

THE LAND INEQUALITY INITIATIVE
CASE STUDY

HOW THE TALAANDIGS REGAINED THEIR ANCESTRAL LANDS

IN THE KALATUNGAN MOUNTAIN RANGE

BY ROEL R. RAVANERA, THIEZA C. VERDIJO, Xyla MERCEDITA E. GUALBERTO

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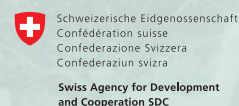
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Government of the Netherlands



ISBN: 978-92-95105-52-2



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The opinions expressed herein are those of the authors and the individuals interviewed for this report. They do not constitute official positions of ILC and the initiative's reference group. **Published:** October, 2020. **Editing:** David Wilson. **Design:** Federico Pinci.

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LIST OF ABBREVIATIONS

AD	Ancestral domain	LRA	Land Registration Authority
ADSDPP	Ancestral Domain Sustainable Development and Protection Plan	MILALITTRA	Miarayon Lapok Lirongan Tinaytayan Talaandig Tribal Association, Inc.
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development	MKaRNP	Mount Kalatungan Range Natural Park
ASEAN	Association of Southeast Asian Nations	MLGU	Municipal Local Government Unit
CdeO	Cagayan de Oro	MOU	Memorandum of understanding
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao	NARRA	National Resettlement and Rehabilitation Administration
BLGU	Barangay Local Government Unit	NDRRMC	National Disaster Risk Reduction and Management Council
CADT	Certificate of Ancestral Domain Title	NEDA	National Economic and Development Authority
CALT	Certificate of Ancestral Land Title	NewCAPP	New Conservation Areas in the Philippines Project
CARP	Comprehensive Agrarian Reform Program	NCIP	National Commission on Indigenous Peoples
CDP	Community Development Plan	NDC	National Development Company
CSO	Civil society organisation	NIPAS	National Integrated Protected Area System
DAR	Department of Agrarian Reform	NLSA	National Land Settlement Administration
DENR	Department of Environment and Natural Resources	PAFID	Philippine Association for Intercultural Development
EWWP	Enterprise Works Worldwide Philippines	PAGASA	Philippine Atmospheric, Geophysical and Astronomical Services Administration
FGD	Focus group discussion	PES	Payment for Ecosystem Services
FEIS	Family Income and Expenditure Survey	PIDS	Philippine Institute for Development Studies
FPIC	Free, prior and informed consent	PSA	Philippine Statistics Authority
GLTN	Global Land Tool Network	REECS	Resources Environment and Economics Center for Studies, Inc.
ICCA	Indigenous Peoples and Local Communities Conserved Areas and Territories	RDC	Regional Development Council
ICC	Indigenous Cultural Community	SDGs	Sustainable Development Goals
IKSP	Indigenous knowledge systems and practices	SEC	Securities and Exchange Commission
IP	Indigenous peoples	STDm	Social Tenure Domain Model
IPMR	Indigenous Peoples Mandatory Representative	XSF	Xavier Science Foundation, Inc
IPRA	Indigenous Peoples Rights Act		
KBA	Key Biodiversity Area		
LASEDECO	Land Settlement and Development Corporation		

EXECUTIVE SUMMARY

This case study highlights the struggles of an indigenous people in Mindanao to regain control over their ancestral domains. It chronicles how, in the mid-twentieth century, indigenous peoples in the Philippines were marginalised and pushed to the hinterlands. However, with reforms aimed at redistributing resources initiated after the People Power revolution of 1986, opportunities have been opened up for them to reclaim their ancestral domains. Indigenous communities, however, still have to contend with competing interests from other sectors in society in claiming their rights and advancing the cause of land equality.

Their struggle is reflected in the story of MILALITTRA, an organisation of the indigenous Talaandig tribe in the province of Bukidnon. This study describes the organisation’s efforts to secure formal recognition of their rights of tenure, for both the community and individual households. It tells of the many challenges that the organisation has had to overcome in governing the rights it has acquired to the ancestral domain, and describes the noteworthy initiatives undertaken to protect the landscape. A number of lessons can be learned from the experiences of MILALITTRA in instituting more equitable access to resources and promoting inclusive development.

Nonetheless, while some goals have been achieved, MILALITTRA’s struggle still has a long way to go, given the increasing political and economic pressures. It will have to continue to advocate for policy reforms, strengthen its own system of management, and promote good landscape governance.



1 INTRODUCTION

How would you feel if someone came to your dwelling place one day and told you that you had to vacate your ancestral home as it had been declared a state property by the government? What would you do if, after vacating the area, you saw that they had begun clearing the forest that supplied your food, materials for your shelter, and medicine for your family? Without your ancestral land, your family is left languishing in hunger and poverty. This must be a terrible experience.

This is a common story that has unfolded in many different countries all over the world. In the Philippines, it is a familiar story for indigenous peoples (IPs), the majority of whom now live in the country's upland areas. This is particularly true in Mindanao, a large island also known as the Southern Philippines, which in the 1950s was called the Land of Promise because of its rich natural resources and because its residents considered it to be safe from typhoons.

This study describes the struggle of the Miarayon Lapok Lirongan Tinaytayan Talaandig Tribal Association, Inc. (MILALITTRA), an IP organisation of the Talaandig people in the Kalatungan Mountain Range in the province of Bukidnon. It illustrates the struggle of a displaced and vulnerable group to regain control over their ancestral domain, founded on a longing for a more equitable society grounded on equal access to land.

