

### **Reaction Paper : Katutubo ( Memory of Dances )**

The Philippines, like many of the third world countries in Southeast Asia, is now seriously confronted with problems related to their ethnic and religious minority populations. As a multi-cultural state, one of her major problems is how to forge unity and cooperation among the various ethnic groups in the country.

The indigenous people have been struggling for their right to self-determination. There are more than 40 different ethnic groups in the Philippines. Each group has a distinct culture and language. Several of these ethnic groups can be distinguished as "tribal groups". They are 'indigenous groups' who still live in a rather traditional way. Each group lives in a specific region on one of the islands. You can meet them in parts of Luzon, on some of the Visayan islands and on Mindanao.

Only a few indigenous people are Christian or Islamite. More than 95 percent of them still have their animistic religion. They were hardly influenced by the spread of the Islam. The Spaniards too, didn't succeed to Christianize them during the Spanish colonial period. Main reason was that they withdrew to the hinterlands in the uplands. The members of other indigenous tribes still believe in spirits who live on several places in the natural environment.

Last decades there are threats of land problems. The steady population growth of their own people and especially the pressure on the lands by lowland farmers and foreign and local companies. The lowland farmers (often landless) are seeking for arable land. The companies are most of the time interested in the natural resources in these areas. Mining, new plantations and logging are the threats to them and their homelands.

They produce a variety of agricultural products. On the backyards of their houses and alongside the hills, they grow a variety of vegetables (white beans, onions and others), spices, rice and other corn. Occasionally, they hunt on among others wild pigs, amphibians, wild birds and gather other food products from the forest such as tiger grass and timber. In the first place they produce for their own consumption.

Indigenous peoples (IPs) in the Philippines constitute 10-15% of the total population and are scattered across the major islands of the archipelago. For almost four centuries of colonization by the Spanish and Americans, these people have struggled for recognition of their traditional and customary lands. Land was declared as belonging to the State and laws were implemented without considering IPs. This alienated them from their ancestral domains and as time elapsed they gradually lost their distinction as a special group of people.

In the last 30 years, however, the Government has introduced radical legal reforms to recognize IPs' claims and demands. In 1987, the Philippine parliament changed the Constitution (Art. II, Sec.22): "The State recognizes and promotes the rights of Indigenous Cultural Communities/Indigenous Peoples within the framework of national unity and development". In July 1997, the Indigenous Peoples Rights Act (IPRA) was passed to fulfill the promise of the 1987 constitutional recognition of IPs: "... ancestral land rights and its commitment to uphold international obligations. The IPRA Law recognizes, protects and promotes the rights of indigenous peoples, creates a National Commission on Indigenous Peoples (NCIP), establishes implementing mechanisms, appropriating funds for other purposes".

The IPRA Law recognizes the indigenous concept of ownership. It sustains the view that ancestral domains and all resources found therein shall serve as material bases of IPs' cultural development. The concept of ownership generally holds that ancestral domains are private but community property which belongs to all generations and therefore cannot be sold, disposed of, or destroyed. The IPRA Law provides clear and defined provisions on the rights to traditional resources to ensure sustainable development and land tenure security of IPs.

Overall, the experiences from the Philippines show that, with the legal recognition of IP rights, significant values and importance of ancestral domains for national development have been recognized. Recognition of the customary tenure rights have contributed to IPs' increasingly important role in forest and wildlife preservation. It has also enabled regulated timber cutting, harvesting of forest materials, community efforts on reforestation of hardwoods, and replanting of herbal trees/plants and their preservation and classification in accordance with their customary and traditional laws. The legal acts allowed indigenous communities to voice opposition to the increasing number of mining projects located on indigenous territories, even though this opposition often proved feeble in the face of the powerful interests behind mining. Consequently IPs has become major players and partners in overall nation-building.

Moreover, these people say that if this law will not be applied, they are more than willing to fight for their rights, though they know they don't have the capabilities to do it.