

World Heritage in Philippine Ancestral Domains: Negotiating Rights through Indigenous Heritage

Three of the six World Heritage sites in the Philippines are situated within territories of indigenous peoples (IPs) who have lived in these lands for many generations. The Ifugao Rice Terraces (IRT), a 'living cultural landscape,' were carved out by the Ifugao. Apart from being haven for rich biodiversity that include endangered species, the natural heritage sites Puerto Princesa Underground River (PPUR) and Mt. Hamiguitan Range, are home to Tagbanwas, and to Mandaya and Manobo communities respectively.

The outstanding universal values (OUVs) of the IRT, PPUR and Mt. Hamiguitan Range Wildlife Sanctuary owe largely to the lifeways of the IP groups that have through thousands of years sustainably managed these properties. Although IPs' contributions in maintaining the sites are acknowledged and their rights are enshrined in the Indigenous Peoples' Rights Act (IPRA) of 1997, poverty and other rights issues could only reflect difficulties in implementing rights-based approaches, including those that are borne by overlapping and/or conflicting provisions in heritage and environmental policies. The need to resolve contradictions and nuances between the IPRA and national environmental laws and WH policies is paramount for people to reclaim their heritage and realize their right to socio-economic and cultural well-being. In-depth researches and databases in these diverse natural and cultural settings are prerequisites for negotiations as well as for crafting site-specific and national policies and programs. A multi-disciplinary, participatory approach at all stages is indispensable given the very complex issues and sociocultural contexts.

This brief presents information and insights that were gathered from the April 11, 2016 roundtable discussion at the University of Santo Tomas in Manila, as well as from interviews, correspondence and relevant literature on the tackled WH-IP sites. It is however focused on the issues surrounding the Ifugao Rice Terraces and Puerto Princesa Underground River, as managers and/or representatives from said sites came to participate in the roundtable discussion and share about the situation in their respective areas.

Environmental laws and policies attendant to national and international recognitions of the sites have unwittingly compromised rights enjoyed by IPs in their ancestral domains under customary law despite the goals within which they were framed. Disparities between policies and people's needs for sustenance and development are negotiated through participatory processes resulting in livelihood interventions and in "internal agreements" that could operate around restrictions perceived as unnecessary in the local context. Violations of laws continue as some concerns remain at a stalemate in the absence of immediate solutions. Nonetheless, institutional resources may be tapped and enhanced to explore potential courses of action that could feasibly balance benefit for people and environment.

Being IP territories, customary law has governed the gamut of social life in Philippine WH sites that straddle on terrain all or in part considered as ancestral domain by people who have occupied or utilized these since time immemorial. Indigenous communities have ensured well-being of both people and environment by organizing activities according to their needs and nature's cycle, observing rituals to mark significant undertakings and events, celebrate bounty, as well as cope with scarcity.

The entry of formal institutions "imposed" new paradigms upon the traditional, such as protective restrictions that local people desire to be emancipated from since these are perceived as "oppressive," depriving them of resources that they hold as kin groups or as communities. On the other hand, WH inscription was welcomed with the view that greater prestige would bring opportunities including those for livelihood, improved social services and development as a whole. The WH label however also comes with requirements that run in conflict with traditional activities as well as with some new, but still local notions of development.

Tensions have emerged due to differences in vision and practice. At the center of friction is a range of rights issues, arising from the absence of remedies to balance between protection of the natural and cultural sites on one hand, and provision for people's sustenance and development on the other. While rights concerns are

being dealt with, some interventions are random and even considered unlawful, and some others hang without answers in sight.

Rights concerns re land, resources and property

Ancestral lands and domains are recognized within protected areas such as the IRT and PPUR, but land ownership and utilization of land and natural resources are restricted in accordance with protective measures.