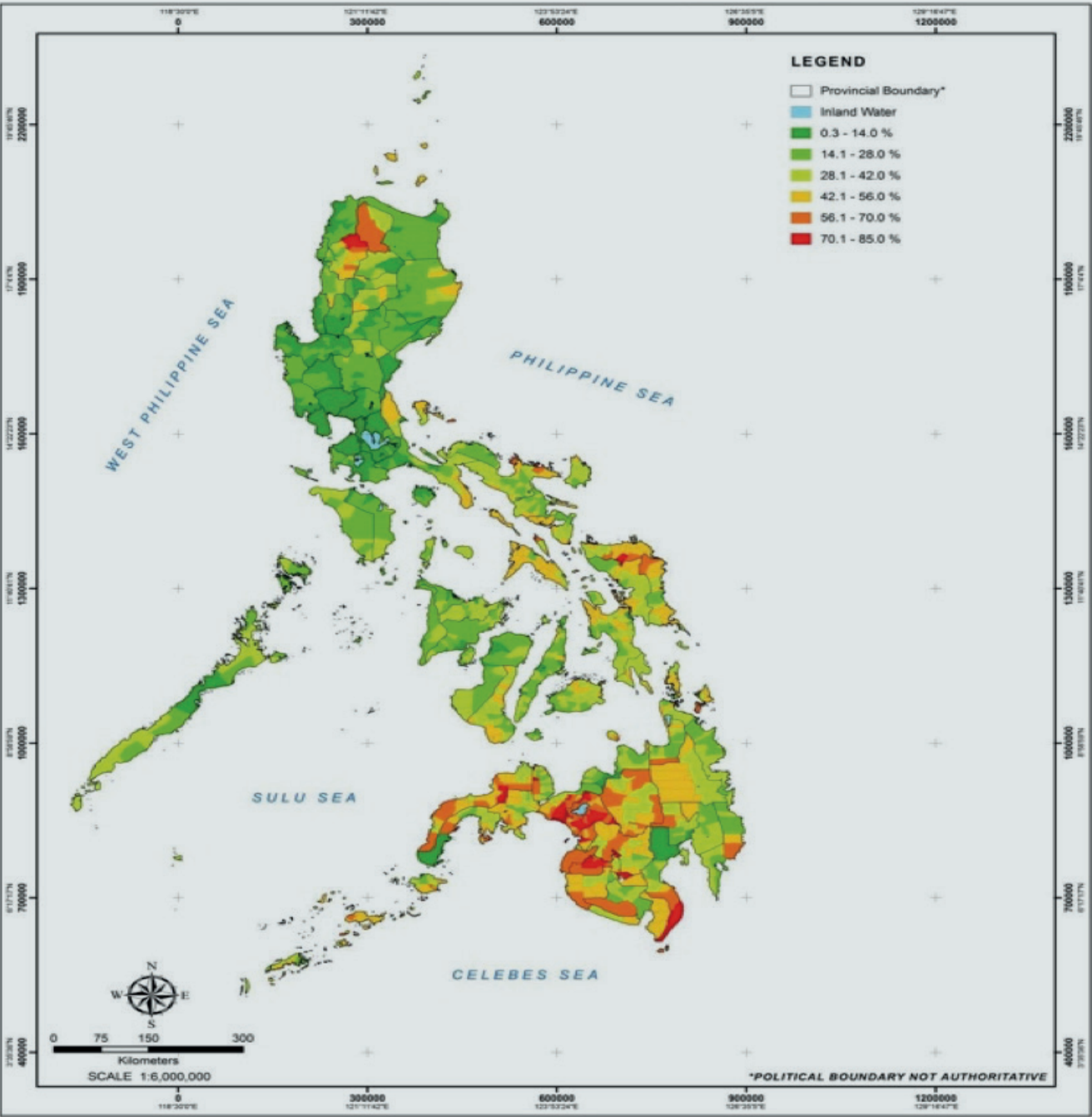
This longing chimes with the current government's long-term vision for the Philippines popularly known as AmBisyon Natin 2040, a 25-year plan which envisions all Filipinos enjoying a strongly rooted, comfortable, and secure life. This is timely and highly significant, as in 2015 the Philippines was the second fastest-growing economy in Southeast Asia but rural poverty rates remained high at nearly 40%, the worst in the ASEAN region. According to a 2012 study by the Philippine Institute of Development Studies (PIDS), the majority of the poorest households are dependent on agriculture as their main source of income (Reyes et al., 2012).

Among agricultural sub-sectors, communities living in the uplands and engaged in forestry activities have the highest incidence of poverty, at 68%. The majority of these upland dwellers are IPs. According to a 2010 report by the United Nations Development Programme (UNDP) in the Philippines, a major contributory factor to the high rates of poverty in these communities is their weakening control over their ancestral lands due to commercial and political pressures (UNDP, 2010).

Today, governance of these natural resources has become doubly important not only in addressing hunger and poverty among those living in the mountain ranges but also, in dealing with the impacts of climate change. Indigenous peoples in the Philippines hold tenure over a large land area and support a biodiversity that is significant globally in addressing the impacts of the changing climate.

Farming is the way of life for Talaandig indigenous peoples of the Miarayon Region in Talakag, Bukidnon, Philippines.

Figure 1: Poverty incidence map of the Philippines



Source: Department of Agriculture (2016).

Objectives

This case study underscores the importance of securing the tenure rights of indigenous peoples, for both the community and individual households, in order to help overcome hunger and poverty. With secure tenure, productivity is likely to increase, and poverty can be eradicated. Moreover, given the vast area under the domain of IPs situated in critical watershed zones, land use planning and development becomes a priority item on the regional agenda in addressing environmental degradation and avoiding potential disasters. The recognition of indigenous communities' ancestral claims will encourage environmental conservation, which has been practised by these communities for generations.

Specifically, this study sets out to:

- Provide a brief historical overview of how native occupants, particularly indigenous peoples, have been displaced and marginalised in the interests of national development;
- Narrate the struggle of an IP community in Bukidnon in Northern Mindanao to strengthen their security of tenure, both collectively and for individual households, and to regain access to land resources, minimise land conflicts, and attain a decent standard of living; and
- Make recommendations for furthering more equitable access to resources and promoting inclusive and sustainable development in this particular locality.

Methodology

The study first reviewed secondary literature, including project reports and other relevant studies, and findings were then validated through interviews and focus group discussions (FGDs) with tribal chieftains and women and youth leaders from the region covered by MILALITTRA. Representatives of relevant government agencies, local government units, and civil society organisations (CSOs¹) were also interviewed. Anecdotal evidence was gathered concerning people's perceptions of reduced land inequality and impacts on other forms of inequality as a result of the issuance of a Certificate of Ancestral Domain Title (CADT) and the introduction of the Social Tenure Domain Model (STDM) land information system and a payment for ecosystem services (PES) scheme.

1 In particular, the Philippine Association for Intercultural Development (PAFID) and the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).



2 LAND INEQUALITY IN MINDANAO: A HISTORICAL OVERVIEW

Land inequality in Mindanao is better appreciated with some historical perspective, which shows how the original occupants, once keepers of the land and other resources, now live in marginalised areas and languish in poverty.

Mindanao in the nineteenth century

Until the late nineteenth century, Mindanao remained largely uncolonised and unutilised as the local Muslim community successfully resisted Spanish domination. The island remained isolated from Spanish control even after more than 300 years of their occupation of the Philippines archipelago (DENR, 2014a²).

The situation, however, changed when the Philippines was ceded to the USA under the Treaty of Paris in 1898, which ended the Spanish–American War. The Americans were able to neutralise resistance and contain local rebellions. According to one study: “By 1916, the Moros had been disarmed, the threat of attack had been greatly reduced, and during the following year, the United States military forces were withdrawn leaving the administration of the Island in the hands of the local civil authorities” (Wernstedt and Simkins, 1965, pp.86-87). Though the Moros rebels were not fully subdued, the new administration helped create a relatively peaceful environment. With a more democratic system of governance supported by Christian Filipinos, Mindanao was opened up to local settlers as well as to foreign investors.

Under their regime, the Americans introduced the Torrens system of land registration, based on the Regalian Doctrine which declared that all lands are the property of the state. One of the first acts of legislation that moved the Philippines in this direction was the enactment by the US Congress for the Philippine Commission the Public Lands Act of 1903, an act prescribing rules and regulations governing the homesteading, selling, and leasing of portions of the public domain of the Philippine islands including issuance of patents without compensation to certain native settlers. This act, together with succeeding laws, provided the legal framework for extensive land occupation in Mindanao.

