

Philippines

Philippine Indigenous Peoples and Protected Areas: Review of Policy and Implementation



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**Tebtebba Foundation
Indigenous People's
International Centre
Policy Research and
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Indigenous People's International Centre
for Policy Research and Education



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Cover photograph: Mt. Kitanglad, sacred mountain of the Higa-onon
people of Bukidnon, Philippines

Photographer: Ma. Elena Regpala, Tebtebba

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Introduction

The State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) hereunder enumerated within the framework of the Constitution; ... Right to ancestral domains ... Right to self government and empowerment ... Right to social justice and human rights ...

Right to cultural integrity Indigenous Peoples Rights Act 1997

...who entered the area- Did the lumad enter the protected area, or did the protected area trespass the lumad's land?

Talaandig and Manobo of Bukidnon 2000

There are 17 megadiverse countries of the world, which among them contain 70-80% of global diversity (Heaney and Mittermeier, 1998; cf Guiang 2004:12).¹ The Philippines is one of them having a national biodiversity index (NBI) of 0.786. The country is the third most biodiverse among selected countries of South and Southeast Asia. It has been noted that in areas of high biodiversity are areas of indigenous peoples (IPs). In the Philippines, out of 128 identified key biodiversity areas (KBA) approximately 96 are known to be part of the ancestral domain of indigenous peoples. The exact number of KBAs of the Philippines where indigenous peoples are located are difficult to ascertain. This is due to the fact that published reports on protected areas (PA) hardly mention them.

The mega diversity of the Philippine tropical forest, marine and coastal resources is threatened by overexploitation and destruction. Greed, population growth, land conversion, urbanization, pollution and sedimentation are contributory factors. To the IPs who rely on the bio diversity of their ancestral domains, this threatens their survival as distinct peoples. To the rest of the world, the biodiversity of the Philippines must be protected and conserved for the future of humanity.

Long before protected areas were established or even before the emergence of the Philippines as a nation, the indigenous peoples had been living in their ancestral territories. With the establishment of protected areas, some IPs were displaced from their ancestral territories resulting in the loss of land and culture, impoverishment and suffering. In the process, conflicts arose with respect to IPs and protected areas due to weak political will to implement and recognize laws on the rights of IPs to their ancestral territories and lifeways.

In recent history, PAs were established without IP's knowledge, let alone their consent. These PAs were established according to old ways of thinking that sought to ensure conservation of biodiversity by excluding resident peoples and setting aside areas only for scientific and recreational purposes. International law now recognizes that IPs have survived with the knowledge and wisdom of their ancestors on how to nurture and live in their lands and territories and natural resources. It further recognizes IP rights and affirms the important role that they play in sustainable development in general and PAs in particular.

¹ Guiang, Ernesto S. *Environmental Analysis USAID/Philippines Strategy for 2005-2009: Assessment of Conservation Initiatives of Tropical Forests and Biological Diversity in the Philippines*. 2004. Manila: Department of Environment and Natural Resources- United States Agency for International Development's (DENR-USAID) Philippine Environmental Governance (EcoGov) Project through the assistance of the USAID under USAID PCE-1-0099-00002-00.

1 International Agreements and Conferences Relevant for Protected Areas of which the Philippines is a Signatory

There are several international conventions and conferences of which the Philippines is either a signatory to the multilateral agreements of the conventions or a participating party to the international conferences. The Philippines is a signatory to the multilateral environmental agreements (MEAs) which includes the United Nations Convention on Biological Diversity (UNCBD), United Nations Framework-Convention on Climate Change (UNFCCC) and United Nations Convention on to Combat Desertification (UNCCD). With these international conventions, the Philippines has legal obligations to develop its national strategies and plans for its fulfillment of the objectives of the conventions.

1.1 United Nations Convention on Biological Diversity (CBD)

The CBD has been signed by the Philippines with 154 other states and the European Union, in June 1992 during the Earth Summit in Rio de Janeiro. The Philippine Senate ratified the Philippine membership to the CBD on October 8, 1993. The CBD aims to conserve the earth's biological diversity, promote the sustainable use of these resources, and promote equitable sharing of benefits derived from these resources.²

The CBD focuses on various thematic issues and also covers other issues that cut across such thematic areas. The Convention of Parties of the CBD had specifically adopted decisions related to other cross-cutting issues and concerns such as the protected areas, ecosystem approach, education and public awareness, finance mechanisms, among others.

Specific to the CBD, it uses the term 'indigenous and local communities' rather than 'indigenous peoples' which in effect restricts the rights of indigenous peoples. However, with the 2007 adoption of the UN Declaration of the Rights of Indigenous Peoples (UNDRIP), the CBD has integrated in specific COP9 decisions, noting the UNDRIP as the international standard in the recognition of the human rights of indigenous peoples in specific issues and concerns in the CBD implementation.

Specific to the particular recognition and respect of traditional knowledge, innovations and practices of the indigenous and local communities relevant to the in-situ conservation and sustainable use of biodiversity, it is significant to note the CBD statement on Article 8(j) as follows:

Article 8(j): on In-Situ Conservation

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biodiversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

In relation to protected areas, decisions of the recent Conference of Parties of the CBD also adopted the following obligations of governments towards indigenous and local communities, as stated in the following decisions:

² *Capacity Enhancement for the Global Environment, The Change Report, (DENR, DA-BSWM, UNDP-GEF) November 2006*

Decision 7.23 of COPVII: 2007

Recalls the obligations of the Parties towards indigenous and local communities in accordance with Article 8 (j) and related provisions and *notes* that the establishment, management and planning of protected areas should take place with full and effective participation of, and full respect for the rights of indigenous and local communities consistent with national law and applicable international obligations.

Decision IX/18 of COP IX: 2008

Recognizing the need to promote full and effective participation of indigenous and local communities in the implementation of the programme of work on protected areas at all levels; also *noting* the United Nations Declaration on the Rights of Indigenous Peoples.

Encourages Parties to ensure that conservation and development activities in the context of protected areas contribute to the eradication of poverty and sustainable development and ensure that benefits arising from the establishment and management of protected areas are fairly and equitably shared in accordance with national legislations and circumstances, and do so with the full and effective participation of indigenous and local communities and where applicable taking into account indigenous and local communities' own management systems and customary use.

These CBD decisions are significant with the statement on the obligation of Parties towards indigenous and local communities. It also takes note that the establishment, management, and planning of protected areas should take place with the full and effective participation and full respect of the rights of indigenous and local communities. Further, the CBD-COP9 also takes note of the the UN Declaration of the Rights of Indigenous Peoples as adopted on September 2007 by the United Nations General Assembly, as a minimum universal standard on IP rights in the implementation of the programme of work on protected areas; and with the recognition of the indigenous and local communities' own management and customary use of the protected areas.

1.2 The Durban Accord and Action Plan

As a global commitment, the Philippines is a participating partner to the Durban Accord and Action Plan of the World Parks Congress (WPC) 2003, which urges the commitment for protected areas; and pushes further for the recognition, protection and support of indigenous peoples' rights in protected areas and conservation initiatives; and also to redress past grievances and retribute rights of the IPs.

1.3 The Convention on Wetlands, known as the Ramsar Convention

Another earlier Convention of which the Philippines is one of the Contracting Parties is the Convention on Wetlands, otherwise known as the Ramsar Convention. However, according to the Third Philippine National Report to the CBD, the National Wetlands Action Plan needs to be reviewed being more than a decade old, and the programme of work on Inland waters has yet to be fully integrated into the national strategies and plans of the country. Out of the four Ramsar sites in the country, three sites are indigenous peoples' areas but there is no documented report on the recognition of the indigenous peoples and their rights in the wetland sites.

1.4 Multilateral Financial Institutions Policy on Indigenous Peoples

The multilateral financial institutions such as the World Bank (WB), the Asian Development Bank (ADB), the European Union (EU) had been working with the Philippine government for a number of years with funding support for protected areas and other projects related to the

implementation of the multilateral environmental agreements (MEAs) and the other agreements on sustainable development. These multilateral financial institutions has special policies for the treatment of indigenous or tribal peoples in development projects, with corresponding operational policies. With these policies, it is also the responsibility of the Philippine government to ensure that such policies are integrated in the plans and implementation of development projects in areas with indigenous or tribal peoples, including projects on protected areas.

