MEASURING INDIGENOUS PEOPLES’ RIGHTS IN THE PHILIPPINES: THE METAGORA EXPERIENCE

Presented by
Benjamin Y. Navarro
Regional Head
National Statistical Coordination Board
Cordillera Administrative Region
A Pilot Study on the Diagnosis of Indigenous People’s Rights to Ancestral Domains and Ancestral Lands in the Philippines
PROJECT OBJECTIVES

To develop methods and statistical tools, combining quantitative and qualitative approaches that will diagnose and measure the rights of indigenous peoples to their ancestral domains and ancestral lands.

Areas Covered

- Perceptions and awareness
- Violations and realization
- Measures
- Mechanisms

Rights Focused on:

- Rights to Ancestral Domains
- Rights To Ancestral Lands
SCOPE: RIGHTS COVERED IN THE STUDY

RIGHTS TO ANCESTRAL DOMAINS
- Right of ownership
- Right to develop lands and natural resources
- Right to stay in the territories
- Right in case of displacement
- Right to regulate entry of migrants
- Right to safe and clean air and water
- Right to claim parts of reservations
- Right to resolve conflict

RIGHTS TO ANCESTRAL LANDS

- Right to transfer land/property
- Right of redemption

Source: Republic Act No. 8371 (Indigenous People’s Rights Act of 1997/IPRA)
The Partners

- **Funding**: Organization for Economic Cooperation and Development (OECD)
- **Partner Implementing Organization (PIO)**: Commission on Human Rights of the Philippines (CHRP)
- **Strategic Partners**:
  - National Statistical Coordination Board (NSCB)
  - National Statistics Office (NSO)
  - National Commission for Indigenous Peoples (NCIP)
  - Statistical Research and Training Center (SRTC)
  - Others: ESCRAsia, PhilRIGHTs and the academe
### COVERAGE: Tribes and Households

<table>
<thead>
<tr>
<th>REGION 1</th>
<th>REGION CAR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BAGO TRIBE</strong></td>
<td><strong>KANKANA-EY TRIBE</strong></td>
</tr>
<tr>
<td>Sugpon, Ilocos Sur</td>
<td>Kibungan, Benguet</td>
</tr>
<tr>
<td>No. of hhs: 150</td>
<td>No. of hhs: 250</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REGION II</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUGKALOT TRIBE</strong></td>
</tr>
<tr>
<td>Qurino, Nueva Vizcaya, Aurora &amp; Region III</td>
</tr>
<tr>
<td>No. of hhs: 350</td>
</tr>
</tbody>
</table>

**TOTAL SAMPLE SIZE: 750**
Pilot Study Outputs

Tools Produced

- Survey Questionnaire in English
- Translated versions of Questionnaire in Bugkalot, Kankana-ey and Ilocano Languages
- Manual for Interviewers
- FGD Guide and Reporting Sheets
- Manual of Survey Field Operations
Results in 4 Major Areas

- Perceptions and awareness
- Violations/Realization of rights
- Measures
- Mechanisms
Perceptions On and Awareness of the Rights to Ancestral Domains and Ancestral Lands
### FINDINGS: PERCEPTIONS AND AWARENESS

<table>
<thead>
<tr>
<th>SURVEY</th>
<th>Bug</th>
<th>Kan</th>
<th>Bag</th>
<th>FGD</th>
<th>CONSULTATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right of ownership</td>
<td>95.7</td>
<td>94.8</td>
<td>89.3</td>
<td>Right of ownership, to develop lands and natural resources and to stay in territories well understood. Low or no awareness of other rights listed under IPRA.</td>
<td>“We owned the lands since time immemorial. We deserve to have access to water inside our ancestral domain.”</td>
</tr>
<tr>
<td>Right in case of displacement</td>
<td>38.9</td>
<td>72.4</td>
<td>68.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to regulate entry of migrants</td>
<td>89.4</td>
<td>95.2</td>
<td>92.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to develop lands and natural resources</td>
<td>99.4</td>
<td>100.0</td>
<td>98.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to safe and clean water</td>
<td>99.4</td>
<td>100.0</td>
<td>98.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to claim parts of reservations</td>
<td>71.7</td>
<td>68.4</td>
<td>59.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to resolve conflict</td>
<td>84.9</td>
<td>92.8</td>
<td>73.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With full possession, IPs can be said to fully enjoy their rights as human beings.</td>
<td>93.7</td>
<td>92.0</td>
<td>86.7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Perceptions On and Awareness of the Rights to Ancestral Domains and Ancestral Lands

