

The CAGAYAN DE ORO DECLARATION
ON THE MEMORANDUM OF AGREEMENT ON ANCESTRAL DOMAIN
OF THE GRP- MILF PEACE PANEL

We, the Indigenous Peoples in Mindanao and Palawan who are delegates to the Mindanao- Palawan Indigenous Peoples' Consultation on the Bangsamoro Juridical Entity (BJE) at Manresa Conference Center in Cagayan de Oro City on August 24- 27, 2008, and attended by more than two hundred (200) indigenous peoples leaders from the different tribes declare our unified views and recommendations:

We believe and affirm that the Indigenous Peoples' right to self-determination is enshrined in the United Nations Declaration on the Rights of the Indigenous Peoples (UNDRIP), affirmed in Article 2, Section 22 and Article 12, section 5 of the 1987 Philippine Constitution, adopted in the Indigenous Peoples' Rights Act (IPRA or R.A. 8371) and in the Muslim Mindanao Autonomy Act 241 of 2008, otherwise known as Tribal Peoples' Right Act;

Our ancestors have long fought for our right to self-determination since time immemorial whilst recognizing, at the same time, the right to self-determination of our Moro brethren;

The right to self-determination of our Moro brethren is also enshrined in laws and in the Universal Declaration of Human Rights and that we recognize their struggle and efforts to achieve recognition of this right as a legitimate cause and has historical basis;

We assert that Mindanao is not only inhabited by Bangsamoro people but also by Indigenous Peoples and the migrant settlers, thus we call for the respect to the right to self-determination of the indigenous peoples, the right to use our traditional governance systems, our ownership of our ancestral domains and our rights to the resources therein.

We promote and accord the highest respect to various traditional peace pacts done through D'yandi, Sapa, Tampuda hu Balagun, Pakang and Kandugo/Sandugo between the ancestors of Indigenous Peoples and of the Bangsamoro peoples.

Amid this situation, we express our fears and concerns on the following:

- The inclusion of our ancestral domains and its resources as part of the Bangsamoro Juridical Entity (BJE) under the Memorandum of Agreement on Ancestral Domain (MOA- AD);

- Non- recognition of our distinct identities as Indigenous Peoples by calling us Bangsamoro people. This violates our rights to self-identification, our traditional customary laws, beliefs, governance and our indigenous ways of living;
- Failure of the National Commission on Indigenous Peoples (NCIP) to immediately act on the applications for ancestral domain titles of indigenous peoples;
- The process of formulating policies that affect our ancestral domain ignores the history of Indigenous Peoples in Mindanao and Palawan leading to the lack of consideration of our ownership, possession and utilization of our ancestral domain;
- Failure to obtain the free, prior and informed consent (FPIC) of the indigenous peoples prior to the enlisting and inclusion of our ancestral domain under BJE.

Considering all these, we strongly recommend:

For the GRP- MILF Peace Panel:

1. To respect our right to self-determination and the peace pacts of our ancestors by excluding the Indigenous Peoples' territories under Bangsamoro Juridical Entity (BJE), except those ancestral domains of Teduray, Lambangian and Dulangan Manobo tribes that are located within the Autonomous Region on Muslim Mindanao (ARMM), a core area of the BJE;
2. For these tribes within the ARMM, the Bangsamoro peoples should respect their rights to self-determination, traditional governance, tribal justice system (e.g. Guyudan and Timuay Justice and Governance), and their rights on their ancestral domain as well as the utilization of its resources;
3. To stop the war and resume the stalled peace talks, but this time with the officially designated representatives of Indigenous Peoples;
4. To create an independent panel composed of tribal leaders or lumad representatives who will bring the voices of the Indigenous Peoples in any peace agreements;
5. To clarify the concept on governance within the Bangsamoro Juridical Entity in relation to the tribal governance of indigenous peoples and to our ancestral domains.

For NCIP:

1. To fast tract the delineation and approval of titles of the ancestral domains of the Indigenous Peoples;

2. To enforce NCIP's mandatory role in promoting and upholding the Indigenous Peoples' cultures.

For the Philippine Government:

1. To conduct genuine dialogues between the Bangsamoro and Indigenous Peoples on their fundamental rights;
2. To conduct information and education campaign about the MOA-AD especially in the affected barangays;
3. To respect the traditional governance of Indigenous Peoples over ancestral domains, its utilization and maximization;
4. To stop calling or associating the Indigenous Peoples in Mindanao and Palawan as Bangsamoro peoples.

As Indigenous Peoples in Mindanao and Palawan, we commit to strengthen our unity to enable us to fully protect and preserve our rights to self-determination through peaceful dialogues with our Muslim and Christian brethren.

Signed in Cagayan de Oro City on August 27, 2008.