



INDIGENOUS PEOPLES INDIGENOUS VOICES

MESSAGE TO THE MINDANAO-PALAWAN CONSULTATION ON THE INDIGENOUS PEOPLES ANCESTRAL DOMAIN AND THE BANGSAMORO JURIDICAL ENTITY

Aug. 23-25, 2008

Manresa Retreat House, Cagayan de Oro, Philippines

PEACE IN MINDANAO, PEACE FOR THE LUMAD

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Let me congratulate you for this historic consultation which is long overdue. I hope you will be able to come up with a Declaration from this which contains concrete recommendations from the Lumad to be presented to the Government of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF). I express my sympathies with the you and your communities who are now suffering from the impacts of armed operations being done by both the MILF and the Philippine Army.

I regret that I am not able to take part in this consultation as I have an earlier commitment to be in Accra, Ghana for climate change meetings with indigenous peoples. However, as you well know, I strongly support this consultation and I assure you that I will help you all possible ways to help promote the recommendations you will come up with.

First, allow me to share what I think can be your starting points when you discuss the issue of peace in Mindanao, in general, and the GRP-MILF initialed Memorandum of Agreement on Ancestral Domain (MOA-AD), in particular.

1. Begin by reiterating your basic human rights and fundamental freedoms, as indigenous peoples. These rights are contained in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Indigenous Peoples' Rights Act (IPRA).
2. The most fundamental of these rights is your right to self-determination (Article 3 of UNDRIP) which says that "*Indigenous peoples have the right to self-determination. By virtue of this right they freely determine their political status*



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and freely pursue their economic, social and cultural development.”

3. The phrase which says “*freely determine your political status*” means that you have the right to determine whether you would like to be included in the Bangsamoro Juridical Entity (BJE) and the Bangsamoro Nation. So in this consultation, you may want to discuss the advantages and disadvantages of being included in the BJE and forged a position which you can present to the GRP and MILF Panels.
4. Your rights to your lands, territories and resources are also recognized in both the UNDRIP (Articles 24-30) and IPRA. Through the IPRA, several of you already have Certificates of Ancestral Domain Claims (CADC) and Ancestral Domain Titles (CADT) . Some of these are located within the Autonomous Region of Muslim Mindanao (ARMM).
5. By virtue of these rights and by virtue of the oral and written peace pact agreements which your ancestors and you, present generation, have forged with the Moro, you have a strong basis to request the GRP and the MILF to do the following;
 - Not to conclude or sign the Memorandum of Agreement on Ancestral Domain and the final GRP-MILF Peace Agreement until adequate consultations have been held with you, the Lumad, and other populations who will be affected by these.
 - To immediately undertake consultations with you so that your positions and views can be considered in the final agreements.
 - To respect the oral and written the peace-pact agreements which you have signed with the Moro.
 - To stop the armed operations in your communities and to allow you to live in peace in your ancestral domains.

Secondly, I believe that you will have a stronger negotiating position if you are able to unite and speak with one voice. So a key outcome of your consultation should be the establishment of a Mindanao-wide formation of Lumad peoples which will act as the



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body authorized by all of you to speak with the GRP and the MILF panels. I hope you will be able to self-organize as a Lumad Peoples' Caucus for Peace in Mindanao or the Lumad Peoples' Network for the UNDRIP. Do not let your political affiliations get into the process of shaping your own broad network. The main basis of your unity will be the UNDRIP. We all agreed to this at the recently held National Conference which coincided with our celebration of the International Day of the World's Indigenous Peoples (August 9).

It is up to you to determine the name of your group but make sure that among your objectives are the following;

- To ensure that your rights will be respected by the GRP and the MILF panels and the society at large.
- To represent the Lumad peoples in future consultations with the GRP-MILF Negotiating Panels and to work out how and when these consultations can be done.
- To continuously gather and validate information on the progress of the Peace Negotiations and the MOA-AD as well as information on what is happening to the Lumad in their own communities and disseminate the relevant parties.
- To use your customary laws, the UNDRIP and the IPRA as the basis for positions that you take.
- to undertake consultations amongst yourselves, whenever the need arises, so you can come up with united positions on the various issues under consideration.

In terms of how you operate as a network or a formation, I hope you will constantly endeavour to inform your members widely on developments and to consult them on decisions which have to be made. In addition, you should try to be transparent and accountable as best as you can. This is the only way you can win their trust and confidence in you as leaders.

It is my belief that for as long as we stand for the truth and for justice and we are committed to promote and protect our rights as contained in the UNDRIP, we cannot go



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wrong. We should all unite to get the States, the UN system and the society at large to effectively implement the UNDRIP.

It is my fervent hope that you will be able to come up with a consolidated and united position on the relationship of your ancestral domains with the ancestral domain claims of the MILF as contained in the MOA-AD. If it not possible to reach this, at least, try to consolidate one position from each of the tribes represented in this consultation. Then identify concrete steps on how these positions can influence the future conduct and contents of the ongoing peace negotiation between the GRP and the MILF.

Finally, I would like to reiterate that as the Chair of the UN Permanent Forum on Indigenous Issues, I am committed to help you in any way I can. When I receive the Declaration which will come out of your consultation I will send this to the UN Permanent Forum and also to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. I wish you more strength in your bid to build peace in Mindanao.

Long live the Lumad peoples of Mindanao!

August 21, 2008



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