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Philippines

Peace, development and the Bangsamoro Basic Law (BBL): The Lumad view

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The burning issue between and among indigenous people leaders on the proposed Bangsamoro Basic Law (BBL), which was highlighted in the May 25, 2015 Senate hearing, is whether or not to make reference to Indigenous Peoples' Rights Act (IPRA) or RA 8371, as the basis for the the recognition of indigenous peoples rights in the BBL.

The contentions of those opposed to IPRA are that IPRA had not been implemented in the Autonomous Region of Muslim Mindanao; that there is no implementing mechanism in the ARMM; that IPRA will defeat the true essence of autonomy; that IPRA runs counter to some provisions of the BBL; that no profit-sharing arrangement in terms of utilization and extraction of natural resources.

On the other hand, they claim that in the BBL, there is equitable sharing of income and the opportunity for the creation of a political district for Indigenous Peoples in the Bangsamoro. Hence, they say, there is no need of IPRA in the BBL.

The above stated reasons are not sufficient grounds to drop IPRA in the BBL. Actually, these can be harmonized by Congress and in fact these are subject of lobby for amendments on the Bangsamoro Transition Committee version of the BBL.

It has to be emphasized that IPRA is a social and landmark legislation to correct historical injustices inflicted against the Indigenous Peoples. IPRA recognizes the right to self-determination of various distinct indigenous people nations in the context of Ancestral Domain and self-governance and empowerment.

The motivation of the other indigenous people leaders to drop IPRA in exchange for indigenous peoples' rights in the BTC version of the BBL are obviously to avail of the promised flooding of investments, business opportunities and political accommodations by way of creating a political district for indigenous people in the region. However good they maybe, those positions do not reflect the core agenda of indigenous peoples – the building of a society reflective of the hopes and aspirations of indigenous peoples.

The hopes and aspirations of indigenous peoples are well entrenched under IPRA provisions on the rights to ancestral domains; the right to self-governance and empowerment; social justice, human rights and cultural integrity. The weaknesses of the National Commission on Indigenous Peoples as a government institution mandated to ensure the implementation of IPRA should not be confused as weakness of IPRA. In fact, the provisions for genuine empowerment of indigenous peoples are actually not yet realized partly because of the lack of understanding or focus on the part of NCIP and largely because the Indigenous Political Structures are not strengthened.

There can only be real empowerment of indigenous peoples if the Indigenous Political Structures are fully functional following the customary laws on the management of ancestral domains and economy; traditional governance structures and justice systems; culture and spirituality. This is the kind of society we need to build to ensure that indigenous peoples will not be further marginalized and disappear. Then IPRA may be enough for all government units including the autonomous regions to implement for the protection and promotion of indigenous people rights. So this is not obsession to IPRA as many would say as the reason of non-Moro indigenous peoples in ARMM cry for IPRA in the BBL.

The reality is that ancestral domain areas cut across different political boundaries of barangays, municipalities, provinces and the autonomous regions. The development framework within ancestral domains is to be determined by the tribes through the formulation of the Ancestral Domains Sustainable Development and Protection Plan based on

IPRA. The challenge is how strong or consolidated the indigenous peoples are that they would not be drawn into the local government units' and autonomous regions' development plans given that these government units have resources to fund their development plans.

There are glaring contradictions on these two development frameworks. There is the belief that the assurance of a lifetime job and employment among indigenous peoples is guaranteed only if the natural resources within their domain is protected and secured by the community. On the contrary, the new development paradigm introduced by the State such as establishment of regional industrial centers, construction of transportation routes, development of tourist spots, construction of sea and airports, putting up of communication facilities, operation of agro-industrial plantations, mining operations, putting up of malls and other project beneficial to global trading are destructive to nature and therefore are not assurances of job placement and sustainable employment for indigenous peoples.

However, we do not reject everything about the other development plan. There are good aspects that are also useful in indigenous peoples' daily lives today. Therefore, we need to establish safety measures to protect our people in the community by way of taking into consideration the following in determining what is good development:

Safeguard our closeness to nature

Development should ensure that we are not distanced from our closeness to nature. Development that threatens to destroy nature and remove us from our lands is not acceptable because nature is the basic sources of our livelihood ranging from food, medicine, shelter and even customs and tradition. Because of this, nature is considered the extension of the life and body.

Collective leadership

Development should ensure that collective forms of leadership and decision making are respected. We particularly abhor attempts by large corporations to get their way through divide and rule enticements aimed at individuals in our society. Development process must respect the need to group consultation so that we can determine by consensus what the whole community desires.

Communal ownership of property

Development should ensure that communal ownership of property is not threatened. This includes the communal ownership of the land, hunting and fishing grounds, worship places and other major source of economy in the community for no one has the sole control over the product of mother earth. We use these resources in order to live a humane, dignified life.

Equal status in society

Development should ensure that equal status in society is preserved. We reject development that elevates some individuals into prestigious and powerful positions at the expense of others in the community. We value every

individual in our community irrespective of life opportunities that may have come their way for advance education, employment and so on. Thus we reject development that values one human being over another for, we, the children of mother earth are equal.

The ‘good fedew’ as basis of justice, peace and development

Development should ensure that the good fedew remains the basis of justice and development. Goodfedew is the presence of a good feeling, peace of mind and the physical well-being of every individual member of the community. This is the strongest foundation of peace, justice and development in tribal society. Any undertaking that runs counter to the “kéfiyo fédéw” is not good development.

Lumut Minanga or progressive pluralism

Finally, development should ensure that progressive pluralism is maintained and enhanced. Development should be respectful of all people including the tri-people neighbors of Mindanao like the Moro people, the Christian majority Filipinos and the Lumad.

Though there is no single organization governing the indigenous people communities, the above stated principles are common among Indigenous Peoples. These practically connect the different indigenous people communities into one global village.

Prospectively, the best allies of the indigenous peoples in this struggle are the working class because though they are far apart in terms of living conditions, they are the direct victims of the latest global development framework.

Both need job placement and employment opportunities with fair working relations – the former need fair working relation with nature and the latter need fair working relation with their employer.

The indigenous people employer is nature and the working class employers are business managers who are doing massive destruction and deformation of nature in pursuit of producing more and more profit to the detriment of indigenous peoples and the working class.

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