

Indigenous rights and resource management in Philippine protected areas

Theme >
Philippines

The Philippines is hailed in Southeast Asia for being at the forefront of recognizing the rights of the country's estimated ten to twelve million indigenous people. This is embodied in the Indigenous Peoples' Rights Act of 1997, currently being implemented by the National Commission on Indigenous Peoples. Under the Act, Indigenous groups in the Cordillera and Northern Sierra Madre mountain ranges have the opportunity to gain control over how resources will be managed by claiming rights to ancestral domains, even inside protected areas.

By Padmapani Perez and Tessa Minter

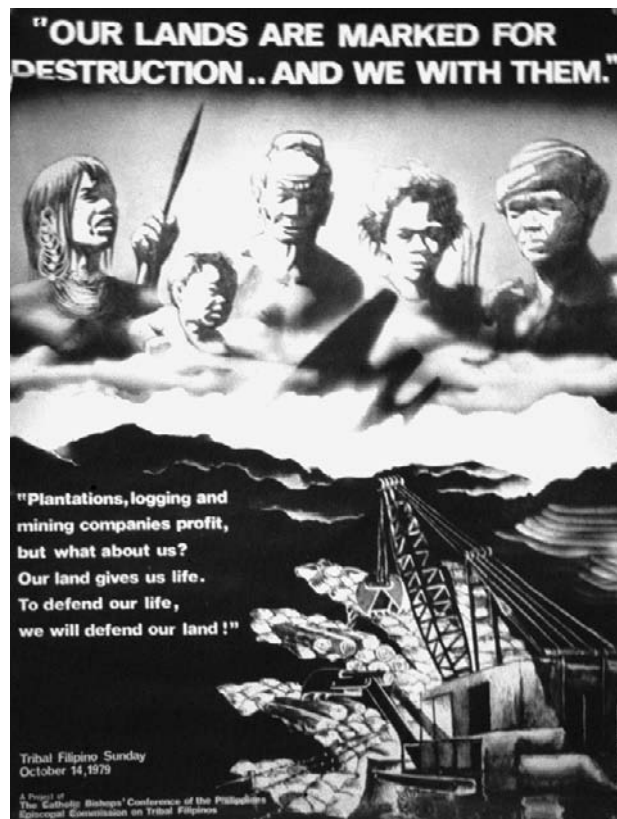
A primary aim of the Indigenous Peoples' Rights Act is to grant indigenous peoples collective ownership over their territories or ancestral domains. Previous laws claimed the majority of indigenous territories as state land. The National Integrated Protected Areas System, for example, recognizes indigenous peoples' prior occupation only insofar as their resource extraction remains on traditional, sustainable and subsistence levels. Another aim of the Indigenous Peoples' Rights Act is to ensure ancestral domains' sustainable management, setting the condition that indigenous peoples develop their ancestral domains in an environmentally sound way.

Mount Pulag, the highest peak of the Cordillera Mountain Range, and the Northern Sierra Madre Mountain Range are renowned biodiversity hotspots on the island of Luzon. Both were declared protected areas. Mount Pulag National Park (11,500 hectares) was established in 1987 and covers pine, lower montane and mossy forest. Its foothills are occupied by Ibaloy, Kalanguya and Kankanaey indigenous groups. The Northern Sierra Madre Natural Park (360,000 hectares) was established in 1997 and includes Luzon's last undisturbed lowland dipterocarp rainforest, mangroves and beach forest. The park is inhabited by one indigenous group, the Agta, and various immigrant groups. The watersheds of both protected areas are vital to lowland agricultural areas and human settlements within the parks.

Philippine protected areas are managed through Protected Area Management Boards, in which the Department of Environment and Natural Resources, local communities and other stakeholders to the parks' resources are represented. The management boards are responsible for protecting the areas' forest and aquatic resources and meet regularly to decide on park management issues.

Mount Pulag National Park

The Ibaloy, Kalanguya, and Kankanaey members of the Mount Pulag management board proclaim theirs is the most active in the Philippines. They say it is because they, the indigenous people of the Cordilleras, know how to work with the government. Government and politics in the Cordilleras is dominated by a class of educated and influential indigenous elite. While not necessarily materially wealthy, they have access to powerful networks in politics and business. However, that theirs is the most active Protected Area Management Board does not mean it is the most effective. Thus far it has been unsuccessful in preventing the continuing clearing of forested areas for commercial vegetable farming,



Courtesy of Gerard Pearson
Tribal Filipino Sunday, 14 October 1979

and the opening of farm-to-market roads within the park.

The awarding of ancestral domain titles poses a further challenge to protected area management. The ongoing implementation of the Indigenous Peoples' Rights Act presents the opportunity to put control of Mount Pulag back in the hands of those who claim it as ancestral domain. It is increasingly difficult to determine which claimants – from different municipalities and ethnolinguistic groups, mainly Ibaloy and Kalanguya – truly have a right to Mount Pulag. Claims are couched in terms of burial places, water sources, old swidden patches, pastoral lands, locations of ancestral homes, existence of legends attached to particular places and so on.