2 As an indication of this resistance, friar lands (lands owned by Spanish monastic orders) redistributed in Mindanao amounted to just 41.1 hectares of the total of 10,000 hectares distributed for the entire country (DENR, 2014a).

Land settlement programmes

Though settlers still had to contend with sporadic rebellions and continuing resistance from Muslim communities, Mindanao's abundant resources attracted many migrants over the following decades. Starting in the 1940s, the Philippine Government instituted resettlement policies and programmes to facilitate the movement of migrants from Luzon and the Visayas.

In line with this, a number of resettlement agencies were established, starting with the National Land Settlement Administration (NLSA), which operated from 1939 to 1950. Though temporarily suspended during World War II, it was able to resettle 8,300 families. The NLSA was followed by the Land Settlement and Development Corporation (LASEDECO), which resettled 1,500 families, and then finally by the National Resettlement and Rehabilitation Administration (NARRA), which covered around 250,000 hectares and involved some 69,000 individuals. It established six settlement areas located at Tubod (Lanao del Norte), Wao (Lanao del Sur), Maramag (Bukidnon), Santo Tomas (Davao), and at Carmen and Tulunan (Cotabato).

Between the 1948 and 1960 census enumerations, Mindanao's population grew from less than three million to slightly more than five million persons, giving the island a rate of population increases more than double the national average (Wernstedt and Simkins, 1965).

The arrival of agribusiness corporations

The Public Land Act of 1903 not only encouraged homesteading but also facilitated the entry of investors by allowing them to lease any tract of unoccupied, unreserved, nonmineral agricultural public lands but as long as it does not exceed one thousand and twenty-four hectares.

A few years after the act was passed into law, corporations started operations in Davao province to produce abaca (Manila hemp), using Japanese capital. By 1935, 16,000 Japanese lived in Davao province and Japanese corporations controlled an estimated 141,000 acres of abaca land. Several coconut plantations were established on the periphery of the Island and, in 1926, the Philippine Packing Corporation (Del Monte) established a pineapple plantation on leased land in Bukidnon (Wernstedt and Simkins, 1965, p.87).

The second half of the twentieth century saw the entry of more agribusiness corporations into Mindanao, partly assisted by the government. The National Development Company (NDC), a state-owned company via Commonwealth Act 182 of 1936, was mandated to function as the government's investment arm. The company, which still operates today, developed, financed, and implemented pioneering projects that were vital to the sustainability of the government's structural reforms and economic policies. It leased out 8,195 hectares of land in Bukidnon to the Philippine Packing Corporation (also known as Philpack) for pineapple production. Over the years, NDC continued its agricultural engagement, providing similar support to Dole Philippines to establish banana plantations and to NDC-Guthrie for oil palm.

Today in terms of agricultural production, according to an article from the Philippine Star reported that agricultural plantations, mostly owned by TNCs [transnational corporations] and primarily geared to export markets, occupy almost 500,000 hectares, or 12% of Mindanao's agricultural land. They produce rubber, Cavendish bananas, pineapple, palm oil, cacao, and sugarcane (Ocampo, 2015).

Impacts on native occupants

The influx of migrants and the establishment of agricultural corporations were resisted by native occupants over the years, with repeated episodes of armed rebellion, sporadic attacks, and community conflicts. All of these were eventually contained or settled amicably, though a sense of social injustice has remained. Over time the native occupants, especially Muslim communities, have been restricted to their ancestral territories while indigenous peoples have been sidelined to upland areas.

In the province of Bukidnon (when applied to people, the term means "mountain dweller"), mass migration has seen a big increase in the population. The Binukid-speaking population, of which the Talaandig are one group, have remained comparatively stable in number but have been dispersed. Many continue to reside in very remote settlements near the headwaters of the Pulangi River or high up on the slopes of Mount Kitanglad or Mount Kalatungan. Most of those who live in small barangays (villages or districts) spread out across the plateau are more assimilated to the mainstreamed Visayan culture. A smaller number live in towns along the highway, and most of this group have ceased to regard themselves as being culturally different from their Visayan neighbours (Everyculture.com, n.d.).

With these developments, the province has become increasingly closely tied to the wider Philippine economy, as a producer of cash crops such as abaca, cacao, coffee, and tobacco. During the American regime, a flourishing cattle industry was developed on the plateau, which employed a number of Bukidnon men as cowboys. The Americans also established a pineapple plantation, which involved still more Bukidnons in the new cash economy (Province of Bukidnon, 2012).

Current status of native occupants in Mindanao

In 2000, Christian Filipinos constituted over 70% of the population in Mindanao, with Muslims accounting for around 20% and indigenous communities less than 10%. The majority of Muslims are confined to one region, now called the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), which contains about 5% of the total population of the Philippines (PSA, 2016a). The indigenous peoples, on the other hand, have been pushed to the uplands and hinterlands of the island.

Mindanao is currently lagging behind other regions of the country. In 2015, it had seven of the 10 provinces with the highest incidence of poverty among the population (PSA, 2016a). An earlier study by PIDS showed that poverty is highly agricultural in nature. In 2009, the incidence of poverty among agricultural households, at 57%, was three times higher than in non-agricultural households (17%³). Three in every four poor individuals live in rural areas.

Among agricultural sub-sectors, people engaged in forestry activities have the highest incidence of poverty, at 68%. The majority of these upland dwellers are IPs (Reyes et al., 2012).

A major contributory factor to this high rate of poverty is a lack of access to the land that traditionally provided these people's basic needs and livelihoods. At the core of this is the IPs' continuing claim for self-determination to practise their own systems of governance, including that of governing land and other resources. Unfortunately, land governance in Mindanao, as across the whole country, is plagued with a multitude of issues, including problematic titling, fraudulent transactions, unregistered informal transactions, boundary disputes, competing claims, overlapping agency jurisdictions, and slow resolution of land disputes.

Moreover, the growing number of investments in agriculture and other economic sectors has intensified competition for land. The entry of corporations, which began in the early years of the last century, has continued to increase with greater demand for food and liberalisation of the economy. Unfortunately, these investments bring with them many instances of forced evictions, displacement of communities, and local residents being deprived of their livelihoods, as seen in the large number of land conflicts that have been documented (Salomon, 2018⁴).

Instituting reforms towards land equality

These inequalities in tenure rights continued under the dictatorial regime of President Ferdinand Marcos. With the installation of Corazon Aquino as President of the Republic in 1987, however, a number of milestone pieces of legislation were passed in Congress on distributive agrarian reform, co-management of aquatic resources, and recognition of the tenure held by indigenous communities over ancestral lands.



3 In its Family Income and Expenditure Survey (FIES), the Philippine Statistics Authority (PSA) defines an agricultural household as one whose income derived from agricultural sources is equal to or higher than income derived from non-agricultural sources.

4 Between January 2017 and May 2018, a total of 352 land and resource conflict cases involving 1,281,390 hectares of land were documented in the Philippines. The biggest number of cases involved a situation of conflict between members of a community and a business or company, with 170 cases (48% of the total), while 125 cases (36%) were between members of a community and 56 cases (16%) were between members of a community and the government.