2 National Laws / Policies/ Plans Enacted as Philippine Government Commitments Under the International Agreements /Organizations (Change/Non-Change in the National Laws/Policies)

Under the UN Convention on Biological Diversity, the obligations of the Philippines include the development of a national strategy and action plan to provide the framework for national implementation of the CBD objectives through action plans for the conservation and sustainable use of biodiversity, and the equitable sharing of benefits arising from the utilization of these natural resources. This, in turn, should be part of the national sustainable development strategy, plan and action; which includes the identification and monitoring the important components of biological diversity that need to be conserved and used sustainably. As stipulated in the Philippine NBSAP, such strategy and action plan is explained as follows:

2.1 The National Biodiversity Strategy and Action Plan (NBSAP) of 1997

The Philippine NBSAP was formulated in 1997, as an obligation of the Philippine government to its commitments to the Convention of Biological Diversity (CBD), and to the recognition of the need to confront the problems and issues relating to the conservation of biodiversity. This was formulated by multidisciplinary groups of experts as well as multi sectoral consultative fora following United Nations Environmental Programme's (UNEP's) guiding principles for biodiversity planning. The NBSAP provided the blue print for the country's biodiversity agenda and identified strategies including action plans to conserve and develop biodiversity in a sustainable manner.³

This NBSAP recognizes that to some indigenous communities, some biological resources or sites are sacred and a source of cultural identity. This type of value attached to a resource contributes to its preservation or sustainable use. It further mentions that, more fundamentally, local communities and especially indigenous peoples have a rich repository of knowledge and practices about the natural environment that contribute to biodiversity conservation. Many of these communities occupy territories, particularly forest areas, that harbor a variety of species. The cultural and spiritual values attached to biological resources by indigenous peoples constitute a part of the worth of these resources.⁴

To institutionalize the NBSAP, Presidential Memorandum Order No. 289 of July 1995 was issued to integrate Philippines' strategy for biological diversity conservation in the sectoral plans, programs and projects of national government agencies.⁵ The government thru its focal point agency on CBD, which is the Protected Areas and Wildlife Bureau (PAWB) under the Department of Environment and Natural Resources (DENR), is obliged to ensure the

³ *Capacity Enhancement for the Global Environment, The Change Report, (DENR, DA-BSWM, UNDP-GEF) November 2006*

⁴ Ibid

⁵ *Philippine Council for Sustainable Development, Republic Of The Philippines, Country Profile 2001, Conservation of Biological Diversity) <http://pcsd.neda.gov.ph/11cp2001.htm>*

implementation of the NBSAP and to make the country reports on how the Philippines is meeting its biodiversity goals. The Philippines was able to submit three country reports from 1993 to 2005 to the CBD, with the fourth country report due on 2010.

2.2 The National Integrated Protected Areas (NIPAS) Act of 1992

As part of its international obligations to the UNCBD, the Philippine government has also enacted the NIPAS Act in 1992, as the legal framework in the establishment of protected areas to conserve biological diversity while promoting environmentally-sound development around these areas. As stipulated in the NIPAS Act, it clarifies that ‘this is the Republic Act No. 7586, [An Act Providing For The Establishment And Management Of National Integrated Protected Areas System, Defining Its Scope And Coverage, And For Other Purposes]. This Act is known and referred to as the *National Integrated Protected Areas System Act of 1992.*’

The NIPAS Act (RA 7586) provides for the protection of habitats of rare and endangered species of plants and animals. To implement the Act, there were 83 protected areas (PAs) proclaimed by the President under NIPAS, of which 53 are initial components and 30 are additional sites. Out of the 83 PAs proclaimed by the President, there are 5 PA bills approved by Congress.⁶

As reported by the Protected Area and Wildlife Bureau (PAWB), the NIPAS Act specifies the instruments required for the establishment and operationalization of the System by the DENR. Establishments include the compilation of maps and technical descriptions of protected areas through public participation processes and production of an initial protected area plan up to a Presidential Proclamation, Congressional Action and Demarcation.

Under Section 4 on Definition of Terms, the NIPAS Act had given due recognition of the indigenous peoples as the ‘indigenous cultural community (ICC) which refers to a group of people sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who have, since time immemorial, occupied, possessed and utilized a territory’. It also mentions in Section 9 under Management Plans that ‘the management planning strategy shall also provide guidelines for the protection of indigenous cultural communities, other tenured migrant communities and sites and for close coordination between and among local agencies of the Government as well as private sector’.

Further, under Section 11, ‘the Protected Area Management Board (PAMB) for each of the established protected area shall be created and shall be composed of the following: the Regional Executive Director under whose jurisdiction the protected area is located; one (1) representative from the autonomous regional government, if applicable; the Provincial Development Officer; one (1) representative from the municipal government; one (1) representative from each barangay covering the protected area; one (1) representative from each tribal community, if applicable; and, at least three (3) representatives from non-government organizations/local community organizations, and if necessary, one (1) representative from other departments or national government agencies involved in protected area management’.

2.3 The Indigenous Peoples’ Rights Act (IPRA) of 1997

With the 1987 Philippine Constitution’s mandate, the Philippines had enacted Republic Act 8371, also known as the Indigenous Peoples’ Rights Act (IPRA) in 1997. It is the embodiment of the government’s formal recognition of the rights of the country’s various indigenous peoples (IPs) and indigenous cultural communities (ICCs), foremost of which is to hold titles to their

⁶ *Ibid*

territories or ancestral domains, or the Certificate of Ancestral Domain Titles (CADT), after proper identification and delineation according to law. The importance of IPRA extends to environmental and natural resource management and protection. The main occupants of protected areas are IPs/ICCs, and many parts of protected areas are also the ancestral domains of IPs/ICCs. IPRA, therefore, places upon the shoulders of IPs/ICCs the responsibility of sustainable development and environmental protection within their ancestral domains.

According to representatives of the indigenous peoples in the Philippines, 'this is a landmark piece of legislation which promises to change the course of history of indigenous peoples in the Philippines', however, its success and failures in terms of its implementation can be evaluated with its existence for more than ten years since its enactment.

2.4 Joint DENR-NCIP Memorandum Circular No. 2007-01 on Management of Overlapping Protected Areas And/OR Their Buffer Zones And Ancestral Domains/ Lands

Harmonization of the IPRA with existing laws is a positive development and part of the continuing endeavor of NCIP and other government agencies. Particularly for the management of overlapping protected areas with ancestral domains/lands, the DENR and NCIP had recommended the enactment of this joint memorandum circular. It states that 'Pursuant to Section 13 of RA No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act of 1992, Section 58 of RA No. 8371 or the Indigenous People's Rights Act (IPRA) of 1997, and Section 6 of the Joint DENR NCIP Memorandum Circular No. 2003-01 on the Harmonization of the Implementation of the Indigenous Peoples' Rights Act (IPRA) and Environment and Natural Resources (ENR) Laws and Policies.'

As stated in Section 2 of the Memorandum on Scope and Coverage, 'this joint circular shall only cover the overlapping protected areas established pursuant to the NIPAS Act and ancestral domains/lands under the IPRA. After undergoing a process of a harmonized management plan, Section 10 on Management Authority states that 'Overlapped areas shall be managed in accordance with the harmonized plan. The ICCs/IPs concerned shall have the primary responsibility to maintain, develop, protect and conserve such overlapped areas with the assistance from the DENR and other concerned government agencies. Should the ICCs/IPs decide to transfer the responsibility over the areas to the concerned government agencies, the decisions must be made in writing.'

2.5 Executive Order 263 : Adoption of the Community-based Forest Management Scheme

Recent initiatives seek to complement the spirit of devolution and promote the empowerment of all stakeholders to enhance their involvement in the development of the sector. EO 263 entitled Adoption of the Community-based Forest Management Scheme) encourages more participation from upland communities in forest management. In addition, the Indigenous Peoples Rights Act (IPRA) provides IPs with a legal mandate to utilize and manage resources within their ancestral lands and domains. It also provides IPs with an opportunity to forge partnerships with the government in programs and projects on natural resources management (NRM), particularly in areas within their ancestral domains.⁷

⁷ http://www.neda.gov.ph/Subweb/MTPDP_Angat_Pinoy_2004/mtpdp03.htm

Review of Laws and Policies

The abovementioned national plans and laws/policies are only some of the Philippine government's commitments to the international agreements that also sets the legal framework with relevance to protected areas and the indigenous peoples rights. In addition, there are other enacted laws on natural resource management (NRM) that are conflicting with the laws on protected areas and the IPRA. While there are attempts on harmonizing IPRA and NRM laws/policies, the overlaps and conflicts among some of national laws with IPRA are widely experienced by the IPs in the protected areas. These conflicting laws include the aggressive implementation of 1995 Philippine Mining Law, the 1975 Revised Forestry Code or Presidential Decree 705, and other DENR administrative orders related to the management and utilization of natural resources in the protected areas in relation to the indigenous peoples within the protected areas as part of their ancestral domains. Presently, the corporate mining applications and operations, poor forestry management and illegal logging, militarization, among others are now conflicting with the IPRA and NIPAS law in areas within the declared protected areas and ancestral domains of the indigenous peoples.

A case in point is the recent European Commission report presented last August 9, 2008 during the celebration of the International IP Day, wherein it mentioned that 'the European Union acknowledges the potential importance of the mining sector in contributing to economic growth, but underlines the essential importance of ensuring that mining is conducted in an environmentally and socially responsible manner. Mining in protected areas and other priority conservation sites (such as for example the Palawan and Sierra Madre forests) remains a matter of grave concern.' Environmental and Social Impact Assessments, undertaken systematically prior to approving any mining concession are the main tools for an effective monitoring of the impact of mining. All legal requirements should be effectively enforced to ensure the protection of rights and claims of indigenous peoples and other vulnerable communities including their fair share of the economic benefits, and to prevent the depletion of natural resources.' (EU Statement, PDF 2007)

Moreover, it reports that 'the rights and claims of the indigenous peoples are often not respected. Practices had been reported where there were lack of consultation, unfair consultation, community 'gifts' were used to buy the community support, only few were consulted, or the leaders were bribed. In addition to these, para-military presence, human rights violations had been reported due to mining applications covering IP areas. It also mentioned of a weak forest governance, wherein to have a good legislation (e.g. IPRA) is just an important first step, but not the final objective.'

