

Governance Issues and the NCIP

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ABSTRACT

The National Commission on Indigenous Peoples' (NCIP) implementation of the Indigenous Peoples' Rights Act (IPRA) has been the subject of a number of evaluative studies which, despite differences in focus, scope, and quality, have resulted in the general finding that the NCIP's performance has been dismal. Still, it would be unfair to put all the blame on the NCIP for the poor implementation of the IPRA. This paper attempts a nuanced evaluation of the NCIP which takes into account the broader historical, institutional, social, and political contexts within which the NCIP pursues its mandate. The assessment entailed the examination of secondary data, mostly news reports about the NCIP, complemented by data obtained from other published sources. The study finds that the NCIP's institutional behavior and performance have been greatly affected by a) presidential leadership and commitment to specific policy options; b) the nature of the agency's relationship with other relevant governmental bodies; and c) the susceptibility or vulnerability of governmental bodies and decision-makers to external pressures from interest groups and other political actors.

Keywords: National Commission on Indigenous Peoples, Indigenous Peoples' Rights Act, Indigenous Cultural Communities, indigenous people, governance, Philippine mining.

Introduction

On October 29, 1997, then Philippine President Fidel V. Ramos signed into law Republic Act No. 8371, more commonly known as the Indigenous Peoples' Rights Act (IPRA) which provided for the recognition of the entitlement of Indigenous Cultural Communities (ICCs)/Indigenous Peoples (IPs) to ancestral domains, self-governance and empowerment, social justice and human rights, and cultural integrity. The IPRA also stipulated the merger of two old agencies—the Office for Northern Cultural Communities (ONCC) and the Office for Southern Cultural Communities (OSCC)—to create a new governmental body, the National Commission on Indigenous

Exploring the Financial Footprints of NCIP

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Abstract

This paper adds to a growing literature concerned with the instrumentality of annual appropriations, audited financial reports and development approaches, and the consequences of their adoption and use within State-Indigenous Community relations. It explores a single case of how the National Commission on Indigenous Peoples (NCIP), a government agency tasked with the overall recognition and protection of indigenous peoples' and communities' (IPs/ICCs) rights in the Philippines, use these instruments in pursuit of its rights-based and multi-stakeholder agenda. The article examines how the NCIP navigates through state-imposed instruments and involves the idea of institutional footprints where an organization leaves marks where it has been active, which can be studied to give clues both about the organization itself and the effect of its actions. This exploratory study on financial footprints finds heavy fiscal dependence of NCIP on the state, a huge personnel burden, weak financial control measures, poor absorptive capacity and lack in readiness of selected project partners, and pronounced regional disparity and inequity in fund allocation and service delivery. The transition from incremental to performance-based, then to zero-based, budgeting, and the adoption of the rights-based approach show how the adoption of state instruments reshape the focus and priority of NCIP. The harmonization and interface of the proposed IP Master Plan 2012-2016 with the Philippine Development Plan 2011-2016 provides a renewed challenge for advancing IP and ICC rights and well-being as a test case for inclusive growth.

Keywords: National Commission on Indigenous Peoples, organizational footprints, performance-based budgeting, incremental budgeting approach, zero-based budgeting, human rights-based approach.

Introduction

On October 29, 1997, Republic Act No. 8371 otherwise known as the Indigenous Peoples' Rights Acts (IPRA) was signed into law in the

Official Development Assistance and Indigenous Peoples

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ABSTRACT

The past decade (1999-2010) saw an increase in Official Development Assistance (ODA) toward programs and projects that aim to reduce poverty in indigenous peoples' communities. Asset reform has been the centerpiece of ODA, along with the crafting of the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP). A discourse analysis of documents pertinent to these programs and projects reveals that overall, ODA aims to integrate or mainstream indigenous peoples into the neo-liberal development framework. This situation has led to state, capital, and elite capture of the indigenous peoples movement's agenda of empowerment. As an illustrative example, the notion of individual and collective land rights has inevitably pushed indigenous peoples in a game where the more powerful players end up the winners. It is true that elements of indigenous peoples' agenda for development, such as customary law, indigenous knowledge, traditional livelihoods and schools of living tradition are now given more attention. However, these articulations of a "good life" by and for indigenous peoples are still tackled within modernist discourse, which domesticates alternative social imaginaries to growth-oriented development discourse.

Keywords: post-development, discourse analysis, indigenous peoples' development, development and identity, modernism/modernity, alternatives to modernism/modernity, politics of identity.

Introduction

This paper explores the connection between Official Development Assistance (ODA) and Indigenous Peoples, particularly in the implementation of the Indigenous Peoples' Rights Act (IPRA). This linkage is worth studying in light of the increasing presence of ODA in the indigenous peoples' development over the past decade.

Customary Laws, Ancestral Land Titling and the NCIP's Quasi-Judicial Powers

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ABSTRACT

The IPRA recognizes the customary laws and practices of the indigenous peoples as the basis for their judicial and political structures and institutions within their respective domains. Nonetheless, the implementation of titling as well as the performance of the quasi-judicial functions of the NCIP resulted in the strengthening of state powers within indigenous communities, through the NCIP, by consciously or unconsciously incorporating indigenous peoples within the framework of state legal system. This essay discusses how customary laws are incorporated or not into the two critical tasks of the NCIP, namely, ancestral domain titling and quasi-judicial functions. It argues that while ancestral domain titling and the NCIP's performance of quasi-judicial functions provide some benefits to the indigenous peoples, especially in granting a clear written evidence for their ownership and making legal services available to the indigenous peoples, both of these developments likewise manifest the increasing state penetration into the lives of the indigenous peoples.