Under the Comprehensive Agrarian Reform Law (RA 6657) of 1988 (CARP) and its extensions, 4,790,234 hectares of agricultural land have been distributed to a total of 2,835,743 agrarian reform beneficiaries (ARBs) (Quizon, *et.al.*, 2018), of whom around 30% have been women (PSA, 2016). For aquatic resources, the Philippine Fisheries Code of 1998 introduced decentralised local governance and community-based resource management and gave preference to small fishers in granting access rights to resources.

On ancestral lands, a landmark piece of legislation was enacted in 1997: The Indigenous Peoples Rights Act or IPRA. IPRA recognises the rights of IPs over their ancestral domains and provides for a process of titling lands through the issuance of a Certificate of Ancestral Domain Title (CADT) (RA 8371, 1997). This was considered a milestone as the claims of IPs had not been legally recognised for a long time. There have also been isolated departmental administrative orders, letters of instruction, and memoranda of agreement, but these have been more concerned with resource management and not ownership rights.

After a period of more than 30 years, one-third of the country's total land area has been covered by redistributive reforms. This is the outcome of a long struggle by peasants, IPs, and fishers that gained widespread support from the general public after a long period of political suppression under the dictatorship. And yet, one might ask, why is it that after all these redistributive laws and policies have been introduced, more than one-fifth of the country's total population still live below the national poverty line, and the majority of these are engaged in agriculture and fishing?

Unfortunately, the administration of these redistributive laws and policies has been found wanting. According to the recent Regional Report on Land Rights and Governance by Land Watch Asia, International Land Coalition (ILC) – Asia and the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), implementation of these laws has been constrained by the non-allocation of budgets, a lack of technical know-how among personnel, an absence of implementing rules and regulations, limited access to and poor quality of land data, and long processes of conflict resolution. All these factors have contributed to delays in the implementation of these laws and to gaps in their coverage.

Moreover, recent political developments indicate a slowdown in the pace of reforms and even a reversal of past gains. With the economy growing, the land resources that have been redistributed are being eyed by business corporations for investment, sometimes with assistance from the government. More often than not, their offers are tempting to indigenous communities, especially when available resources are insufficient to meet their basic needs.

It is therefore essential to empower marginalised people engaged in agriculture and forestry activities to secure land rights so that they can pursue a more inclusive form of development. The story of MILALITTRA illustrates the struggle of IPs to realise their dream of regaining control over their ancestral domains in order to live decently.



3 MILALITTRA'S REDEEMING JOURNEY

The Miarayon Lapok Lirongan Tinaytayan Talaandig Tribal Association, Inc. (MILALITTRA) is an organisation representing about 2,500 Talaandig IP households in four barangays in the municipality of Talakag in Bukidnon. Members of MILALITTRA call themselves Talaandig-Kalatunganon due to their proximity to the Kalatungan Mountain Range. The Talaandigs are one of 114 ethno-linguistic groups in the Philippines.

The MILALITTRA community has a reputation for being peace-loving and industrious. They have transformed their ancestral domain into a highly productive agricultural area, growing high-value crops such as carrots, potatoes, cabbage, lettuce, and, most especially, premium-grade coffee beans, which are marketed under the brand Miarayon Mountain Meadow Arabica Coffee.

The association was established in 1999 with the goal of strengthening the tribe's unity in preserving their culture, securing their ancestral domain (AD), and protecting the environment, based on principles of AD territory management. It was legally registered as an organisation with the Securities and Exchange Commission (SEC) on 20 June 2003.

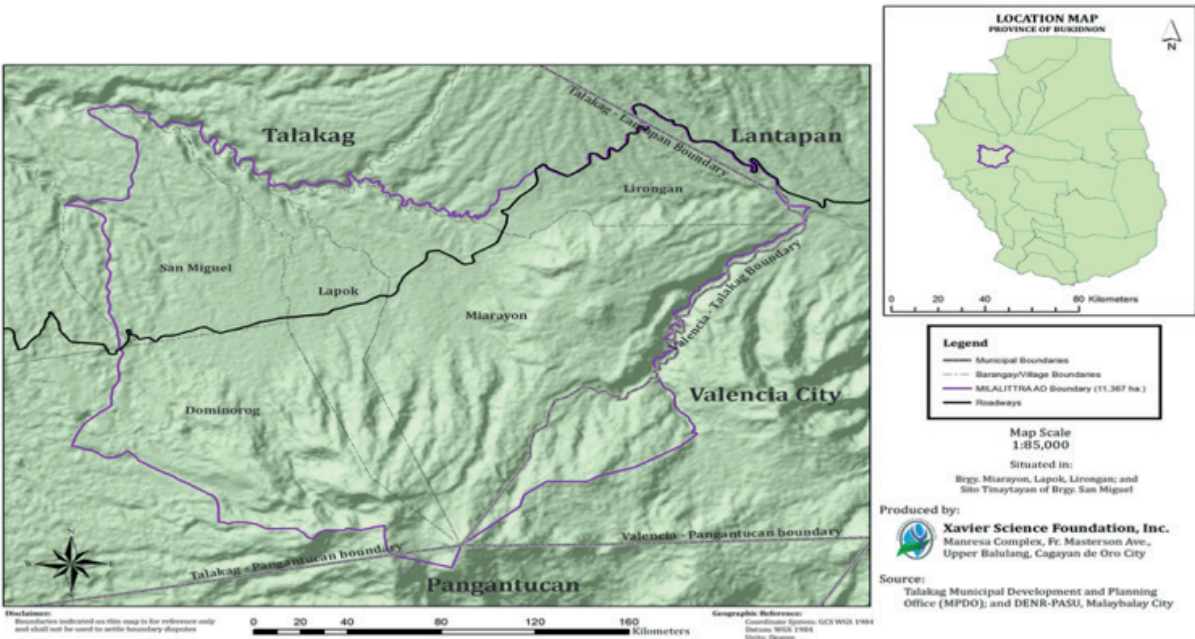
MILALITTRA's AD claim covers a territory of 13,822 hectares located in the Mount Kalatungan Mountain Range Natural Park (MKaRNP). Mount Kalatungan is the fifth highest peak in the country. It is considered to be a Key Biodiversity Area (KBA) and is a major source of water for households and industries in the city of Cagayan de Oro (CdeO) and the provinces of Bukidnon and North Cotabato. Its headwaters feed 35 river systems within the Cagayan de Oro River Basin (MKaRNP Technical Working Group, 2014).

The territory claimed by MILALITTRA has been subject to various intrusions, legal complications, and overlapping claims by a number of government institutions and business corporations. In 1963, a presidential proclamation designated an area of nearly 2,000 hectares as a military reservation. In the early 1970s, under the Presidential Assistant on National Minorities (PANAMIN), a tribal reservation was awarded to the Lumad IP groups that live in the area, of which the Talaandig are one. Since the area is close to Mount Kalatungan, parts of the claim fall under the remit of the National Integrated Protected Area System (NIPAS) Act of 2000, while some portions are covered by titles issued by government agencies such as the Department of Agrarian Reform (DAR) and Department of Environment and Natural Resources (DENR) under their respective programmes.