In relation to the mentioned laws with relevance to PAs and indigenous peoples rights and knowledge, systems and practices in NRM, a report on the 'Capacity Assessment for the Preservation and Maintenance of Biodiversity-related Knowledge of Indigenous and Local Communities' it recommends that there is a need to continually harmonize laws, ordinances, regulations related to indigenous and local knowledge, systems and practices (ILKSP) and biodiversity; and the need to pass laws on protected areas in specific priority protected areas. On the institutional assessment, the report also mentions the overlapping functions between and among government units e.g. DENR and NCIP; and that DENR personnel needs to be culturally sensitive, including awareness for IKLSP. For this, it recommends a need for multi-stakeholder approach i.e. cooperation among and between LGAs, LGUs, NGOs, POs and IPs; to undertake cultural sensitivity trainings and provide skills trainings on ILKSP research, dissemination and utilization. It also recommended for the ensurance of adequate IP representation in Protected Area Management Boards (PAMBs).⁸

⁸ *Capacity Assessment for the Preservation and Maintenance of Biodiversity-related Knowledge of Indigenous and Local Communities*, Dr. Theresa Mundita S. Lim, OIC/Director, PAWB-DENR

On the whole, many other executive and administrative orders, memorandum circulars and implementing rules and regulations on PA and indigenous people's rights, under the DENR and NCIP, among other government agencies had been enacted and implemented for the past years. However, the implementation of such laws and policies by the concerned agencies through their various program strategies and action plans should be further evaluated. The harmonization of state laws and policies with indigenous knowledge and customary law in natural resource management in the protected areas should always give prime consideration to the full respect of indigenous peoples rights and their effective participation in the conservation, sustainable use and equitable sharing of benefits in the utilization of biodiversity resources.

3 Implementation of Philippines laws and policies that recognize and promote the rights of IPs in protected areas

This section focuses on published accounts of how the NIPAS Act and the IPRA have been implemented in many key biodiversity areas/ protected areas of the Philippines.

Right to ancestral domains

The Philippine Constitution is the fundamental basis for the Indigenous Peoples' Rights Act (IPRA). While IPRA is the national policy on the recognition of the rights of the indigenous peoples (IPs) to their ancestral domain as well as their cultural identity. It contains provisions addressing almost all concerns covered by this subject. The IPRA protects the rights of the IPs to exclude non-IPs in the utilization of natural resources within their ancestral domain. Before any person is allowed access to these resources, Free Prior Informed Consent (FPIC) of the community should be obtained in accordance with customary law.

Out of the 128 KBAs of the Philippines, approximately 96 of these sites are part of the ancestral land and/ or domains of IPs. In these areas, there are many ancestral domain and ancestral lands claims of IPs. Some of these claims have been granted ancestral domain/land certificates/ titles.



Mt. Kitanglad, sacred mountain of the Higa-onon people of Bukidnon, Philippines
Photographer: Ma. Elena Regpala, Tebtebba

Many IPs' ancestral domain and ancestral land claims are undergoing negotiation. This means that most of the land area of the original claims were reduced or are undergoing reduction. But there are also instances where the claims have been increased. There are instances where such AD have been re- interpreted as being one and the same as the municipal area jurisdiction when in fact it is not.

There are accounts that IP communities do not understand the objectives of the establishment of PAs in their ancestral domain. While others understand that PA staff are suppose to protect the identified area. But based on their observation, there are instances where this is not the case. Traditionally, whether being told or not, IPs protect and nurture their AD.

Right to self-government and empowerment

On Management Plans and ADSDPP

In some PAs where there are IPs, the implementation of PA managements plans includes the formulation and implementation of ancestral domain sustainable development and protection plan (ADSDPP). Out o f the approximately 96 KBAs where there are IP, there are at least 18 ADSDPP.

On Participation in PAMBs

The participation of IPs in planning and management of PAs is a means of recognizing their rights and safeguarding their interests in the development process. This approach to indigenous development is a means of improving the quality of of implementation and outcome of project in PAs. Based on the NIPAS Act, PAs are managed by PAMB. Records shows that in 1996, there are approximately 28 PAMBs organized. Of these, there are approximately 6 PAMBs where IPs are represented.

In PAs where there are IPs and they are represented in the PAMB, there are questions being raised on how many IPs should represent them. In PAs where the population is dominantly IPs, shouldn't the PAMB be composed of IPs?

In relation to the effective participation of IPs in the PAMBs, there are instances where the IPs are not able to attend the meetings because of the far distances that their representative have to travel. Related constraints to the participation are: IPs were not informed of their role and responsibility in the board nor have they been given orientation or training; there were also scarce or limited resources for travel expenses. The language used in the conduct of the board meetings are too technical and difficult to be understood by IP representatives.

Right to Cultural Integrity/Traditional Knowledge

In its 2006 report, the Protected Areas and Wildlife Bureau (PAWB) acknowledged that activities geared towards establishing the status, trends and threats to the knowledge, innovations, and practices of IPs and local communities have been limited. The report further states that there are NGOs and and academe that have initiated work on the subject but they are few in number and limited in geographical coverage. A component of the UNDP-GEF enabling activity called 'Capacity Assessment for the Preservation and Maintenance of Biodiversity related Knowledge of Indigenous and Local Communities' attempted to document biodiversity-related knowledge of indigenous and local communities. (PAWB-DENR: 2006: 17-19)⁹

The PAWB report further noted that there are very few measures being taken to enhance and strengthen the capacity of IPs and local communities to be effectively involved in decisions-

⁹ Protected Areas and Wildlife Bureau-Department of Environment and Natural Resources. 2006. Implementing the UN Convention on Biological Diversity (CBD) in the Philippines: The Third Philippine National Report to the CBD (2002-2005), pp 17-19.

making related to their traditional knowledge, innovations and practices. They are mostly included in the provisions of the Indigenous Peoples Rights Act (IPRA) and Administrative Orders of the National Commission on Indigenous Peoples. These provisions and administrative orders include: 1) principles of self-delineation, 2) natural resources development or exploitation by non-IPs, 3) management and/or development of ancestral domains or portions thereof, 4) Free Prior Informed Consent, and 5) Preparation of ancestral domain sustainable development and protection plan (ADSDPP).



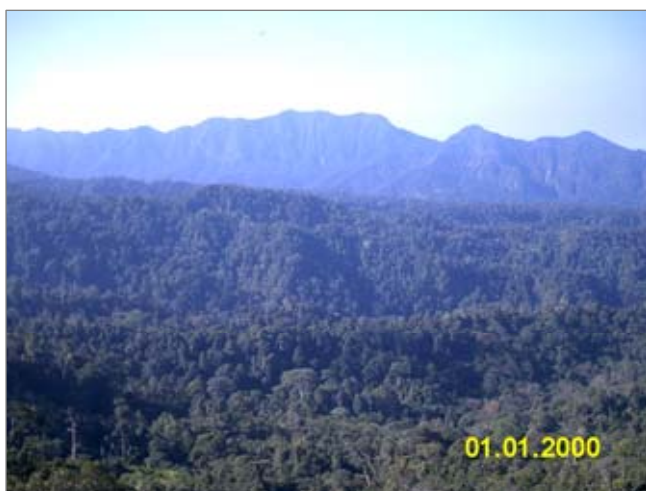
Talaandig elders performing a ritual of welcome and acceptance of visitors. The ritual is a community protocol to assure the health and safety of visitors in Talaandig territory in Bukidnon
Photographer: Judy Cariño, Tebtebba

Right to Social Justice and Human Rights/ Prohibited Acts against objects of interest to ICCs/ IPs

There are at least seven (7) KBAs/ PAs that are considered sacred and cultural sites significant to IP's, these are: 1) Mt. Pulag, 2) Mt. Naujan, 3) Mt. Halcon, 4) Mt. Diwata Range, 5) Mt. Kitanglad, 6) Mt. Apo Natural Park, 7) Mt. Matutum. There are reports that some of these areas have been desecrated through mining operations, mountaineering activities, unauthorized collection of flora and fauna and bioprospecting.

4 Case Study of the Ayta in the Bataan Protected Area

The Bataan Natural Park (BNP) is one of the ten priority reserves of the Conservation of Priority Protected Areas Project (CPPAP), a seven-year initiative funded by the Global Environment Facility (GEF) through the World Bank. The BNP covers the elevated areas of Mt. Natib Complex (1,253 m asl), one of the two volcanic complexes that arise across the Bataan Peninsula. It lies at coordinates 14°37' 50' to 14°50' 10' latitude and 120°15' to 120°25' longitude, occupying an area of 23,688 ha encompasses the municipal jurisdictions of Hermosa, Samal, Orani, Abucay, Bagac, Balanga, and Morong.



