
The Indigenous Peoples’ Rights Act
“A Triumph of Political Will”

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Abstract

On December 8, 1998, the Philippine Ambassador to the United States hosted a special afternoon symposium at the Philippine Embassy in Washington DC, at which Thomas Headland was the plenary speaker. An abridged version of the text of his address is printed below. Headland’s main message was a warning to the Philippine leaders of the environmental crisis looming in that nation, and a plea to the Philippine government to maintain the momentum they gained in 1997 with the passage of Republic Act 8371, called the Indigenous Peoples’ Rights Act. The Philippine Ambassador hosted this event. The audience included representatives from the World Bank, USAID, the Peace Corps, the Smithsonian Institution, environmental NGOs, diplomats from other embassies, human rights lawyers, and anthropologists. Headland’s address was reported in the Anthropology Newsletter (1999) and in ASAA (Headland 1999).
I am honored to be invited to speak before you all here at the Philippine Embassy. I thank Philippine Ambassador Raul Rabe for hosting this occasion for all of us here today; and I thank my colleagues at the Washington office of my home institution, the Summer Institute of Linguistics, for helping to bring us together for this brief occasion.

I first want to express my love and esteem for the Philippine nation and its people. My wife, Janet Headland, and I moved to the Philippines as newlyweds in 1962. Just four months after we were married we began living with the Agta Negritos in the Sierra Madre of northeastern Luzon, the largest rainforest in the Philippines. We remained with those people for 24 years, and our three children were born and grew up living with the Agta people. Indeed, our children are more Filipino than American. Both our three children and my wife and I have made many trips back to the Agta since we returned to the United States in 1986.

[A section on problems with community development has been cut here from the original text.]

I congratulate the Philippines for passing the Indigenous Peoples’ Rights Act in October 1997. This moral decision has won esteem and respect for the Philippine government from anthropologists and human rights organizations around the world. This took great courage, as the bill went through months of debate in the Philippine Congress before it was finally passed.

For those of you who are not from the Philippines, this is Republic Act 8371, signed into law by then-President Fidel Ramos on October 29, 1997. Popularly called “IPRA”—the Indigenous Peoples’ Rights Act— it is also referred to as the Ancestral Domain Law. This Law recognizes, protects and promotes the rights of the indigenous peoples in the Philippines, who make up 18% of the national population. The Law seeks to stop prejudices against tribal peoples through the recognition of certain rights over their ancestral lands, and the right to live their lives in accordance with their indigenous traditions, religions and customs. It is hoped that with the enactment of this Law that the Philippine indigenous peoples will now be able to eventually join the mainstream of Philippine society in community development and nation building.

“In October 1997 President Ramos signed the Indigenous Peoples’ Rights Act, which is designed to implement constitutional provisions to protect indigenous people. The law establishes a National Commission of Indigenous People staffed
by tribal members empowered to award certificates of title to lands claimed by the
over 12 million native people in the Philippines. It awards ‘ancestral’ domain
lands on the basis of communal rather than individual ownership, impeding
unilateral sale of lands by tribal leaders. The law also requires a process of
‘informed’ consultation and written consent by the indigenous group to allow
mining on tribal lands. The law assigns the indigenous groups a responsibility to
preserve forests, watersheds and biodiversity areas in their domains from
inappropriate development. At the same time, the new mining legislation and the
opening up of areas to transnational mining companies is extremely threatening
for these communities” (EPCP 1998).

As President Ramos himself stated in a news release from his office dated October 29, 1997, it is
“a triumph of political will.” “It took courage,” he stated, “to have this law passed in the midst of
opposition from many influential groups whose interests would be diminished by returning
ancestral rights to our indigenous communities.”

This Law, as you may know, has in recent weeks come under serious attack by a few influential
people who claim that parts of the Law are unconstitutional (Pabico 1998). This charge led to the
filing of a lawsuit with the Supreme Court against the IPRA in October 1998. While the
arguments of these opponents must be respectfully heard, it is my hope and prayer that the
Philippine government will retain the moral courage it showed the world in 1997 to do what is
right for the poorest of the poor in that nation.

“House Speaker Jose De Venecia said the ancestral domain law otherwise known
as the Indigenous Peoples Rights Act (IPRA), will, at last, have an enabling law
which will legally recognize the rights of the indigenous people in the country. De
Venecia, however, said that legal recognition of the rights of the natives,
particularly over their ancestral domain, is limited only to the land surface of their
territory, while minerals underneath belong to the state. He said that under
Philippine laws, all minerals found in the country are owned by the government”
(Philippine News Agency 1997).

The Agta Negritos especially have certain needs. The Agta live in unbelievable poverty and poor
health. Compare the Agta infant death rate (34%) with that of the Philippines in general (3%).
Life expectancy in the Philippines today is age 66. Among the Agta it is only age 21.5 years
(Early and Headland 1998). My plea is that the Philippine government will keep the rights of
these people, and all of the indigenous peoples, in mind. We must remember first that where
most Indigenous Cultural Communities (ICCs) are living today, it is their land, their ancestral
domain! Like all Filipinos, they must not be disenfranchised of their lands.

And finally, how can the Agta and other ICCs at the same time help the Philippine nation, as the
new Indigenous Peoples’ Rights Act is implemented? It will take some effort on their part, too—
that is, the Indigenous Cultural Communities. They have certain rights. But they also have
certain responsibilities that come with those rights. With the privileges comes commensurate
responsibilities, one of which is for the Agta people, and other ICCs, to help to restore denuded
areas within their ancestral domains. For example, the Law assigns the indigenous groups a
responsibility to preserve forest, watershed, and biodiversity areas in their domains from inappropriate development.

**Implications for Change Agencies**

If Filipino national or provincial leaders are genuinely interested in helping tribal Filipinos like the Agta, the first need is for their land rights to be secured. They should be given ownership of their own traditional ancestral domain. This is all a tall order, a difficult task. Do we have the political courage to support the rights of the poor here? I don’t know. But I do know what will happen if we cannot find ways, as national development progresses, to protect the nation’s environment, natural resources, and the human rights and land rights of its Indigenous Cultural Communities (Headland and Headland 1997; Eder 1987).

I was hiking around in the Sierra Madre (the Agta’s homeland) before most of today’s Filipinos were born. I remember the Sierra Madre when most of it was still old-growth forest. It wasn’t quiet then. The sounds of the hornbill throughout the day, and the calling of deer on the hillsides at night. (Whoever thinks a rainforest is silent has never lived in it!) I remember the rivers so filled with fish that I could spear one with every dive, monkeys scolding me from the treetops, crocodiles and giant turtles swimming in the ocean, majestic hardwood trees with canopies 140 feet over my head, coral reefs and mangrove swamps teeming with marine resources. And I remember the steady supply of fish, and meat of deer, wild pig, and monkey, and wild fruits, as Agta men and women returned in the evenings from foraging trips. Today almost all of this is gone: the coral reefs destroyed by dynamite, the pig and deer decimated by high-powered rifles and nylon rope snares, the sound of the hornbill silent, the old forest reduced to scrubby jungle (Headland 1988). This year (1998) I watched Agta children searching for tiny snails for their supper while their parents came home drunk after working as day-laborers on lowland farms of Filipinos who have taken over their lands.

The Agta forest, what is left of it, is still not silent today. But it’s not the sounds of birds and animals anymore. When we were there this year (1998), it was the almost constant buzzing—no matter where we were hiking—of chain saws.

And what will happen when the last tree falls? Your children and grandchildren will know the answer to that question by the year 2030. And they will ask us then, if we are still alive, “Grandpa, how could you have let this happen?”

**References Cited**


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