Large-scale agro-industrial ventures in the area by big business represented a serious challenge to the ancestral domain, with the peaceful way of life of IP communities being threatened by the entry of powerful ranchers and rich businessmen, who grabbed their lands. In response, the communities sought assistance from the government, and in late 1975 President Marcos promised to return their ancestral lands, free of harassment from outside forces. This was made possible by the efforts of key government officials and tribal leaders, but sadly these promises went unfulfilled. With so much effort expended and continuing silence from the government, the Talaandig-Kalatunganon people were forced to take up arms and rise up against the government.

Talaandig indigenous peoples of the Miarayon Region in Talakag, Bukidnon, Philippines engaged in a participatory mapping using the Social Tenure Domain Model (STDM) in securing land rights within its ancestral domain.

Figure 3: Map of the MILALITTRA ancestral domain. Xavier Science Foundation, Inc. (2018)



Legal recognition of Milalittra's ancestral domain

In 1997 the landmark IPRA legislation was enacted, recognising the rights of IPs over their ancestral domains. Claims for ADs cover “all areas generally belonging to Indigenous Cultural Communities (ICCs)/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually” (Republic of the Philippines, 1997). Ancestral domains cover more than 20% of the total land area of the country and make significant contributions to biodiversity, resource conservation, and environmental protection.

IPRA also provided for a process of titling lands through the issuance of CADTs and Certificate of Ancestral Land Titles (CALTs). CADTs and CALTs are ownership of tenure instruments awarded to an applicant community or clan. They have no term limits, and representatives chosen by the indigenous community act as holders of the CADT in trust on the community's behalf. As well as securing an ownership title, IPRA respects communities' rights to traditionally manage, control, use, protect, and develop their ancestral domains.

Only certified members of indigenous groups as recognized by their Tribal Council of Elders are granted access. Migrants or non-IPs may be included if they are recognised and given limited rights as community members through land tenure and allocation policies, as defined in an Ancestral Domain Sustainable Development and Protection Plan (ADSDPP). This consolidates the plans of ICCs/IPs 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 (Republic of the Philippines, 1997).

The governance of the CADT is subject to its consistency with the legal framework of national laws. Conversely, utilisation of natural resources by non-members within the area covered by the CADT requires them to obtain the free, prior and informed consent (FPIC) of the indigenous peoples concerned.

With the return of democracy in the Philippines and the enactment of IPRA, MILALITTRA was one of the first communities in Mindanao to apply for a CADT. With assistance from CSO partners, it submitted the required documents including the ADSDPP and, after a number of consultations and the submission of further documents, the CADT was awarded to the organisation on 25 July 2003.

This has empowered MILALITTRA in terms of governing its land and organising its people and has given tribal leaders a sense of confidence that their land is documented and has been duly awarded to the tribe. With this recognition, the community was partly able to exercise its rights over the land.

Unfortunately, implementing IPRA involves many challenges, such as inadequacies in the administration of the law, overlaps in policy and jurisdictions, and the law's inability to address commercial pressures.

At present, the tribal leaders still hold only a photocopied version of the CADT; the original title is still in the possession of the National Commission on Indigenous Peoples (NCIP), which is currently ironing out constraints on titling with the Land Registration Authority (LRA).

In addition, there are households living within the titled ancestral domain who do not believe in the concept of communal land and have disposed of their assigned lots. These households are not well informed about the implications of selling land within a CADT, as set out in IPRA. However, with increasing commercial pressures coming to bear on MILALITTRA's ancestral domain, selling off land without consent from the tribal leaders has become a widespread practice.

One MILALITTRA tribal leader, Datu Dominador Decano, told the research team: “We are aware that some members sell their lands to other members or even to outsiders. We are more than 2,000 families so it is difficult for us to manage all these members. Within the ancestral domain, we intend to recover all the lands sold to migrants”.

For tribal communities, the arrival of migrants poses a threat to their culture⁵. In cases where the observance of FPIC has been bent in favour of development, strengthening IP governance is seen as a way for MILALITTRA to exercise its claim over its ancestral territory.

5 The majority of migrants are from Luzon and the Visayas and originally took part in the government's resettlement programmes between the 1950s to 1960s. They established farms and businesses that over time have required more land.

One way to strengthen governance is to protect and build on the community's indigenous knowledge systems and practices (IKSP) by passing them on to the next generation.

Empowering households to claim their land rights

With the many challenges it faces in governing its ancestral domain, including protecting community members from financial enticements by investors, MILALITTRA has to implement its plans in accordance with its own concept of development. To help achieve this objective, it has adopted the Social Tenure Domain Model (STDM) tool to enhance land and resource governance.

STDM, an initiative by UN-Habitat and the Global Land Tool Network (GLTN), is a land tool that is pro-poor, fit for purpose, and gender responsive. It is designed specifically for developing countries that have very little cadastral coverage in urban areas with slums or in rural customary areas, as well as post-conflict areas (Lemmen, C., 2010). It takes account of all relationships between people and land, regardless of the degree of formalisation or legal status of such relationships. The “people-land” relationship can be expressed in terms of persons (or parties) having social tenure relationships to spatial units (Ibid.).

The implementation of STDM in MILALITTRA's ancestral domain was made possible by a GLTN initiative facilitated by UN-Habitat under the Secure Access to Land and Resources (SALaR) project. This project (which is being implemented in Laos and Uganda as well as in the Philippines) aims to address issues of food security by improving security of tenure for rural smallholder farmers, most of whom are poor women and men and vulnerable groups, including IPs. Implementing partners in the Philippines, specifically in the province of Bukidnon, are ANGOC, Xavier Science Foundation, Inc. (XSF), and three IP organisations.

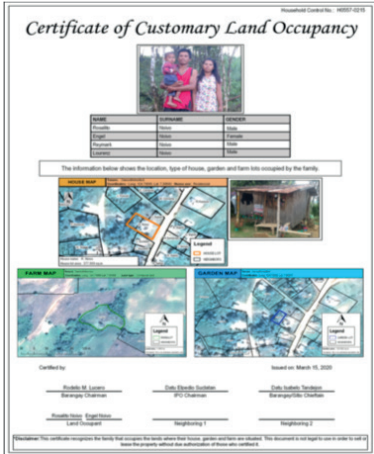
The road to initiating STDM in a rural setting, particularly in an ancestral domain, has required a great deal of perseverance and resilience on the part of all those involved, including the representatives of MILALITTRA. When the land tool was first introduced, local people expressed a range of reactions, some negative. Fortunately, the MILALITTRA Council of Elders, composed of tribal datu and bae (the titles of male and female leaders or village chiefs, respectively), was more accepting.

Bae Hugnaan, the Indigenous Peoples Mandatory Representative (IPMR) for Barangay Lapok told the researchers:

“This is good. All the while I thought this [land] is ours because it is from our ancestors. However, there are people who suddenly claim it. For me, this is a way to explain, clarify and investigate the situation. I am thankful for this programme.”