Mountain Ranges of the Bataan Nature Park (BNP)

Photographer: Borromeo Motin, Bataan Center for Innovative Science and Technology

CPPAP aims to empower local communities, including the indigenous peoples, to manage the protected areas in a sustainable manner. It was implemented through experimental partnership between the Philippine Government and the public. The Department of Environment and Natural Resources (DENR) representing the government while the public participated through the NGOs for Integrated Protected Areas (NIPA), a consortium of Philippine non-governmental organizations (NGOs) that bond together by a common vision of establishing protected areas that are sustainably managed by local communities in collaboration with government.

It employs a multi-stakeholder approach among government, local communities, NGOs, the scientific community, the private sector, and international partners. It is anchored on a community-based resource management strategy which seeks to empower local communities residing inside and within the buffer zones of the park to manage their own resources and become active partners in protected area management. Alternative livelihood opportunities and tenurial security of park residents are integrated components in this strategy.

Participatory management is ensured through the Protected Area Management Board (PAMB), a multi-sectoral body composed of representatives from government including LGUs, peoples' organizations, NGOs, and indigenous cultural communities. PAMB is the highest policy-making body of PA that ensures democratic participation of all sectors for the effective management of PAs.

This strategy is supported by the National Integrated Protected Areas System (NIPAS) Act of 1992 (RA7586) that aims 'to secure the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.'

This case study focuses on the participation of the Ayta communities in the implementation of laws and policies and management of the Bataan Natural Park and with respect to the rights of indigenous people.

4.1 Historical Background of BNP

The Bataan National Park (BNP) was established by a Legislative Act No. 3915 in 1932 entitled 'An Act Providing for the Establishment of National Park Declaring such Park as Game Refuges and for other Purposes.' This act authorized the proclamation of BNP as reservation and required withdrawal from settlement, occupancy or disposal because of its panoramic, historical, scientific, and aesthetic value, declared and set apart as a national park. Figure 1 shows the map of Bataan.

On December 1, 1945, President Sergio E. Osmeña signed a Proclamation No. 24 entitled 'Establishing and Designating a Parcel of the Public Domain Situated in the Municipalities of Hermosa, Orani, Samal, Abucay, Balanga, Pilar, Bagac, and Morong, Province of Bataan and Municipality of Subic, Province of Zambales, as Bataan National Park' an area containing 31,400 hectares.

The Proclamation No. 24 had series of amendments that subsequently caused simultaneous reduction of park's area. Former President Ferdinand Marcos made series of amendments as follows:

1. In 1966 Proclamation No. 25 entitled 'Excluding from the Operation of Proclamation No. 24 dated December 1, 1945 a Certain Portion of the Land Embraced Therein Situated in the Municipality of Pilar, Province of Bataan, and Reserving the Same for National Shrine Purposes' an area containing 15,400,000 square meters.
2. August 03, 1976, Proclamation No. 1564, excluding 368 ha situated in the municipality of Morong from BNP operation for the establishment and construction of the Philippine Nuclear Power Plant Project.
3. March 25, 1980, Proclamation No. 1956 excluding 6,000ha as Timberland for Forest Purposes from BNP operation.

These series of amendments of Proclamation No. 24 conflicting land uses, brisk growth of human settlements, and rapid deforestation. While all these changes were happened, the forest cover of BNP is fast diminishing due to logging, conversion of forested land to croplands, and forest/grass fires. Beyond loss of tree cover, natural resources are irreversibly extinct such as endemic flora and fauna, disappearance of valuable habitats, and unique ecosystems found in Bataan National Park.

In 1992 the term 'National' in the 'Bataan National Park' was changed to 'Natural' making BNP means 'Bataan Natural Park' to reflect new management strategy under NIPAS Act. Unfortunately, the proclamation creating BNP into Bataan Natural Park is not yet approved.

4.3 Demographic Profile in BNP

The demographic profile of families residing in the BNP is not updated since 1995. Its total population then was 3,514 persons or 1,701 household include Aytas and local communities. This number comprised 7.14 percent of the total population of the 27 host barangays. It has an average population density of 19.17 persons per sq. km. This density was 7.69 percent of the

average population density of the host municipalities which was 249.7 persons per sq. km. and 5.35 percent of the average population density of the province which was 358 persons per sq. km. Average household size was 5.20 members.

4.4 The Ayta Communities in BNP

According to the narratives handed down by Aquino Malunic, a deceased tribal leader, Apo Malu and Lola Unhik were the first Ayta couple to set foot in Bataan province, while Apo Alipon and Lola Moray were the first Ayta couple to settle in Morong long before the Spanish conquest in the Philippines.

Apo Alipon and Lola Moray traveled from Zambales to the coastal area of Morong to look for a better place to live in. They settled in an uninhabited area now called Barangay Mabayo and never returned to Zambales. The term 'Mabayo' was derived from the Ayta word '*bayo*' which means new, and it was probably used to designate the new place.

The Magbukún tribe came from the descendants of Apo Alipon and Lola Moray. According to the Aytas from Zambales, the term *Magbukún* is literally means 'on his own' or *nagsarili*. Since Apo Alipon and Lola Moray left Zambales to settle in Morong, they were considered to be on their own by the tribe from which they originated, hence the term Magbukún.

The history of Magbukún Aytas reflects their semi-nomadic way of life that involves moving from one place to another in between temporary settlements. They look for and choose a tranquil place where they can build huts, plant some vegetables and fruit trees around *dasuhan* (an area in the forest where they temporarily build their hut), and gather food from the forest.

Apo Alipon reached the ripe age of approximately 123 years. In preparation for his passing away, he decided to hold a gathering of all members of his tribe including his children and grandchildren from different parts of Bataan. At the gathering held along Kabuyaw River, he worshiped and gave thanks to *Anito* (god of nature) then he counseled and admonished his descendants. He asked them to make an oath to *Anito*, requested them to dip their hands in water (local word for this action is 'kanaw') as a symbol of purity from the Kabuyaw River and to place their hands on their chests. He then said aloud in their language:

You from my race, this is what you should do for all time. You should love one another, help one another, care for and respect the land I gave you, plant, take care and nurture it, and treat it as a community property.'

He then blessed each of his children and grandchildren before sending them off.

The word 'Kanawan' was derived from the place where Apo Alipon requested his descendant to dip their hands before they took their oath. It is a custom of the Aytas for the youngest child to remain with the parents to care for them until they die. After the gathering, Apo Alipon's children left to follow the last instruction of their sire. It is said that Apo Kirok and Lola Taya were the couple who remained with their parents. It is believed that the Magbukún community of Aytas in Kanawan came from Apo Kirok and Lola Taya. The other two families are assumed to have crossed over the mountains to settle in Limay, Orani, Orion, Abucay, and Mariveles, Bataan. Figure 2 shows the location of Morong town in Bataan.

4.5 Ayta Sacred Sites in Ancestral Domain (AD)

The Magbukún Aytas respect the entire forest area of the AD as a sacred place especially when they commune with nature. Prayers and offerings can be made at any where in the AD as long as

the Aytas feel peace and can feel the presence of the *anitos* or spirits. However, there are certain places that are considered special because of stories and beliefs associated with it.

1. *Binugsok* – It is a big rock set on three big rocks. A full-grown ‘*balete*’ (figs) is found on the top of this rock. Its roots at the back look like the hair of a woman. From the front, the figure resembles a human face looking towards the east. The Aytas believe that this is the dwelling of the *anitos* who take care of the wild pigs in the forest. Based on local stories, a voice can be heard from the gathering place of the wild pigs. This is the reason that this place is considered sacred.
2. *Malipa* - This place is avoided by Aytas because the *Tawung* or *Aytang Gubat* is seen in this place. It is said that the *Tawung* or *Aytang Gubat* has vertical eyes and wide ears. The place is avoided because there are a lot of *lipa* found here.
3. *Ahawa’an* – This is a place where two cousins fell in love with each other and consequently eloped and ran away from their parents. Because a relationship between cousins is strongly prohibited, the couple jumped into the deep pool and was trapped until the women became pregnant. They were not able to escape from the pool because they were guarded by a big fish.
4. *Ambon-ambon* – This is a closed canopy forest where it always rains even during summer. There is also a small waterfall with a height of approximately 150 meters. When the waters fall, showers are created due to the height and the strong winds, thus the name ‘*ambon-ambon*’ (rain shower). The *anito* called ‘*Lumong*’ is offended by noisy intruders. When the hunters and gatherers become noisy, rain falls. Noisy intruders will be sick or cannot get sleep. Sometimes, offenders are throwing with stone by unseen creatures.
5. *Palyon* – This is the home of most Anitos of the forest. Aytas pass in this place should take time to commune with Anitos, the steward of the forest. It is also the place where a person with *kagon* (traditional healing by possession of spirits) renewed ties with anitos who help her/him in healing process. Ayta hunters and gatherer should also pay respect by asking permission and made offerings before and after hunting and gathering activities. They should also offer thanks giving for the bounty they received.

4.6 Settlement in Kanawan Negrito Reservation Area

In the 1970, the Magbukún Aytas move to higher elevation of their ancestral domain to start a new beginning. For a time, they divided into two groups. Some families opted to live in Biga while others settled in Kanawan. Later they joined together in Kanawan because the water source in Biga is difficult.

