

**PRESS RELEASE
PHILIPPINES
11 December 2002**

**Visit to the Philippines of Professor Rodolfo Stavenhagen,
UN Special Rapporteur for the Human Rights of Indigenous Peoples**

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Professor Rodolfo Stavenhagen, concluded a ten-day official visit to the Philippines at the invitation of the Government on 11 December 2002.

The purpose of the visit was to gather information from governmental officials, indigenous peoples, non-governmental organizations and the United Nations system relating to the human rights situation of the indigenous people in the country.

The Special Rapporteur met with various Philippine officials including the Secretary of the Environment and Natural Resources, the Under-Secretary of the Department of Justice, the Under-Secretary of the Department of National Defense, the Co-Vice Chair of Task Force 63, the Presidential Adviser on Peace, the Chair of the Commission for Human Rights, the Commissioners and Executive Director of the National Commission for Indigenous Peoples, and the Chair of the Commission on the Role of Filipino Women. He also met with the Bishop of Butuan, the President and members of the academic community of the University of the Philippines and other academic institutions, and the president of the Philippine Chamber of Mines.

The Special Rapporteur had fruitful meetings with indigenous peoples' and human rights organizations, notably in Baguio City, Mankayan, and Butuan as well as in Manila, which provided him with information from a wide and representative segment of the indigenous peoples' organizations in the country. He also visited the Victoria mine where he met with members of the mining community.

In the press conference in Manila on 11 December 2002 at the conclusion of his visit, Mr. Stavenhagen made the following comments:

The Republic of the Philippines is a society that can be justly proud of its great variety of peoples, languages and cultures. Around 15% of the total population is composed of indigenous cultural communities or indigenous peoples, who are present in more than 50 of the country's 78 provinces. The numerous indigenous peoples retaining their traditions and values from long before European colonization, contribute to the strong cultural identity and uniqueness of the Philippine nation.

But for a long time, mainstream Philippine society ignored its indigenous component and did little to improve the standards of living of its indigenous cultural communities or to overcome the high rates of poverty and low levels of human development (as defined by the United

Nations), which characterized these populations. Indeed, far from being full and equal partners in the construction of the modern nation, the indigenous peoples have been largely excluded, discriminated against and marginalized.

Various major human rights issues were brought to the attention of the Special Rapporteur during his visit, of which the following, inter alia, deserve particular mention.

The 1997 Indigenous Peoples Rights Act (IPRA)

IPRA constitutes the main legal reference for IP's human rights, but its adequate implementation is still an unfulfilled promise, particularly because it may enter into conflict with other laws (such as the Mining Act of 1995) and because, according to some experts, IPRA itself contains flaws that do not favor IPs entirely.

Furthermore, the agencies responsible for IPRA's implementation have not yet been able to coordinate their activities effectively, particularly NCIP and DENR as regards the contentious issue of CADCs and CADTs. Indigenous people state that the benefits of IPRA have not yet reached their communities. In this period of transition the role of Task Force 63 to deal with emergency situations involving indigenous peoples becomes an essential tool for the effective implementation of human rights legislation.

Resource management and Sustainable Development

The land rights problem is closely related to the issues surrounding economic development strategies. Many communities resist being forced or pressured into development projects which destroy their traditional economy, community structures, and cultural values, a process that has been aptly described as "development aggression."

Serious human rights violations have been reported to the Special Rapporteur regarding the implications for indigenous communities of economic activities such as logging, mining, the building of dams, commercial plantations and other development projects. Sometimes, the effects appear to have been catastrophic for the people concerned, and entire areas are reported to have been devastated without regard to the wishes and rights of indigenous communities. These environmental damages and human rights denials have been systematically documented and independently verified by national and international institutions.

Despite legal safeguards such as those referring to free, prior and informed consent, or environmental impact and assessment studies, indigenous peoples report that their concerns are generally not given due attention and that powerful economic and political interests prevail over their legitimate rights. This has quite frequently led to protest action by indigenous organizations, confrontation and conflict, resulting at times in the prosecution, harassment, and imprisonment of indigenous activists for their involvement in the protection of the rights of their environment and communities.

The Special Rapporteur has received reports of arbitrary detentions, persecution and summary executions of community representatives; of coercion, forced recruitment, and also rape, perpetrated by individuals pertaining to the armed forces, the police or so-called

paramilitaries in the framework of counter-insurgency activities. These allegations are documented and substantiated, and yet the victims claim that they do not receive due process and justice in the courts or the relevant government agencies when they file their complaints about such alleged violations.

The militarisation of a number of indigenous areas was mentioned to the Special Rapporteur repeatedly, including the practice of hamleting (congregating indigenous peoples into specified locations against their will). There are reports of indigenous people being accused and prosecuted of terrorist activity simply because of their involvement in legitimate protest or the defense of their rights. Human rights defense organizations have also been harassed, in violation of national legislation and international human rights law.

The Special Rapporteur considers that these extremely serious allegations must be investigated by the competent authorities at the highest level, and the guilty parties brought to justice. Similarly, the indigenous victims (persons and communities) should be adequately compensated and protected from further abuses.

Lack of Basic Social Services for Indigenous Peoples

The Special Rapporteur has received numerous reports of indigenous peoples not being able to receive the benefits of the social services to which they should have a right. Various surveys and studies also report that human development indicators are lower, and poverty indicators higher, for indigenous peoples than the rest of society. While there are no systematic disaggregated statistics to support these findings, there appears to be a valid correlation between lower human development indicators and high density of indigenous populations in certain provinces. In many indigenous communities basic health services are not available, and preventable disease abound. Access to basic education is severely restricted.

Upon the completion of his mission, the Special Rapporteur will now proceed to carefully evaluate the information and documentation that has been provided to him by government agencies, indigenous organizations and academic institutions, and that he has been able to collect through community dialogues, meetings, and interviews. He will draft a report on his mission and submit it to the UN Commission on Human Rights in April 2003.

The Special Rapporteur would like to thank the Philippine government for the invitation and efficient hosting of his visit. He would also like to extend his gratitude to Indigenous peoples themselves and their organizations, the Philippine academe, and the UN system agencies, particularly UNDP for its invaluable assistance for his visit, hoping that the results will be considered as a modest contribution to the fulfillment of the human rights of the indigenous peoples of the Philippines.