Philippine tribal groups assert role and rights in climate change adaptation

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Will tribes gain from climate change talks?

by Purple S. Romero, abs-cbnNEWS.com/Newsbreak | 09/06/2009 3:17 AM

MANILA – Indigenous peoples (IPs) have gained ground in their fight to have their rights recognized in a new mechanism against climate change, as backed strongly by the Philippine delegation in the ongoing climate change negotiations.

Experts said, however, that it will be a huge test whether the Philippine government can translate its pledges in the international arena to effective actions in local communities.

Antonio La Viña, chair of the Ad Hoc Working Group on Long Term Cooperative Action (AWG-LCA) under the United Nations Framework Convention on Climate Change, told abs-cbnnews.com/Newsbreak that there are already references to IP rights in the negotiating text of the Reduced Emissions from Deforestation in Developing Countries (REDD).


Under this scheme, developing countries would be paid by first-tier nations to reduce carbon emissions from deforestation. The Intergovernmental Panel on Climate Change estimated that around 15-20 percent of the world’s greenhouse gas emissions come from deforestation.

Tribal communities have been lobbying to be recognized as stakeholders in REDD because forests essentially form part of their ancestral domain. With REDD entering the picture, however, their claims could be challenged.

Since incentives are a central point in the REDD, questions on whether the national government can distribute such rewards to the local IP groups have arisen.

A step closer

Inserting IP rights in the text has been an upscale battle for IP groups.

Victoria Tauli-Corpuz, Chair of the UN Permanent Forum on Indigenous Issues told abs-cbnNEWS.com/Newsbreak that US, Canada, Australia and New Zealand had the references removed in 2008, much to their dismay.

It was only in June 2009, during the meeting in Bonn, Germany, when the references were included, although placed in “brackets,” which means these still need to be finalized.
Corpuz said what changed the tone of the negotiations was the support provided by the Norwegian government.

“The Norwegian government is giving a lot of resources to REDD, and it strongly supported our request for IP rights,” she said in a phone interview.

Aside from Norway, Bolivia also pushed for the inclusion of the references, she said.

When negotiations resume in Bangkok on September 28, the debate would be the scope of the provision on IP rights, and on “how strong will the language be,” La Viña said.

He explained that the US and Canada have opposed any references to the United Nations Declaration on Right of Indigenous Peoples, a position they made clear in 2008. Corpuz said that the two countries are also against the recognition of free and prior informed consent.

A telling past

While the Philippine delegation played a key role in adding IP rights in the text on REDD, Corpuz said having the Philippine government observe this to the letter is a different thing altogether, given its conflict-ridden history with local IP groups.

The controversy over ancestral domain, in particular, has been a ticklish point, as the government revitalizes the mining industry and identifies protected areas.

In Caraga, Mindanao, for example, the Manobo-Mamanwa Joint Tribal Council Conference Association has sought a congressional inquiry on the alleged failure of the mining firm S.R. Metals Inc. to pay the tribes royalty fees. S.R. Metals is a nickel mining company operating in Tubay, Agusan del Norte.

Under the Mining Act of 1995, indigenous people are entitled to royalty fees of at least one percent of the mining company’s gross revenues.

NIPAS difficulties

Indigenous people have also had problems regarding the government’s implementation of the National Integrated Protected Areas System (NIPAS).

NIPAS was enacted in 1992 with the end goal of determining and preserving the protected areas in the Philippines. NIPAS was supposed to have set in place the participation of indigenous people in the administration of these areas by having them represented in the Protected Area Management Board (PAMB).

Maurizio Farhan Ferrari, biodiversity policy advisor for the UK-based Forest Peoples Programme, and Dave de Vera, executive director of the Philippine Association for Inter-Cultural Development reported in 2004 (“A Choice for Indigenous Communities of the Philippines”) on the loopholes in the implementation of NIPAS.

For instance, they cited how the Calamian Tagbanwa tribe in Palawan opted out of NIPAS because of the intimidating environment in the board caused by having local government officials as PAMB chair. Ferrari and De Vera also said most indigenous communities are not considered legitimate local government units.
Likewise, Delia Magaña wrote in “The Agta Foragers in the Northern Sierra Madre Natural Park: Ancestral Domains in Theory and Practice” that the Agta communities in the Northern Sierra Madre Natural Park (NSMP) encountered “inconsistencies” in the Certificate of Ancestral Domain Claim (CADC) awarded to them.

The areas in the CADC do not match the actual scope of the Agtas’ ancestral domain, and some of the CADC holders are not really members of the tribe.

**Threats to IPs**

If REDD would be implemented in the country, “there is always that danger” that these scenarios could happen, said Dr. Rex Cruz, dean of the Forestry and Natural Resources College of UP Los Baños.

He explained that the areas in the country where the potential for REDD could be explored are situated in the very same lush, forested areas – Northern Sierra Madre, Caraga and Palawan.

He added that to resolve similar issues arising from the adoption of REDD, “the government should learn to address the apparent lack of coordination between the National Commission on Indigenous Peoples and the Department of Environment and Natural Resources.”

Jean Marie Ferraris of the Legal Rights and Natural Resources Center, said the government should clarify what REDD’s legal implications would be on NIPAS, the Mining Act, and the Indigenous Peoples Rights Act.

**International obligation**

The head of the Philippine delegation, Heherson Alvarez, is all too familiar with NIPAS and the mining industry. He concurrently sits as a member of the Board of Directors of the Philippine Mining Development Corporation. He authored NIPAS when he was still a senator.

He disagreed that tension with local IP groups would surface when the Philippine government implements REDD. “It could be done,” he said, as the government would be obliged to distribute the benefits to the IPs.

On the other hand, Marlo Mendoza, director of the Forest Management Bureau, said the REDD would be a “country-wide” program. Hence, the government would have a clear-cut strategy to implement it. The foremost priority would be “to have the incentives ploughed back to them.”

La Viña also pointed out that unlike mining, where the land is used by corporations, only the tribal communities would be managing their soil and resources.

Corpuz said that if the results show otherwise, the “international community, indigenous people should put more pressure on them (governments).”

She added that it would be inevitable for the Philippine government to recognize indigenous peoples as vital stakeholders in implementing REDD, since “the last forests in the country are already being protected by no one else but IP communities.”