In 1987, former President Corazon C. Aquino proclaimed the 227-ha of BNP as Kanawan Negrito Reservation Area (KNRA). Today there are about 41-ha of land occupied by 13 non-indigenous migrant families and 186-ha are use by the Aytas with about 156 hectares for agricultural and agroforestry use, two hectares for residential use, one hectare for the elementary school and 30 hectares protected, reforestation & sloping areas that are not suitable for farming.

Each Ayta family is allotted three hectares of farm land. They live in groups. The first five non-Ayta migrant families who are friendly to the Aytas were allotted two hectares of farm lands while the eight families who reside later were only given one hectare per family.

In 2004, the Kanawan Aytas submitted an application to NCIP for a Certificate of Ancestral Domain Title (CADT) in approximately 10,970-ha ancestral domain of which 50% is within the BNP. Since then, their CADT application had never progress due to unavailability of fund to conduct ground survey. In 2006, the community working group (CWG) with the assistance of government agencies and partner NGOs formulated the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP). At present, their ADSDPP is not yet certified by the commission en banc of NCIP. Figure 3 shows the Kanawan Aytas ancestral domain claim showing overlap with the Bataan Natural Park.

4.7 Traditional Livelihood of Kanawan Aytas

Forest is the main source of livelihood of the Kanawan Aytas. The traditional hunting and gathering practices are still strictly observed. During dry season when most of the flowering plants are in bloom, the gathering of mountain honey or wild honey begins. This usually starts from late December or January until May. Honey gathering is considered by the Aytas as one of the most profitable livelihoods, but signs of over-gathering and destruction of forest due to illegal logging greatly affected the availability of honey. The unsustainable harvesting methods of non-indigenous people who are also engaged in gathering honey contribute to the decline of resources. It has become more and more difficult to find hives and these have become smaller in size.

Habato Dansuan. The space between rocks serves as temporary dwelling of the Ayta in the forest when they are in hunting a hunting expedition.

Photographer: Borromeo Motin, Bataan Center for Innovative Science and Technology



Hunting of wild pig and deer is done by the Aytas only from June to October. Hunting beyond this period is prohibited to allow the wild animals to reproduce. In November, the female animals are expected to bear offsprings while during the wet months, the mating season usually occurs. During summer, it is useless to hunt them because they are too lean. Other wild animals like *labuyo*, *bayawak*, *bakulaw*, *musang* and *pugo*, etc. are hunted throughout the year. The decline of resources are blamed on the non-traditional way of hunting by non-indigenous people and destruction of forest.

The Ayta hunters still practice the traditional rituals like offering of food and asking permission and luck from the Anitos before entering in the hunting grounds and setting up the implements.

Aside from hunting, the Magbukún Aytas also practice a type of swidden agriculture called *gasak/gahak*. The *gasak* differs from *kaingin* or slash-and-burn – grassland areas are cleared without cutting down and burning trees, then planted with crops. All *gasak* areas are rainfed.

Unfortunately, due to increasing demand for food and income, some Aytas were engaged in unsustainable *kaingin* system with non-indigenous partners.

The Magbukún Aytas also observe the *katutubong bayanihan* (native or local volunteerism) called '*lusungan*' where each worker brings his/her own food during the preparation, planting, harvesting and cleaning of the *gasak* of a community member. They do this so that the feeding of the volunteer workers will not be a burden to the Ayta who cultivates a particular *gasak*, but will instead be shared by everyone. This practice is done by rotation.

The Aytas also seek contractual and permanent employment outside in the KNRA. There are 78 Aytas who render labor in exchange for cash. Twenty-four individuals are employed on a contractual basis in public and private establishments as forest rangers, laborers and *tabak* by SBMA and Ocean Adventure. One (1) individual has a contract as a para-teacher for Magbukún children. One Ayta works as a pastor and another obtains income from operating a sari-sari store.

4.7 Indigenous Leadership & Conflict Management

The tribal council (TC) is the main governing body of the Magbukún Ayta community while the council of elders serve as spiritual and cultural adviser. The TC is headed by tribal chieftain and it composed of elected/chosen individuals who represent the community in the LGU (barangay and municipal levels). The leaders are selected in a way where each community member is given a corn kernel which they drop on a designated space or bottle bearing the name and/or picture of a candidate. In some instances, the candidate stands next to his/her bottle where the community members cast their corn kernel to vote. Only the Magbukún Ayta aged 15 years old and above is allowed to vote.



Women tribal leaders in Sitio Kanawan, Morong
Photographer: Borromeo Motin, Bataan Center for Innovative Science and Technology

In the past, leadership in the tribal council was passed on to individuals who exhibited ability, wisdom and skills. This was the practice until the leadership of Francisco Tumin. After his term, the system of election by corn kernel was introduced by government official who was not aware of the indigenous traditions and practices. Dino Maingat was the first elected chieftain of Kanawan. This election process continued up to the time of Eulalio Malicsi in which after four years of governing, the leadership as Chieftain was transferred to Josefina Alejo with the consent of the elders in the community. The community decided to revive this traditional selection process based on merits with consent of elders.

When conflict arises among community members, the matter is handled by the tribal council and elders of the community. Decisions are guided by the simple rule of amicable settlement where they try to appease both parties and come up with an agreement for the sake of peace.

When conflicts between community members are unmanageable, these matters are referred to the barangay or municipal government. When the conflict is between a Tagalog and an Ayta, it is brought to the barangay or the municipal government, especially when the issue is about land.

4.8 Aytas' Traditional Environmental Management

The Aytas have their own traditional practices in conserving and protecting natural resources. Their concept of conservation is integrated with the Ayta's indigenous knowledge, systems, and practices. There are many distinct ways in the Aytas' daily lives that indicate their traditional practices of conserving the environment.

- Dispersing forest tree seeds like birds – When the Aytas hunt, they pick up seeds found in the forest and throw these away in other areas. This way, the natural diffusion of the diversity of plants takes place through human intervention.
- Periodic hunting and gathering practices – Hunting wild pig and deer is allowed only during rainy days while honey-gathering commences in January until May. The Aytas have, through generations, developed the proper way of gathering honey in such a way that the bee colony will not die.
- Harvesting what is needed – The Aytas harvest only what they need for a day. They do not harvest more than what they are able to consume or sell. They do not over harvest or avoid '*salanta*' or destroying the balance of nature.

4.9 Impact of Establishment of BNP to Kanawan Aytas

In 1932, Legislative Act No. 3915 entitled 'An Act Providing for the Establishment of National Park Declaring such Park as Game Refuges and for other Purposes' was enacted. The Aytas and other local communities who were settling within the boundaries prescribed in this Act were resettled.

An Ayta elder, recalled that his parents were forced to settle in Lemon as their permanent settlement but prohibited them to roam in the forest to hunt wild animals and gather edible plants. To survive, the Aytas had to live with non-indigenous migrant farmers and learn to cultivate crops and raise animals for farm use. Women became farm workers and domestic helpers to non-indigenous families in nearby barangays.

Prior to the enactment of Legislative Act No.3915, Sitio Lemon was one of the temporary settlements along with Bayandati, Bayan-bayanan, San Isidro, Anito among others that they used periodically until the Philippine government ordered them to settle in one place. They were then able to live peacefully and harmoniously under the care of the government. But Aytas never settled in one place. They always look for opportunity to go back in the forest to recharge and commune with nature.

In the mid-1970's, Former First Lady Imelda Marcos looked for a suitable place for the Vietnamese refugees. Unfortunately she chose Lemon, Morong, Bataan as the site for the Philippine Refugees Processing Center (PRPC). The Aytas were evicted by the Marcos government from Lemon to Kanawan to give way to the refugees. The spring which served as the Aytas' water source were flattened in order to construct cottages. The burial site of some

ancestors of Magbukún Aytas in Lemon are marked by trees such as the Sampaloc tree near the current fire station.

4.10 Ayta Representation in the Protected Area Management Board

There are 45 original Protected Area Management Board (PAMB) members in BNP of which two slots are allotted for nine Ayta communities residing within BNP. The two slots were seated by representatives from Sitio Pag-asa, Orani and Brgy. Bangkal, Abucay. Selection of Ayta members did not follow the indigenous selection process. According to an Ayta leader and NCIP local staff, DENR never consulted them nor informed the community regarding Ayta representation in the Board. Selection was handpicked by an official from DENR.

Sec. 11 of NIPAS Act stated that:

Management Board shall be created and shall be composed of the following: the Regional Executive Director under whose jurisdiction the protected area is located; one (1) representative from the autonomous regional government, if applicable; the Provincial Development Officer; one (1) representative from the municipal government, one (1) representative from each barangays converting the protected area; one (1) representative from each tribal community, if applicable; and at least (3) representatives from non-government organizations/local community organizations, and if necessary, one (1) representative from other departments or national government agencies involved in protected area management.

But due to difficulty in meeting the quorum, the board members decided to trim down the memberships into 18 of which 15 are members of executive board.