Keywords: National Commission on Indigenous Peoples (NCIP); Indigenous Peoples' Rights Act (IPRA); customary laws; quasi-judicial powers; legal pluralism; ancestral domain titling; indigenous peoples; state powers.

1. Introduction

This essay evaluates the functions of the National Commission on Indigenous Peoples (NCIP) in relation to ancestral domain titling as well as the NCIP's quasi-judicial powers within the breadth of customary laws and existing state laws. It first presents Migdal's (1988) theory on state-society relations. Migdal's argument that the state is one of the many actors trying to gain social control will be used as a measure in defining how far customary laws are recognized and legitimized and how the state is able to co-opt many of the

ADSDPP as Roadmap to Sustainable Future of IP Communities

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ABSTRACT

The Ancestral Domain Sustainable Development and Protection Plan (ADSPP) is the consolidation of the plans of indigenous cultural communities (ICCs) within an ancestral domain for the sustainable management and development of their land and natural resources as well as the development of human and cultural resources based on their indigenous knowledge systems and practices. The ADSDPPs formulated by the communities and facilitated by the National Commission on Indigenous Peoples (NCIP) were assessed in terms of the extent to which each plan supports the four-fold rights of indigenous peoples (IPs); the effectiveness of the plan in terms of its responsiveness to the needs of the community; and the efficiency of the plan as manifested by the appropriate match between community assets and programs. The results highlight the centrality of land rights to the restoration of security of indigenous peoples. In anchoring the plans on the four-fold bundles of rights, resource management decisions are made more accountable to critical human values, ecological sustainability, economic equity, and cultural diversity. The parallel targets of effectiveness and efficiency in formulation of plans will continue to be a work-in-progress among ICCs. The imperatives of a continuing capability-building program for local NCIP workers in assisting ICCs develop their ADSDPPs cannot be overlooked. Likewise, an intervention in the preparation and implementation of the ADSDPP will not be strategic and complete without the capacity development of IP leaders. Mainstreaming of the ADSDPP into arenas at different levels such as government and like-minded agencies and groups and targeting appropriate message routes will make the ADSDPP a living document for the IPs.

Keywords: Ancestral Domain Sustainable Development and Protection Plan, sustainable resource management, indigenous cultural communities, indigenous knowledge systems and practices.

The Indigenous Peoples' Right to Self-Governance and Empowerment

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ABSTRACT

The indigenous peoples' (IPs) right to self-governance and empowerment has been promoted by the National Commission on Indigenous Peoples (NCIP) through, primarily, the implementation of the principle of Free and Prior Informed Consent (FPIC) and the creation of programs to integrate indigenous peoples and their traditional structures into existing mainstream political institutions. While government reports claim that no complaint against FPIC implementation exists, various case studies and newspaper accounts have documented serious problems and flaws related to the FPIC process as it has been conducted in indigenous communities all over the Philippines. However, the other NCIP programs for IP self-governance and empowerment such as the mandatory IP Representation, creation of Tribal Barangays, certification of Tribal Membership, and institution of IP Consultative Body have been generally well-received by indigenous peoples. This essay examines NCIP's key programs in the promotion of the IPs' right to self-governance and empowerment, with primary focus on the various issues in FPIC implementation. Using both primary and secondary materials, the essay also presents the NCIP's operational definition of IP self-governance and empowerment through its stated programs and policies vis-à-vis a critical discourse on what, in principle, it ought to be.

Keywords: Indigenous Peoples' Rights Act, self-determination, informed consent, indigenous peoples, IP empowerment, self-governance, political participation, NCIP.

Introduction

The Philippine state guarantees the right of indigenous peoples (IPs) to self-governance and empowerment as stipulated in Chapter IV Sections 13 to 20 of Republic Act 8371, otherwise known as the Indigenous Peoples' Rights Act (IPRA), enacted in 1997. At the core of the IPs' right to self-governance and empowerment is the right to participate

Probing Indigenous Peoples' Rights to Education

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Abstract

The Indigenous Peoples' Rights Act's (IPRA) strong policy formulation for Indigenous Peoples' Rights to Education had mandated the National Commission for Indigenous Peoples (NCIP) to undertake projects like Indigenous Peoples Education (IPE), Assistance to Community Schools, and the Educational Assistance Program (EAP). The NCIP, in turn, had collaborated with the Department of Education (Dep-Ed) toward the formulation of an Indigenous Peoples' Core Curriculum. While the curriculum was envisioned to help IPs achieve their individual and collective rights, a review of its contents shows curricular hitches and complications, since the curriculum was developed under the rubric of the Philippine educational system where learning strands and competencies are structured to deliver a goal of national functional literacy. The curriculum is an indigenized version of the Basic Education Curriculum. However, its design is not founded on an indigenous learning system or structure, delivering mixed messages under a structured development goal. As it is, it also employs a problematic construction of indigenous knowledge systems where it envisions the indigenous as 'historical present' and not in terms of its contemporaneity and relevance. While the conceptual framework is strong, the indigenized content of the curriculum is weak in the delivery of this goal. If the desired outcomes will be for a change to address the needs of indigenous peoples, a new curricular infrastructure must be designed that supports effective indigenous learning environments.

Keywords: indigenous peoples education, basic education curriculum, indigenous rights, Indigenous Peoples' Rights Act, Philippine educational system.

Introduction

State-administered education is often viewed as an alienating bureaucratic structure, promoting national patrimony and cultural homogeneity, and perceived to be apathetic to the needs and aspirations