Percentage of households who are aware of the rights …

- Right of ownership: 89.3, 95.7, 94.8
- Right in case of displacement: 68.7, 38.9
- Right to regulate entry of migrants: 92, 89.4, 95.2

Bago, Bugkalot, Kankanaey
Perceptions On and Awareness of the Rights to Ancestral Domains and Ancestral Lands

Percentage of households who are aware of the rights:

- **Right to develop lands and natural resources**
  - Bago: 96.7%
  - Bugkalot: 95.7%
  - Kankanaey: 98%

- **Right to safe and clean water**
  - Bago: 93.3%
  - Bugkalot: 93.1%
  - Kankanaey: 97.2%

- **Right to claim parts of reservations**
  - Bago: 59.3%
  - Bugkalot: 71.7%
  - Kankanaey: 68.7%

- **Right to resolve conflict**
  - Bago: 74%
  - Bugkalot: 84.9%
  - Kankanaey: 93.2%
Perceptions On and Awareness of the Rights to Ancestral Domains and Ancestral Lands

Percentage of households who believe that "with full possession and ownership of their ancestral domains and ancestral lands, IPs can be said to fully enjoy their rights as human beings"
PHILIPPINE METAGORA: MEASURING HUMAN RIGHTS OF INDIGENOUS PEOPLES IN THE PHILIPPINES

ANALYSIS

Realization of the Rights of Indigenous Peoples to Ancestral Domains and Ancestral Lands
Realization of the Rights of Indigenous Peoples on Ancestral Domain and Ancestral Lands

Percentage of households by ownership of land

- Own: 74%
- Not Own: 25%
- Don't Know: 1%

How land was acquired

- Thru Inheritance / since time immemorial: 71.7%
- Thru Purchase: 21.7%
Realization of the Rights of Indigenous Peoples on Ancestral Domain and Ancestral Lands

For Households Owning the Land: Having a title to the land
(Yes / No / Don’t know)

Yes 53.2%
No 43.5%
Don’t Know 3.2%

For Households with Title to the Land: Evidence of ownership

- Tax Decl./Realty Tax Rpts 44%
- CLOA 15.2%
- CLT 25%
- CADT 3%
- Native Title 1%
- Torrens Title 1%
- CALT 1%
Duties and Obligations of IPs

Utilization of Land

<table>
<thead>
<tr>
<th></th>
<th>Bago</th>
<th>Bugkalot / Ilongot</th>
<th>Kankanaey</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cultivation by Self or Family Members</td>
<td>Renting/Leasing Out to Others</td>
<td>Left Idle/Not Being Utilized</td>
</tr>
<tr>
<td>Bago</td>
<td>70.7</td>
<td>4.7</td>
<td>22.7</td>
</tr>
<tr>
<td>Bugkalot / Ilongot</td>
<td>92.6</td>
<td>2.6</td>
<td>0.3</td>
</tr>
<tr>
<td>Kankanaey</td>
<td>93.6</td>
<td>1.6</td>
<td>1.2</td>
</tr>
</tbody>
</table>
PHILIPPINE METAGORA:
MEASURING HUMAN RIGHTS OF INDIGENOUS PEOPLES IN THE PHILIPPINES

E. Violations of IP’s Rights

Violations Of Rights To Ancestral Domain And Land

Don't Know 23%
No response 5%
Experienced violations 36%
Not experienced violations 37%

Percentage of Households who Experienced the Different Forms of Violations

- Encroachment: 13.2%
- Pollution: 8.8%
- Illegal Entry: 12.0%
- Displcmt/Reloc: 6.0%
- Others: 8.4%

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Has Land Been Taken Away?

- Yes: 7.3
- No: 91.5
- Don’t Know: 0.8
- No response: 0

E. Violations of IP’s Rights

- How Taken Away
  - By Force: 22%
  - By Fraud / Deceit: 61%
  - Others: 17%
  - Gov’t and Private Sector Projects: 0%

- By Whom
  - Council of Elders/Leaders: 0%
  - Private individuals: 94.4%
  - Private orgs: 5.6%
  - Others: 39%
  - Government: 0%
ANALYSIS

On Measures for Grievance and Redress
H. Measures to Protect IP’s Rights

AWARENESS OF GOVERNMENT PROGRAMS AND SERVICES
H. Measures to Protect IP’s Rights

SATISFACTION WITH AVAILED GOVERNMENT PROGRAMS AND SERVICES

[Bar chart showing satisfaction levels for various government agencies in different regions (BAGO, BUGKALOT, KANKANA)]
H. Measures to Protect IP’s Rights

NON-GOVERNMENT ENTITIES BEING SOUGHT FOR ASSISTANCE ON LAND ISSUES
Measures to Facilitate Realization of IP’s Rights