The Ayta communities admitted that they did not understand the purpose of proclamation of their ancestral domain as protected area. Protection and conservation of natural resources is integral to the culture of Aytas. The chieftain in Sitio Kanawan was endorsed by a private individual who is close to local politicians to represent their community in the board. Unfortunately, she attended meetings only twice because she did not understand the bureaucratic process of decision making.

Ayta leaders in Morong and Abucay observed that the management of BNP is lacking in the following social aspects:

1. Lack of IEC (Information Education Campaign) activities to inform the Ayta and non-indigenous communities on the purpose of BNP particularly on the establishment of protected area under NIPAS Act; its vision, mission, management plan, programs, and projects.
2. Lack of transparency. The Ayta communities are suspicious of PAMB-DENR transactions: Representation of one Ayta representative per IP community is not implemented. Selection of two Ayta representatives in the board did not pass through the indigenous selection process. There are proposed projects approved by DENR Secretary without Free and Prior Informed Consent from the affected Ayta communities.
3. No explicit signs of respect to the indigenous rights over ancestral domain and indigenous knowledge system and practices- IKSPs. DENR employees and partners proceeded in the forest without informing the Ayta community in the area about their activities and purposes.
4. No training and orientation conducted specifically for Ayta representatives and local communities to prepare them to understand the activities of multi-sectoral parties in the conservation of natural resources.

5. The Aytas felt that they were not directly involved in the management of PA because the two IP representatives were hand picked by DENR staff. They did not make reports or feed back to the community. The Ayta leaders believed that employment or deputation of Ayta representatives as forest guards is one way of ensuring their direct involvement in management of BNP.
6. There is no case study made on customary use or traditional use of biological resources by Aytas. The Aytas are allowed to collect and gather plants and animals that they traditionally use.

4.11 Ayta and BNP Case Study Conclusion

The fundamental development of Ayta community in Sitio Kanawan, Morong, Bataan lies in the recognition of their rights in the ancestral domain and the conservation of their culture, tradition, system, practices as well as natural resources. The Aytas of Magbukún believe that development is only possible if their rights, culture, and resources are protected. The following programs and projects help the community realize their dream of progress:

Overall Recommendations

1. To continue to implement the IPRA in key biodiversity areas/PAs particularly securing FPIC without manipulation of IP communities.
2. Advocate to the Philippine government to ratify ILO 169.
3. For DENR, NCIP, PAWB to adopt and implement an education, public awareness (EPA) program on UNDRIP, CBD, IPRA, and NIPAS Act for IPs and members of PAMB.
4. For NCIP/ DENR:
 - a. to continue to award CADT to IP communities in PAs
 - b. to continue the formulation of ADSDPP in AD/AL in PAs, ensuring active participation of IPs, and inclusion of IP's traditional knowledge
 - c. Integrate ADSDPP to protected area management plan and ensure implementation of ADSDPP in PAs.
5. For DENR/PAWB/PAMB to recognize, protect customary use of biological resources and to encourage traditional cultural practices compatible with conservation or sustainable use requirements.
6. DENR/PAMB to adopt monitoring system that includes indicators relevant and meaningful for IPs in PA management (eg. Practice of traditional occupations)
7. For the Philippine government to repeal the Philippine Mining Act and stop corporate large-scale mining in PAs and IPs AD/AL.
8. DENR to revise the agro-forestry policy and plan into conservation and sustainable use of timber and non-timber forest resources.
9. Continuing harmonization of laws, policies and guidelines with IPRA.
10. Establish mechanisms to restitute indigenous peoples land taken for protected areas without their FPIC.
11. Establishment of benefit sharing mechanisms that ensure indigenous peoples benefits from protected areas.

ANNEX 1
Indigenous peoples and priority sites for conservation in the Philippines, 2008

Protected Area	Location	Indigenous People	Notes
1. Batanes Islands Protected Landscape & Seascape	Batanes	Ivatan	1 of 10 Nipas
2. Babuyan Islands	Cagayan		
3. Kalbario-Patapat National Park	Ilocos Norte	Isneg ? Agta?	
4. Apayao Lowland Forest	Apayao, Cagayan	Isneg ? Agta?	
5. Balbalasang-Balbalan National Park	Kalinga, Abra, Mt. Province	Kalinga Tinggian Kankana-ey	
6. Mt. Pulag National Park	Benguet, Ifugao, Mt. Province	Ibaloy, Kalanguya, Ifugao, Kankana-ey	
7. Buguey Wetlands	Cagayan	Agta? Dumagat?	
8. North Eastern Cagayan Protected Landscape and Seascape	Cagayan	Agta Dumagat?	-Baggao -Sta. Ana, Gonzaga, Lallo, Gataran
9. Penablanca Protected Landscape and Seascape	Cayagan	Agta? Dumagat?	
10. Northern Sierra Madre Natural Park	Isabela	Aggay/Agta	1 of 10 Nipas
11. Malasi Lake	Isabela	Agta? Dumagat?	
12. North Central Sierra Madre Mountains	Isabela, Aurora	Agta Dumagat	-Palanan, San Mariano -Maconacon
13. Quirino Protected Landscape	Quirino, Nueva Vizcaya	Bugkalot/ Ilongot	-Kasibu, Nueva Vizcaya; Alfonso Castaneda
14. Casecnan Protected Landscape	Nueva Vizcaya, Quirino, Nueva Ecija	Bugkalot Agta Kalanguya	-Nagtipunan, Quirino -Dupax Norte, Nueva Vizcaya -Madela -Cararangalan
15. Aurora Memorial National Park	Nueva Ecija, Aurora	Dumagat	Central Sierra Madre (Gabaldon) (Phil Eagle)
16. Mt. Dingalan	Aurora Nueva Ecija	Bugkalot? Dumagat	-San Luis, Gabaldon
17. Angat Watershed Forest Reserve	Bulacan	Dumagat?	-San Rafael, Dona Trinidad -Norzagaray

Protected Area	Location	Indigenous People	Notes
18. Mts. Irid-Angilo and Binuang	Rizal, Bulacan, Quezon	Dumagat	Gen. Nakar, San Rafael, Norzagaray, San Jose del Monte, Montalban, Antipolo
19. UP Land Grants (Pakil and Real)	Quezon Laguna		
20. Polillo Islands	Quezon		
21. Zambales Mountains	Pangasinan Zambales Tarlac	Agta?	
22. Candaba Swamp	Nueva Ecija Pampanga		
23. Bataan Natural Park and Subic Bay Forest Reserve	Bataan Zambales	Agta? Dumagat?	1 Of 10 NIPAS
24. Mariveles Mountains	Bataan	Agta?	
25. Manila Bay	Bataan Pampanga Bulacan National Capital Region		
26. Mts. Palay-Palay Mataas-na-Gulod National Park	Cavite Batangas		
27. Taal Volcano Protected Landscape	Cavite, Batangas		
28. Mt. Makiling Forest Reserve	Laguna Batangas		
29. Mts. Banahaw-San Cristobal Protected Landscape	San Pablo City, Laguna, Quezon	Alta? Dumagat?	
30. Quezon Protected Landscape	Quezon	Alta? Dumagat?	
31. Pagbilao and Tayabas Bay	Quezon	Alta? Dumagat?	
32. Lalaguna Marsh	Quezon	Alta? Dumagat?	
33. Ragay Gulf	Quezon, Camarines Sur	Agta? Dumagat?	
34. Mt. Labo	Camarines Norte, Camarines Sur, Quezon	Agta? Alta? Dumagat?	
35. Mt. Kulasi	Camarines Norte, Camarines Sur	Itom, Tabangon, Agta?	
36. Mt. Isarog Natural Park	Camarines Sur	Agta Cimarron, Agta Tabangon	Goa, Ocampo
37. Caramoan Peninsula	Camarines Sur	Agta?	
38. Catanduanes Watershed Forest Reserve	Catanduanes		
39. Bacon Manito	Albay, Sorsogon		
40. Bulosan Volcano Natural Park	Sorsogon	Agta Cimaron Agta Tabagon	

Protected Area	Location	Indigenous People	Notes
41. Marinduque Wildlife Sanctuary	Marinduque		
42. Mt. Calavite Wildlife Sanctuary	Occidental Mindoro	Mangyan?	
43. Puerto Galera	Mindoro Occidental/ Oriental	Iraya Mangyan	
44. Mt. Halcon	Mindoro Occidental, Mindoro Oriental	Iraya & Alangan Mangyan	
45. Lake Naujan National Park	Mindoro Oriental	Alangan Mangyan, Tao Buhid	
46. Iglit-Baco Mountains	Oriental Mindoro/ Occidental	Buhid, Tao Buid, Alangan Mangyan	
47. Siburan	Mindoro Occidental	Mangyan?	
48. Malpalon	Mindoro Occidental	Mangyan?	
49. Mt. Hitding	Mindoro Oriental	Tadyawan Mangyan, Tao Buhid	-Gloria
50. Mt. Hinunduang	Mindoro Occidental/ Oriental	Batangan Mangyan?	
51. Apo Reef Marine Nature Park	Sablayan, Occidental Mindoro	Manyan?	1 of 10 Nipas
52. Calauit Island	Busuanga, Palawan	Kalamianes? Tagbanua	
53. Busuanga Island	Busuanga, Palawan	Kalamianes Tagbanua	
54. Cuilion Island	Palawan	Tagbanua?	
55. Coron Island	Coron	Tagbanua	
56. El Nido Managed Resource Protected Area	Palawan	Tagbanua?	Presidential Proclamation No. 3, October 8, 1998 RA 7586 NIPAS Act; RA 7611 the SEP Law of Palawan
57. Malampaya Sound Protected Landscape and Seascape	Palawan	Tagbanua	
58. Lake Manguao	Palawan	Tagbanua?	
59. Dumaran-Araceli	Palawan	Tagbanua?	
60. San Vicente -Taytay – Roxas-Forest	Palawan	Batak Tagbanua?	
61. Puerto Princesa Subterranean River Natural Park	Puerto Princesa, Palawan	Tagbanua Palawan Batak	
62. Cleopatra's Needle	Palawan	Tagbanua?	