In addition to holding a CADT, MILALITTRA has a number of overlapping land rights. Thus, as explained by Compasan, a councillor from Barangay Lapok: “STDM is important. Without it we would not have the evidence that the land is ours. With STDM, we will be able to get hold of a certificate”.

Figure 4: Sample certificate of customary land occupancy. Xavier Science Foundation, Inc. (2019)



Before MILALITTRA members were able to claim a certificate recognising their customary occupancy of a particular territory, the STDM process took a number of twists and turns, not least because land issues in a customary territory or ancestral domain involve layers upon layers of overlapping rights of tenure.

In order to fully grasp the process, selected young people and women were trained on STDM techniques, including participatory enumeration, systems encoding, and integration of digital devices and technologies such as tablets, GPS, and computers. Once trained, these enumerators were tasked with conducting house-to-house surveys and the mapping of home, garden, and farm lots. This resulted in more than 1,400 households being surveyed within the four villages of Miarayon Region.

It is interesting to note that land issues have attracted interest from women and youth. Eighteen of the 23 enumerators, for example, were women. Related to this, the land occupancy certificates that were issued bear the names of both husband and wife within a household, countering the more common practice of issuing official titles only in the name of the male head of household.

The initiative also raised a number of land issues that had apparently been dormant for a long time. Conflicts between family members and between neighbours, and some with migrant settlers, were discussed, mitigated, and solved through peaceful means. MILALITTRA has also been able to exercise the customary law of its people – a set of customs, practices, and beliefs – through dialogues with conflicting parties in order to resolve land issues.

This would not have been possible without support from local institutions, particularly local government units, both at the barangay (BLGU) and municipal (MLGU) levels. These units have expressed their recognition of MILALITTRA and have supported its local initiatives by signing into a memorandum of understanding (MOU). Similar support has come from the Regional Development Council (RDC), the highest local-level planning and development authority, composed of government agencies and the private sector, which has passed a resolution supporting the broader GLTN project.

The willingness of various institutions to support this IP community's simple expression of self-determination is a promising sign for its efforts to attain the security of tenure of its ancestral domain that it so strongly desires.

Land use and management of Milalittra's domain

The ancestral domain claimed by MILALITTRA is a landscape that plays a critical role as a watershed regulating water supply for a number of cities and municipalities downstream. By protecting the forests and other resources in their ancestral domain, the Talaandig community is also serving downstream communities by stabilising their water supply.

In an interview one of the tribe's leaders, Datu Dominador Decano, said:

"We put a premium on and have high respect for the environment and nature. We consider all things from nature as sacred, including those we cannot see for they are created by Magbabaya [the Supreme Being]."

Regrettably, without land tenure recognition and security, this ancestral landscape has in the past succumbed to economic pressures. First came massive illegal logging that destroyed a substantial portion of its native forests. Then came agricultural investments that transformed the landscape into a highland production area. This continued for some time, until a devastating tropical storm triggered massive damage to communities downstream.

On 16 December 2011, rain fell steadily in Cagayan de Oro city (CDO). The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) announced that the intensity of Tropical Storm (TS) Washi (locally called TS Sendong), which had entered the Philippines area of responsibility the previous day, had risen to category two. The National Disaster Risk Reduction and Management Council (NDRRMC) called for a pre-emptive evacuation but, with no prior experience of a storm of this intensity, people ignored the unfamiliar warnings. This meant that TS Washi caught the whole city unprepared (Riebeek, 2011). Water surged down from Mount Kalatungan in enormous volumes and, within hours, flooded CDO, Iligan City, and neighbouring coastal municipalities in Northern Mindanao. TS Washi claimed the lives of 957 people and injured 1,582 and caused PHP 2 billion worth of damage to property. It was considered the deadliest storm in the world that year.

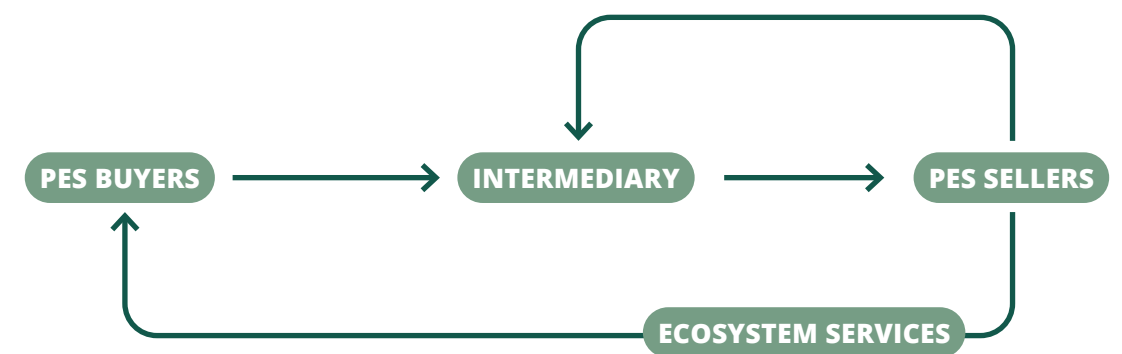
Why did this happen? In addition to the lack of security tenure of those occupying the territory, the Philippines has adopted a sector-by-sector approach in enacting laws, establishing administrative agencies, and resolving disputes in governing its resources. Thus, resource rights and access to resources were fragmented, resulting in conflicts between different claimants and the mandated agencies. Several bills on a national land use plan have been filed and debated in Congress since 1996, but legislation has yet to be enacted.

Because of TS Washi's adverse effects on the community, the drivers of the disaster were examined. One of the major causes identified was the degradation of watersheds due to unsustainable practices and persistent land tenure issues (Quizon et al., 2018). Experts from the DENR Biodiversity Management Bureau, DENR Regional Office, the Resources Environment and Economics Center for Studies, Inc. (REECS), the New Conservation Areas in the Philippines Project (NewCAPP), Enterprise Works Worldwide Philippines (EWWP), and the Philippine Association for Intercultural Development Inc. (PAFID), came together to explore frameworks for sustainable solutions. After a careful study, the adoption of a landscape-wide approach was recommended.

For MILALITTRA, the experts designed a framework called Payment for Ecosystem Services – Kalatungan (PES-Kalatungan). They identified local ecosystem services that had potential market viability, such as carbon sequestration, replenishment of underground water supplies, and the prevention of soil erosion. Overall, PES-Kalatungan was intended to strengthen Mount Kalatungan's watersheds in order to ensure sustainable water supply and to mitigate the risk of further flash floods in CDO (Zafra, 2016).

PES-Kalatungan⁶ is a financing scheme that is based on pricing intangible environmental products and services and adapting this into a funding mechanism to generate economic return and sustain the ecosystem services. In drawing up the framework, MILALITTRA acted as the seller, allotting 1,648 hectares to reforest critical watersheds in its domain, using the "rainforestation" approach⁷. The buyers are those who benefit from the scheme and include businesses, cooperatives, academic institutions, religious organisations, households, and even individuals. XSF, as the fund manager, acts as the intermediary between buyers and sellers.

