

- ***Strengthening of NCIP capabilities***

Policy formulation/implementation.

Presence/genuine participation in relevant policy dialogues such as this.

Strengthening of NCIP website.

Building partnership with and qualifications of NCIP staff; existing guidelines are not clear on this.

- **Assistance to ancestral domain sustainable development** formulation and implementation (sustainable mechanism).
- **Assistance in budget preparation and management of information system**
- **Participation from project preparation stage**

At project preparation, form an appraisal team which is composed of Indigenous Peoples to ensure that customary laws and practices are taken into consideration.

Projects implemented by certain agencies undergo pre-project preparation where an appraisal team composed of Indigenous Peoples, NGOs, civil society groups is created. However, in reality, most of the projects are already approved, and this violates the Indigenous Peoples' rights. In this case, Indigenous Peoples are treated as mere beneficiaries and not as partners.

- **Consultation of Tribal Council** or ancestral domain-based leaders. Conscious involvement of tribal council or ancestral domain based group, not only tribal leaders (and dealers).
- **Recognition and acceptance of customary law in the context of global guidelines.**

4. What is the vision of Indigenous Peoples for development; what are the main premises?

a) Vision

- **All tribes (inclusive) at all levels, participants in development**, not as recipients only.
- Section 20 of the Philippine Constitution already provides a good vision for Indigenous Peoples; recognition of Indigenous Peoples' rights in the national context.

b) Main premises

- Participatory.
- **FPIC** fully implemented (not consultations only).
- Holistic approach.
- Literacy rate increased to 90%.
- Discrimination/social injustice towards Indigenous Peoples fully eliminated.
- Registration of Indigenous Peoples without birth certificates.
- Indigenous Peoples leaders fully protected.
- Unawarded **Certificates of Ancestral Domain Titles (CADT)/Certificates of Ancestral Land Titles (CALTs)** granted/released

Development on CADTs must be concrete and sustainable.

Programs should focused on CADTs (focused intervention in ancestral domain).

- **Ancestral domains accessible**

Sustainable development of ancestral domain—Indigenous Peoples can't do it alone. This is a good opportunity to ask support from World Bank.

- Indigenous Peoples provided with livelihoods at sustainable level.
- **IPMRs** fully institutionalized (with adequate budget).

Lack of IPMR institutionalization (not the fault of Department of Interior and Local Government—it is good that this department initiated this).

In Bicol, 66 IPMRs are seated in all barangays. NCIP was able to do this with the help from the Department of Interior and Local Government, relevant LGUs, and Indigenous Peoples.

- **NCIP** financially capacitated.

NCIP limitations; NCIP has much room for improvement; it needs to deliver as specified in the law.

An assessment report reveals that there is a little knowledge of customary laws by NCIP staff themselves.

There is a need to strengthen the national institution (NCIP) as well as develop partnerships with other NGOs, local communities. Communities themselves should be strengthened to be recognized.

- **Documentation of customary laws** (customary governance and legal system).

Documentation of customary laws of different tribes. These laws represent our local constitution, our 'bible'.

Documentation work has already started in Basilan. The exercise is quite expensive, as one needs to invite and gather a number of Indigenous Peoples.

Customary laws are part of IKSP (Indigenous Knowledge System and Practices) and should be protected and properly documented.

- **Re-examination of administrative orders, joint agreements** in relation to Indigenous Peoples lands and resources.
- **Indigenous Peoples should be regarded as solution**, not as problem, in pursuing self-determined development (sustainable communities/ecosystems)

Indigenous Peoples groups should be strengthened; conflicts between and among Indigenous Peoples' groups should be minimized if not avoided (there is a tendency for the Indigenous Peoples' groups not to be heard if they themselves are divided)

Adoption of indigenous political structure; before strengthening NCIP, we as Indigenous Peoples need to strengthen ourselves

- **4Ps** (Pantawid Pamilyang Pilipino Program) **must NOT be politicized.**

5. Lessons learned from policy implementation

a) Land Administration and Management Project (LAMP)

- Recognition of native title rights/participation in implementation.
- Political intervention.

- There is a conflict between government agencies and Indigenous Peoples in terms of ancestral domain titling. If Indigenous Peoples have CATDs, they can file complaints against mining companies (importance of ancestral domain titles). The main agency in charge of titling is NCIP but this is not the sole agency involved in the process.

Recommendations

- There should be a project/program conceptualized specifically for Indigenous Peoples.
- NCIP should be the implementing agency and NOT Department of Social Welfare and Development (DSWD) (DSWD definition – indigent vs. Indigenous Peoples).
- Review of data validation.
- Local hiring of enumerators (hire real Indigenous Peoples, localize municipal links).
- Full recognition of Indigenous Peoples' customary rights and indigenous mechanisms for ancestral domain and territories beyond CADT/CALT, including also native titles.
- The World Bank policy should address issues of human rights violations, i.e., inaction by government agency in land titling.

b) 4Ps

- 4Ps – Indigenous Peoples are not part of the appraisal team during project preparation and implementation.
- Selection process of Pantawid beneficiaries is not properly implemented.
- Selection of beneficiaries is questionable from barangay to municipal levels.
Indigenous Peoples are not given priority.
Very selective process.
Selection process itself has no Indigenous Peoples community participation.
- Program encourages dependency or mendicancy (dole-out approach).
- Lack of transparency of World Bank projects at field level, lack of ownership by the beneficiary community, and lack of awareness.
- Issuance of LB cards is controlled by barangay captain and usually not given to Indigenous Peoples (political issues).
- No FPIC undertaken.
- Indigenous Peoples have concerns about the role of the Inspection Panel regarding IP policy. Many cases have been approved for investigation but no information is available as to the status of these investigations.

Recommendations

- Project preparation should adopt participatory approach to ensure proper selection of beneficiaries.
- Project information should be disseminated to Indigenous Peoples beneficiaries and legitimate leaders.
- Selection process for Indigenous Peoples should be reviewed/revised/refined to be more inclusive of Indigenous Peoples.

- IPMR and council of elders should be more involved in 4Ps beneficiary selection.

c) Mindanao Rural Development Program (MRDP)2

- Directly carried out by LGUs and not by Indigenous Peoples communities.
- No FPIC undertaken (token only).
- There is no proper transparency.

Recommendations

- FPIC should be the first on the list of project requirements (e.g., sand and gravel permit requirement).
- Indigenous Peoples' roles in MRDP2 implementation should be clarified and clearly specified.

FPIC for water rights application should be included in the list of NWRB.