Protected Area	Location	Indigenous People	Notes
63. Victoria and Anepahan Range	Palawan	Tagbanua?	
64. Mt. Mantalingahan	Palawan	Tagbanua Palawan Batak	
65. Rasa Island Wildlife Sanctuary	Palawan	Tagbanua?	
66. Ursula	Palawan	Tagbanua?	
67. Balabac Island	Palawan	Tagbanua?	
68. Tubbataha Reef Natural Park	Palawan		
69. Mt. Guiting-guiting Natural Park	Romblon	Mangyan Tagabukid	
70. Romblon Island	Romblon	Mangyan Tagabukid	
71. Balogo Watershed	Romblon	Mangyan Tagabukid	
72. Northwest Panay Peninsula Natural Park	Aklan, Antique	Sulodnon? Bukidnon?	
73. Central Panay Mountains	Antique, Aklan, Capiz, Iloilo	Sulodnon Bukidnon/ Aklanon Ati	-Valderama -Libalao
74. South and North Gigante Island	Iloilo		
75. Northern Negros Natural Park	Negros Occidental/ Oriental	Ati? Magahat? Bukidnon?	
76. Mt. Kanlaon Natural Park	Negros Occidental/ Oriental	Ati ?Magahat? Bukidnon	1 of 10 Nipas
77. Ban-ban	Negros Occidental/ Oriental	Ati, Magahat? Bukidnon	-Mabinay
78. Southwestern Negros (Hinoba-an)	Negros Occidental/ Oriental	Magahat/ Bukidnon, Karolanos	-Kabangkalan, Basay
79. Cuernos de Negros	Negros Oriental	Ati?	
80. Mt. Bandilaan	Siquijor		
81. Mt. Capayas	Cebu		
82. Central Cebu Protected Landscape	Cebu		
83. Mactan, Kalawisan & Cansafa Bay	Mactan		
84. Olango Island	Cebu		
85. Nug-as and Mt. Lantoy	Cebu		
86. Mt. Kangbulagsing	Cebu		
87. Samar Island Natural Park	Samar		
88. Biliran and Maripipi Island	Biliran		

Protected Area	Location	Indigenous People	Notes
89. Anonang-Lobi Range	Leyte		
90. Mt. Nacolod	Southern Leyte		
91. Talibon Protected Landscape and Seascape	Bohol	Eskaya	-Sierra Bulones
92. Rajah Sikatuna Protected Landscape	Bohol		
93. Mt. Kambinlio and Mt. Redondo	Surigao del Norte	Mamanwa?	
94. Siargao Island Protected Land and Seascape	Surigao del Norte	Mamanwa?	1 of 10 Nipas
95. Mt. Hilong- Hilong	Agusan del Norte/ Sur Surigao del Norte/ Sur	Manobo Mamanwa	-Agusan del Norte: Jabonga, Santiago - Surigao del Norte: San Miguel, Lanuza, Sibagan, Bayugan, Brgy. Pakwan Lanuza CADT 11 Has.
96. Mt. Diwata Range	Surigao del Sur, Agusan del Sur	Mamanwa? Manobo Magahat	*sacred place -Agusan del Sur: San Francisco
97. Agusan Marsh Wildlife Sanctuary	Agusan del Sur	Manobo Pendon Clan Banwaon, Talaandig	-Loreto, La Paz, Talacogon, Veruela -1 of 10 Nipas -11 AD claims
98. Bislig	Agusan del Sur, Surigao del Sur, Davao Oriental, Compostela Valley	Manobo Mamanwa Mandaya Manguangan Dibabawon	- Agusan del Sur: Rosario
99. Mt. Agtuuganon and Mt. Pasian	Davao Oriental, Compostela Valley	Mandaya? Mansaka?	
100. Mt. Kampalili-Puting -Bato	Davao Oriental, Compostela Valley	Mandaya? Mansaka?	
101. Mt. Hamiguitan Range Wildlife Sanctuary	Davao Oriental	Mandaya? Mansaka?	-mining exploration at the boundary
102. Timpoong and Hibok -Hibok Natural Monument	Camiguin	Kamigin	
103. Mt. Balatukan	Misamis Oriental	Manobo?, Higa-onon	-Gingoog
104. Mt. Kaluayan-Mt. Kinabalian Complex	Misamis Oriental, Bukidnon, Agusan del Sur, Davao del Norte	Manobo? Higaonon, Pulangi (Malaybalay), Banwaon	-Agusan del Sur: Esperanza
105. Mt. Tago Range	Bukidnon	Bukidnon? Higaonon	Pulangi, Impasugong
106. Mt. Kitanglad Range		Bukidnon Talaandig Higa-onon	1 of 10 Nipas

Protected Area	Location	Indigenous People	Notes
107. Mt. Kalatungan Mountain Range Natural Park	Bukidnon	Talaandig, Higaonon Manobo	
108. Munai/ Tambo	Lanao del Norte/ del Sur	Maranaw	
109. Lake Lanao	Lanao del Sur	Maranaw	
110. Mt. Piagayungan	Lanao del Sur, North Cotabato, Maguindanao	Maranaw Maguindanao Arumanen Manobo	Maguindanao Prov- Iranun, Tiruray, Manobo
111. Mt. Sinaka	Davao del Sur, Cotabato	Manobo, Aromanon	
112. Mt. Apo Natural Park	Davao del Sur, Cotabato	Manobo, Bagobo, Ubo, Ata, Kalagan/ Tagakaolo	1 of 10 Nipas
113. Ligawasan Marsh	North Cotabato, Maguindanao Sultan Kudarat	Manobo Maguindanao Tiruray	
114. Mt. Daguma	Maguindanao, Sultan Kudarat	Manobo, T'boli, Iranun, Tiruray, Maguindanao, Buayanos	T'boli: Samarcon Mastura Cansa
115. Mt. Matutum Protected Landscape	South Cotabato, Sarangani	Bilaan, T'boli, Ubo Kalagan/Tagakaolo	
116. Mt. Busa- Kiamba	South Cotabato, Sarangani	Bilaan, T'boli, Ubo	-Lake Sebu
117. Mt. Latian Complex	Sarangani, Davao del Sur	Bilaan, T'boli, Ubo, Tagakaolo	
118. Mt. Malindang Natural Park	Misamis Occidental Zamboanga del Norte/del Sur	Subanen	& migrants RA 6266, June 1,1971 NIPAP 1995-
119. Mt. Dapiak- Mt. Paraya	Zamboanga del Norte	Subanen	
120. Mt. Sugarloaf	Zamboanga del Norte/del Sur	Subanon	
121. Mt. Timolan Protected Landscape	Zamboanga del Sur	Subanon, Kalibugan	
122. Lituban-Quipit Watershed	Zamboanga del Norte	Subanon	-Gutalak
123. Pasonanca Natural Park	Zamboanga del Norte/del Sur	Subanon, Tausug, Samal	
124. Basilan Natural Biotic Area	Basilan	Yakan, Tausug, Samal	
125. Mt. Dajo National Park	Sulu	Tausog? Samal? Badjau	
126. Tawi-Tawi Island	Tawi-Tawi	Tausug Sama de Laut/ Badjau	* part Turtle Island Heritage Protected Area (the other is Malaysia)
127. Simunul and Manuk Manka Islands	Tawi- Tawi	Tausug Sama de Laut/ Badjau	

Protected Area	Location	Indigenous People	Notes
128. Sibutu and Tumindao Islands	Sibutu	Tausug Sama de Laut/Badjau	