Figure 5: How the PES-Kalatungan scheme works (Xavier Science Foundation Inc., 2020)



⁶ PES schemes are being implemented globally in different ways. Some are led by local government units passing policies to collect environmental fees. Some are implemented by bulk water suppliers charging additional fees from their consumers. The implementing unit of a PES scheme adapts the most appropriate modality in its own local context. PES-Kalatungan employs a voluntary payment mechanism where landscape stakeholders allot a certain amount to buy the ecosystem services of Mount Kalatungan.

⁷ "Rainforestation" uses native tree species to rehabilitate degraded landscapes and restore key ecosystem services and functions, while providing forest-dependent communities with an alternative source of livelihood.

After consultation, the PES-Kalatungan scheme was launched in 2014 with the support of relevant government agencies, local government units, and CSOs, under the guidance of the CDO River Basin Management Council. A pilot implementation project was launched in the four barangays in the Miarayon Region, with the support of the Mindanao Development Authority.

The issuance of a CADT and the consequent legal recognition of an ancestral domain allowed MILALITTRA to partner with other local stakeholders in land use planning and development.

The inclusion of PES in their Community Development Plan (CDP) provided an opportunity for a collaborative endeavour, as reforesting the area will have an impact on the supply of water downstream and will contribute to carbon sequestration. It also increased awareness of landscape governance among the various stakeholders, both private and government institutions. As a result of the process, these institutions now recognise the important contribution made by MILALITTRA in ensuring environmental integrity in the Mount Kalatungan landscape, thus enhancing the community's security of tenure over their ancestral domain.

4 LESSONS LEARNED ON LAND INCLUSIVITY

The economy of the Philippines has grown rapidly in the past two decades but more than a quarter of its population have been left behind in a state of poverty, and so calls for more inclusive development have been resounding. The government has heeded these calls and in 2017 it launched AmBisyon Natin 2040, its 25-year vision for all Filipinos to enjoy a strongly rooted, comfortable, and secure life. One major approach taken towards achieving this vision is to undertake transformative actions to reduce inequality by increasing access to economic opportunities. This is in line with the global Sustainable Development Goals (SDGs), particularly those concerned with eradicating poverty, ending hunger, and reducing inequality.

In pursuing this vision in the Philippines, and in Mindanao in particular, the challenge of ensuring equitable access to land and basic services is paramount, as the majority of people living in poverty are engaged in agriculture and live in remote upland areas. Without fair and rightful access to land, they have become food-insecure, their children's education has been sacrificed, and access to basic services such as water and electricity has been denied.

It is important to note that land inequality has led to further inequalities between households and between men and women in the community and has also become an intergenerational concern. On top of all these difficulties, increasing commercial pressures such as tourism⁸ and the expansion of agricultural plantations into ancestral lands have had negative impacts on the community and the environment. As might have been expected, this unbalanced situation has resulted in conflict, violence, and disasters.

MILALITTRA's journey towards regaining control of its people's ancestral domain provides an example of a pathway that other indigenous peoples and marginalised farmers can follow. Major lessons for IPs and other vulnerable sectors on attaining land equality that can be learned and shared include 1) the importance of policy advocacy for inclusive reforms and critical engagement in land policy administration; 2) enhancing the local community's own resource governance system; and 3) engaging with other stakeholders in governing the landscape.

Advocating policies for inclusive reforms

Having rejected the option of an armed uprising, MILALITTRA maximised the democratic space by organising itself and officially registering with the SEC. This provided it with a legal identity to participate in government programmes and to work with partner institutions, both domestic and international.

8 Impressive scenery and the increasing accessibility of the AD claimed by IPs in the Mount Kalatungan region have encouraged local government units and tourism agencies to promote it as a tourist destination.

This was partly influenced by the ousting of a dictatorial regime under which IP rights, including land rights, had been ignored and abused. With the election of a democratic government, MILALITTRA actively participated in crafting and advocating for inclusive laws and policies, which resulted in the enactment of IPRA in 1997, a landmark piece of legislation that recognised the rights of indigenous peoples to their ancestral domains. MILALITTRA is one of the first IP organisations to have secured a CADT, which in its case covers an area of more than 11,367 hectares.

With a CADT, MILALITTRA is able to govern its domain, preventing intrusion by illegal occupants and investors, regulate the felling of trees in the remaining forests, and settle disputes among community members. It is also able to collaborate with other stakeholders and institutional partners to manage their common landscape, such as with the PES-Kalatungan scheme.

Augmenting governance of community resources

While constraints on land equality are usually perceived as having an external origin, internal dynamics, especially within traditional communities, can also be prohibitive if left unchecked. In a male-dominated society, for example, women's rights may not be given equal importance. Similarly, the allocation of land to children can be problematic.

MILALITTRA's acceptance of the STDM model has improved its governance of its resources by using data collected from community members themselves and processed with technical support. With STDM applied to its collective title, it has been able to delineate individual entitlements and privileges over house lots, garden plots, and farm areas. In doing this, community members have avoided and resolved conflicts among themselves.

The participation of young volunteers in implementing STDM ensures sustainability in the governance system. The system captures relevant data that can serve as a reference in resolving conflicts and in passing knowledge on to the next generation.

Engaging landscape stakeholders

MILALITTRA's ancestral domain is located in a landscape where land use and management can potentially have either beneficial or destructive impacts on communities living downstream. This is true in many regions of the Philippine archipelago, where many islands have a ridge-to-reef landscape. Thus, land use planning and management are critical, and collaboration is indispensable.

Unfortunately, widespread awareness of landscape governance came only after a devastating typhoon hit the area. Since this tragedy, people have become more open to working together, as exemplified by the PES-Kalatungan scheme. Having secured its CADT, MILALITTRA offered a substantial area of its ancestral domain for rainforestation, and this initiative has helped it to gain the respect of other stakeholders, including relevant government agencies and local authorities. This has not only strengthened its claim to the land but has opened doors for it to access government services and support.

5 MOVING FORWARD

MILALITTRA's journey in strengthening its security of tenure, while admirable, still has a long way to go. In the coming years, the organisation will have to make multi-level and multifunctional engagements, given the various constraints and challenges in the policy environment, land use management, and internal governance systems. These are huge and difficult undertakings and they will require the support of government agencies and CSOs, at both the local and national levels. They are worth advancing, however, as the outcomes will have positive impacts not only for MILALITTRA but also for other IP communities who have been deprived of their rights to land once governed by their ancestors.

Institutionalisation of IPRA

IPRA is a progressive law founded on social justice and promoting equality through good governance of ancestral land and resources. It is a big step forward in realising the government's 2040 vision. Unfortunately, its implementation is progressing very slowly, given the administrative constraints created by the sectoral laws and policies adopted by governments in recent decades. However, as shown by MILALITTRA's experience, there is still much that can be done.

Even for those who have been awarded a CADT, the protection of IP rights will continue to face challenges in the form of intrusions by migrants, politicians using their power to control resources, and the non-observance and manipulation of FPIC. Given the Philippines' rapid economic growth and the limited availability of land, ancestral domains have become attractive for the establishment of special economic zones, agricultural investments, mining, and tourism.