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It is not surprising that elders claim the same paths and areas in boundary negotiations. Quite possibly their ancestors used the same areas for similar purposes. Furthermore, the delineation of ancestral domains will entail having a title, implying the right to decide how resources will be used and how the domain will be developed. The people of Kabayan want to raise their standard of living; their natural resources are the most immediate means available.

The political elite of Kabayan has led the pursuit of the ancestral domain title, so much so that the Department of Envi-

ronment and Natural Resources fears that if the title is issued, the park will be dissolved and the leaders of the ancestral domain will take over. It is not clear how they will manage natural resources, especially as future leaders see the existence of the park as an affront to their prior occupation of Mt. Pulag.

Northern Sierra Madre Natural Park

The Agta are hunter-gatherers who traditionally obtained most of their rice, corn and other basic necessities by trading forest products with farmers. Since the 1960s, however, the non-Agta population in what is now the Northern Sierra Madre Natural Park increased rapidly, to almost five times the Agta population. The immigrants came as

logging industry employees and in search of arable land. Deforestation has brought traditional Agta livelihoods under pressure, pushing them to explore activities such as commercial lobster fishing, rattan collection, small-scale agriculture and illegal logging. Despite this transition, ends do not meet: the Agta live in extreme poverty and barely participate in mainstream Filipino society.

Government and non-government organizations alike have high hopes that the Indigenous Peoples' Rights Act will counteract the Agta's predicament by

awarding them collective titles to their ancestral domains. The history of awarding land ownership rights to the Agta living within the park is long and complicated. Originally, the plans consisted of three Agta domain claims. Later, a NGO working for the combined conservation and development of the park proposed an alternative plan for many small domain claims. This plan was disregarded by the National Commission on Indigenous Peoples, which wants the entire park converted into one large Agta ancestral domain with an official title. Because large titles have shown poor implementation results in the past, it remains to be seen how beneficial this would be, not only for the park, but for the Agta as well.

No consensus has been reached on how to combine the granting of ancestral domain titles with sound park management. This concerns both ensuring sustainable resource management from within the indigenous user-group, and the domain's protection from outsiders. The Agta claim that given their position at the bottom of the social hierarchy, they will be unable to prevent non-Agta illegal activities. Nor have local governments, police forces and forest protection bodies put any enforcement mechanisms in place.

Another concern is the minimal role the Agta play in the park's management board. For logistical and communicative reasons, of the twelve appointed Agta board representatives, only one regularly attends meetings. The same applies to the Agta's role in the application process for recognition of their domain rights. From the start, non-Agta advocates have been pushing for the granting of Agta domain titles, rather than the Agta themselves. This has several adverse consequences. First, very few – and exclusively male – Agta are aware of the benefits an ancestral domain title could bring. Moreover, few Agta understand the application procedure for such titles. The whole instrument is conducive to abuse: in many Agta claims processed so far, names of non-existent individuals or members of the immigrant population appeared in the list of claimants.

Parallels

The awarding of ancestral domain titles within protected areas is problematic, especially where identified ancestral domains overlap with parks' strict protection zones, from which extraction is prohibited under all circumstances. It has been suggested that the Ancestral Domain Sustainable Development and Protection Plan will harmonize the objectives of both protected areas and ancestral domain titles. Under the Indigenous Peoples' Rights Act, the formulation of such a plan is a requirement in applications for ancestral domain titles. The claimants themselves should draw up the plan, with officers of the National Commission on Indigenous Peoples acting as facilitators. The plan should include sections on indigenous

knowledge systems and practices, a profile of the domain's natural resources, analysis of the area's development needs, and a commitment to maintain ecological balance.

In the case of Mount Pulag, the management plan for the Kabayan ancestral domain will be formulated later this year. For some of the ancestral domains in the Northern Sierra Madre Natural Park, several such plans have already been written. However, the latter have been criticized for insufficient involvement of the Agta in their formulation. Moreover, the plans harbour inconsistencies. For instance, while they prohibit logging activities, they encourage agricultural expansion by the Agta. As such they hold no guarantees for sustainable resource management.

The formulation of the Ancestral Domain Sustainable Development and Protection Plan is a challenge in itself. Effectively bringing the plan into practice poses an even bigger challenge. Under the Indigenous Peoples' Rights Act, once the management plan is fine-tuned and the title has been granted, the community as a whole will be responsible for managing the domain. They are supposed to negotiate with entities that have an interest in their natural resources. It is not clear how the three different indigenous groups of the Kabayan domain will function as a unit of management, when traditionally, they did not manage resources in common, with the possible exception of water for irrigation. The case of the Agta illustrates that some communities may not yet be ready to negotiate on an equal footing with outsiders.

Sustainable management of ancestral domains within parks hinges on the effective formulation and enforcement of management plans. This will determine whether sustainable resource management can be brought about by the social change the Indigenous Peoples' Rights Act aims to foster. The failure to accomplish the above will likely lead to abuse of ancestral domains by both indigenous and non-indigenous entities, resulting in loss of biodiversity and depletion of resources. Conversely, successful implementation of the Act and management plans will establish the Philippines as an example worth following. <

References

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