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ANNEX 2

Maps of Bataan Province



Figure 1 Map of Bataan Province

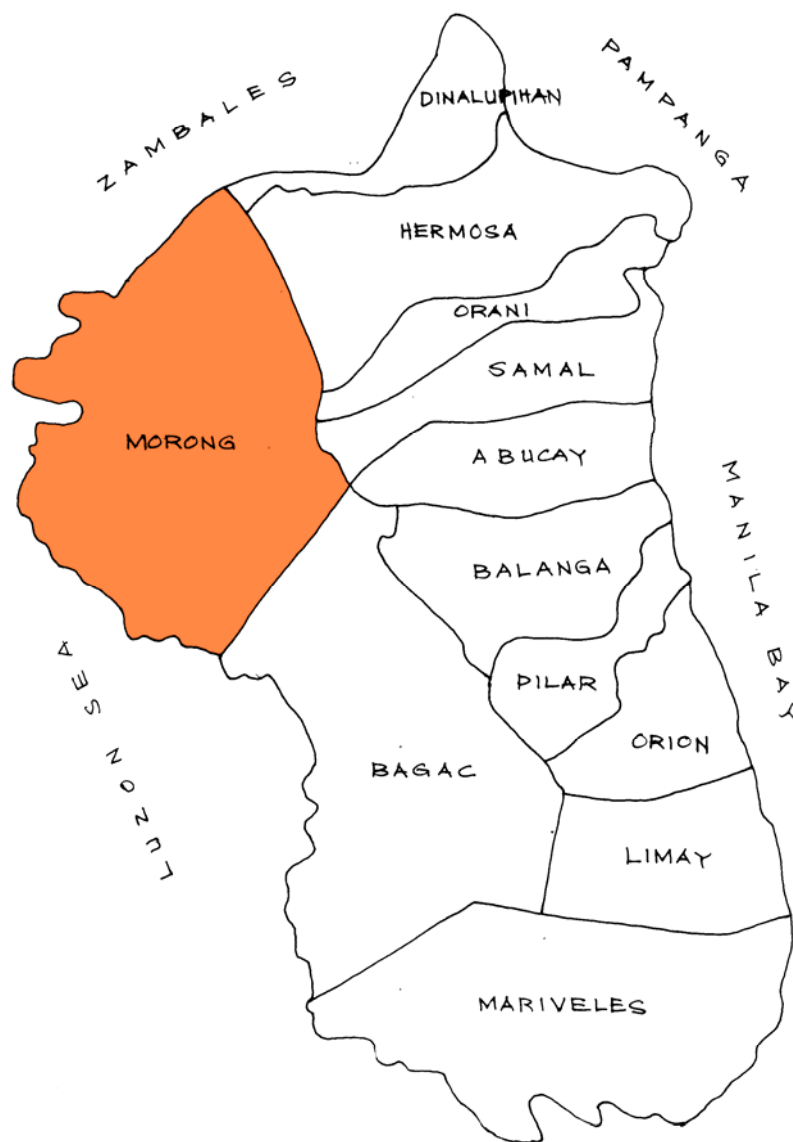


Figure 2 Location Map of the Municipality of Morong in Bataan Province

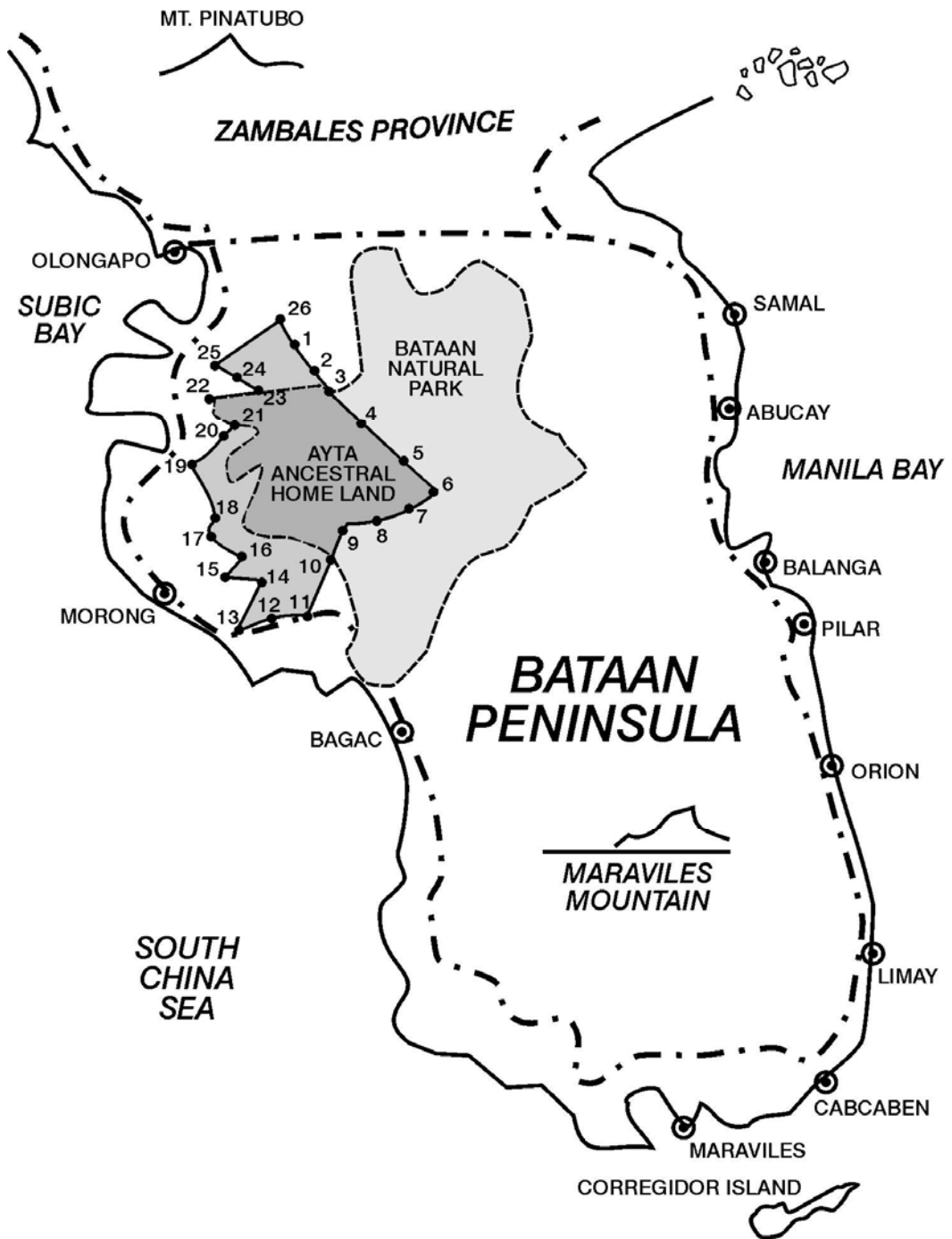


Figure 3 Map of Kanawan Aytas Ancestral Domain Claim Showing Overlap with the Bataan Natural Park

ANNEX 3

Recommendations Related to the Ayta and the BNP Case Study

1. Control Illegal Logging in Ancestral Domain/BNP

Illegal and uncontrolled logging operation is a major cause of forest destruction. The decline of water resources particularly during summer is due to the politically backed indiscriminate logging operation within the watershed area of the ancestral domain.

Reforestation and ecological restoration projects should be pursued within the ancestral domain. It is necessary to restore the diminishing watershed and biodiversity. Indigenous trees should be used to accelerate regeneration of biodiversity and conservation of IP culture and tradition.

2. Stop Encroachment of Non-Indigenous People

Destruction of the forest does not end with the illegal logging operations. Continuous encroachment of non-indigenous people in the ancestral domain threatens the rights and existence of IP community in the area. The Aytas fear that if encroachment continues backed by some powerful and rich politicians, the younger Ayta generation will again be pushed away from their ancestral land.

3. Strengthen Institutional Capability

Tribal leadership in itself is an institution. But it needs strengthening to cope up with social changes, development, environment, and structure. Leadership of tribal community needs to adjust with social development, system, and structure to be able to manage problems and challenges faced by the tribal community in protection of their rights, culture, tradition, and practices.

4. Improve IP Education Responsive to their Needs

The economic problem of the Ayta community is tied up with their problem in education. Their children are not eager to attend classes even at the elementary level because they have different issues and concerns needed to be addressed.

First, children are needed to be fed well to have enough nutrients in order to develop their physical, mental, social, and emotional needs. *Second*, most of the students do not appreciate the relevance of education in indigenous community. The curriculum design is not appropriate and responsive to their needs, condition, and culture of IP communities. There is a need to develop a special learning competency for Aytas that is culture-sensitive, appropriate, and relevant to the needs of the IP communities. *Third*, improve quality of education. Children at the young age were forced to drop out from school to help their parents by taking care of younger siblings or support the financial needs of the family.

6. Improve Agricultural Production

The construction of irrigation system will help improve the agricultural production of IP communities. Without adequate water supply both for the household and farming needs, the lives of Aytas will continue to be in desperate condition.

Another important development project identified by the community is the provision of pre and post harvest facilities which will be assisted by the government and NGOs to keep the quality and marketability of products. Concreting of access road from farm to the hanging bridge is equally important in order to easily transport the products and goods to the community.

7. Increase Livelihood Opportunities

Traditionally, the Aytas are known to depend on hunting and gathering as their major source of living. But today, farming has been also considered another main source of livelihood in addition to hunting and honey collection. But due to the depletion of forest resources, these practices have been greatly affected.

The tribal leaders expressed the need to develop additional livelihood opportunities. But Aytas should also learn additional skills appropriate to the available job opportunities such as utilization of non-wood forest products, forest guards, tourist guides, and other services.

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