## RANK OF CURRENT PRIMARY NEEDS OF COMMUNITIES

<table>
<thead>
<tr>
<th></th>
<th>Bago</th>
<th>Bugkalot</th>
<th>Kankanaey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adequate Food</td>
<td>1.5</td>
<td>1.8</td>
<td>2.4</td>
</tr>
<tr>
<td>Housing</td>
<td>3.2</td>
<td>3.7</td>
<td>3.5</td>
</tr>
<tr>
<td>Water System</td>
<td>3.9</td>
<td>4.4</td>
<td>3.1</td>
</tr>
<tr>
<td>Livelihood/Employment</td>
<td>4.4</td>
<td>3.1</td>
<td>4.5</td>
</tr>
<tr>
<td>Education</td>
<td>5.0</td>
<td>3.8</td>
<td>5.1</td>
</tr>
<tr>
<td>Health Facilities/Services</td>
<td>4.8</td>
<td>5.5</td>
<td>4.9</td>
</tr>
<tr>
<td>Social Insurance</td>
<td>6.4</td>
<td>6.9</td>
<td>6.4</td>
</tr>
<tr>
<td>Security/Peace &amp; Order</td>
<td>7.1</td>
<td>6.9</td>
<td>6.4</td>
</tr>
</tbody>
</table>
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MEASURING HUMAN RIGHTS OF INDIGENOUS PEOPLES IN THE PHILIPPINES

ANALYSIS

On Mechanisms to Protect IP Rights
ORGANIZATIONS/INSTITUTIONS WHERE LAND ISSUES AND PROBLEMS ARE DISCUSSED AND RESOLVED

FINDINGS: MECHANISMS
Mechanisms For Grievance/Redress

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KANKANAEY

Gone to Any Organizations / Institutions

Participated in Discussions / Decision Making Process

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FINDINGS: MECHANISMS

MODE OF RESOLUTION OF LAND ISSUES /CONFLICTS

- Referred to right government institution:
  - Bago: 8.8%
  - Bugkalot: 12.0%
  - Kankanaey: 22.7%

- Amicable settlement:
  - Bago: 49.6%
  - Bugkalot: 34.0%
  - Kankanaey: 34.7%

- Customary Laws:
  - Bago: 39.3%
  - Bugkalot: 39.3%
  - Kankanaey: 70.9%

- Others:
  - Bago: 3.2%
  - Bugkalot: 0.6%
  - Kankanaey: 0.7%

- Don’t Know:
  - Bago: 4.0%
  - Bugkalot: 3.1%
  - Kankanaey: 2.0%

- No Response:
  - Bago: 0.3%
  - Bugkalot: 0.7%
Conclusions

• The survey tool developed is effective and viable.

• The survey findings are applicable to the local tribes surveyed, but not to the IPs nationwide.

• The survey results can be used in policy formulation and program identification.
ON METHODOLOGY AND TOOLS

- Bottom up approach allowing free, active and meaningful participation of IPs generates useful findings for advocacy of IP rights among governance stakeholders.
ON METHODOLOGY AND TOOLS

• Rights based governance indicators for guarantee of respect, protection and fulfillment of IP rights can be generated using a combination of quantitative (SURVEY) and qualitative (FGD) approaches in evidenced-based study of IP Rights.
Recommendations

ON IP INDICATORS AND DATASETS

- The participatory bottom up approach in surveys of ICCs/IPs should be adopted in any effort to diagnose, assess or evaluate IP rights.
Recommendations

ON IP INDICATORS AND DATASETS

• A complementary combination of quantitative and qualitative approaches in diagnosing human rights, governance and democracy shows potentials for discovery of indicators for democratic rights based governance.
ON IP INDICATORS AND DATASETS

• Replicate the study on other IPs in other ethnographic regions within the country to provide evidenced-based data that would become useful inputs to inclusion of more IP data in future censuses of the Philippine population.

• This would be a government guarantee on the rights of IPs/ICCs to be recognized as a distinct sector of Philippine society.
### References

- 2005 Pilot Study on the Diagnosis of Indigenous People’s Rights to Ancestral Domains and Ancestral Lands in the Philippines (main report and annex tables)

- Quantitative Findings and Analysis of Pilot Survey of Indigenous Peoples, Philippine METAGORA project, presented by Dir. Lina V. Castro, NSCB, July 2005 (powerpoint presentation)

- Measuring Indigenous Peoples: Rights in the Philippines: Quantitative and Qualitative Approaches presented by Atty Anita M. Chauhan, PhD., CHR, October 2005 (powerpoint presentation)
Thank You