MILALITTRA will have to work on registering its CADT with the LRA to formalise its title, and also to win formal recognition and respect from government agencies and local government units in the locality. To this end, it should support the passage in Congress of House Bill 115, or the Indigenous Peoples and Local Communities Conserved Areas and Territories (ICCA) Bill of 2016. This bill aims to provide a system of recognition, registration, protection, and promotion of ICCAs and to introduce penalties for any act of desecration. It supports Article II of the 1987 Philippine Constitution protecting the rights of indigenous cultural communities, and further strengthens IPRA of 1997, the NIPAS Act of 1992 and the Wildlife Conservation and Protection Act. Regional consultations have been conducted, including one in Northern Mindanao, with the participation of representatives from MILALITTRA. HB 115 was approved at the House Committee on Indigenous Cultural Communities on 31 January 2018 but has to be passed by the Senate.

Promoting landscape governance

Given the slow progress on instituting a national land use policy and the urgency of responding to threats of disaster, a responsive regional land use plan should be advocated with relevant government institutions involved in land governance at the regional level. A number of dialogues have already been conducted with the Regional Land Use Committee of the Regional Development Council of Northern Mindanao to explore this possibility.

Enhancing awareness on land use planning in a particular landscape will deepen recognition by various local stakeholders of the important role that MILALITTRA is playing in preventing disasters and conserving resources. The PES scheme will be promoted as a common platform for various stakeholders – including academic institutions, businesses, and government partners – to collaborate on land use planning and development.

Datu “Dungkuan” Rio Besto, chairperson of MILALITTRA, firmly believes that PES is one of the most effective ways to conserve the Talaandigs’ sacred forests. Growing trees is a proven way to combat the reality of global warming, and MILALITTRA has allotted more than 1,600 hectares for rainforestation. With a challenge this great, it also needs further allies to secure the landscape. The Protected Area Management Board of the MKaRNP, composed of government units, tribal leaders, academics, and CSOs, holds good potential for balanced management.

Enhancing internal governance systems

While governance of resources at the national level is a major contributory factor to land inequality, communal regulations and traditional practices can also play a part in inequitable access to resources at the local level. In the case of MILALITTRA, this has been manifested in cases where members have sold their lands to other members or even to outsiders.

Ensuring equitable access to resources will therefore have to be monitored at various levels, even more so as many members of MILALITTRA are now partially integrated into the mainstream culture. They have adopted modern ways, though they continue to practise their beliefs and customs. Thus, at the local level, clear understanding of policies and guidelines will have to be ensured and monitoring mechanisms established, and dispute resolution, including the scope for sanctions, should be in place.

The advantage for IPs is that, in their traditions, they already have such practices and mechanisms. It is a matter of revisiting these and adjusting them to the current situation. A major difference that has to be factored in today, however, is that resources have become very limited.

Admittedly, the road has been very difficult thus far and it remains full of challenges. Addressing land inequality that is rooted in social injustice will take both time and resources, and will require multiple approaches to address multi-level and multidimensional challenges. IP communities, and in particular MILALITTRA, will have to continue working on policy concerns to protect their tenure, improving their own governance systems, and promoting a landscape approach to land governance. These initiatives should lead ultimately to more equitable access to resources while also addressing climate and economic pressures.

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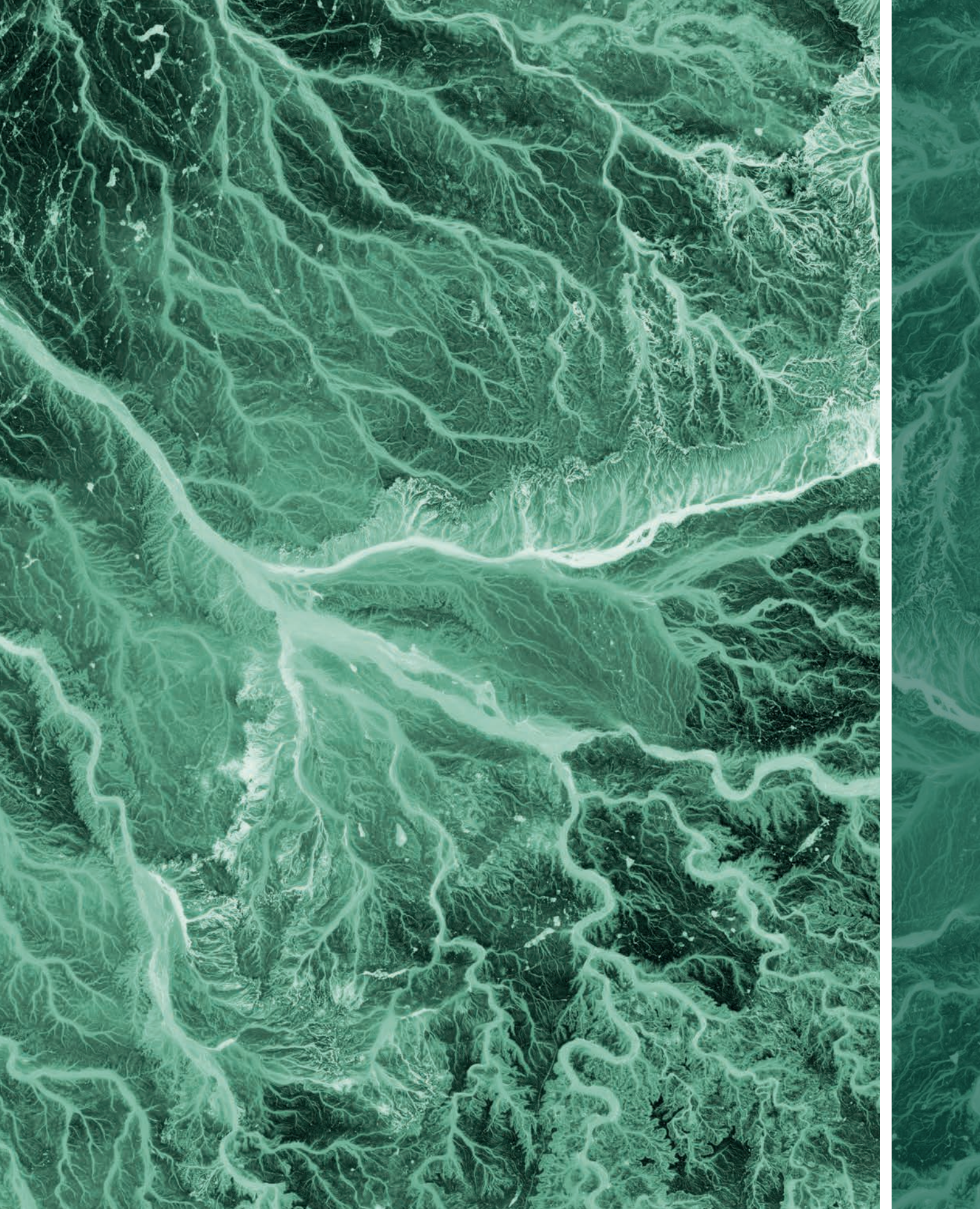
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