Lands classified as 'forest reserves' are considered public domain by national law; thus, most people living in the IRT like in the rest of the mountainous regions only possess Tax Declarations of Real Property, which are not proofs of ownership. Some people within the IRT and PPUR protected areas hold Certificates of Ancestral Domain Claim (CADCs) as groups; however, issues of ownership and control given national government-defined categories remain. Unlike people who possess Certificates of Land Titles for privately-owned land, holders of tax declarations and CADCs could not sell or utilize their lands as collateral for loans that are needed to finance emergencies, education and other productive endeavors that could change life situations.

Greater economic opportunities in the PPUR have drawn people and land speculators from other places. Overlapping land surveys and unsanctioned issuance of *barangay* certificates over parcels of

land in the past led to sale of land, then to encroachment by mostly non-IPs on areas covered by CADCs. A new land survey has cancelled the previous; *barangay* issuances have been stopped; and at present, demolition is set for 15 houses of non-IPs who have encroached into the CADC area.

WH policy upholds indigenous zoning in the IRT based on traditional land use designating forests, watersheds, terrace farming areas, and hamlets where residences conglomerate. Concerns about beyond-sustainable forest resource use and watershed degradation have been gradually addressed by multi-sectoral efforts, with the concerned Ifugao local government units (LGUs) and the Save the Ifugao Terraces Movement (SITMo) at the helm. However, some house constructions breach WH directives aimed at maintaining the site's OUVs in the attempt to build more cost-efficient, durable "modern" homes with more space. Galvanized iron sheets are preferred over the traditional thatched *cogon grass* for roofing. Dispersal outside of the hamlets in a dot-like trajectory towards the terraces is notable. While one village agreed to undertake a return to *cogon*-roofing with the initiative and support of government, there is a stalemate especially on the people's desire to build "modern" houses within the WH zone: Neither government nor WH-linked agencies could answer the question: *Where else are we going to build our houses then?*

In the PPUR, access to natural resources like gravel and sand, timber and other forest products have been limited. A gravel and sand quarrying area has been demarcated to provide for household-level needs, but clearly, not for commercial purposes. Rather than risk destructive cutting of trees, people living within the park have by "internal agreement" been allowed to obtain logs felled due to calamities for the repair or construction of their houses, though the PPUR Park Office's attention has been called regarding environmental regulations prohibiting such.

Livelihood and development issues

Restrictions on access to and utilization of natural resources have repercussions on people's livelihood. Traditional economic activities like hunting, swidden farming and charcoal production are illegal in terms of laws on environmentally protected areas. Apprehensions have been made for activities that defy regulations and cases even for little offenses are filed in Court;

still, violations continue, largely occurring where people are poorest. Notably, about 57% of the 1047 households in the four barangays within the PPUR fell under the poverty line in 2009, ten years after WH inscription the span of which saw the expansion of tourist-oriented infrastructure development and activities.

Confronted with threats to economic survival on one hand and prohibitions against some indigenous subsistence strategies on the other, local wisdom appears to guide negotiations that deal with these issues: Different stakeholders within the PPUR share a discrete recognition that hunting wild boar for their meat is sustainable when it is done the traditional way during the culturally-defined hunting season. There is similar understanding that small-scale swidden gardening helps alleviate household food insecurity and could be undertaken as long as precautionary measures, i.e. to prevent forest fires, are put in place.

The PPUR Park Office's main intervention to respond to local people's needs especially with the objective to abate exploitation of the natural resources, is boosting efforts to create livelihood opportunities for the mostly IP population in the four *barangays* situated within the area. It provides technical and financial assistance to PPUR communities. Significant amounts from the park's tourism-generated revenues are allotted for the communities' economic endeavors. It also assists people in undertaking the expensive process of securing permits for regulated collection of non-timber forest products. Moreover, the Office capacitates and employs community people as forest rangers and tour guides, and is developing community-based sustainable tourism (CBST) as prime alternative activity.

At the IRT, government and non-government organizations like SITMo bring in some basic infrastructure projects like the repair of typhoon-damaged terrace pavements. CBST undertakings are advanced to yield livelihood and more income for residents. SITMo also facilitates initiatives for the production and marketing of organic upland rice, whose price is about twice that of ordinary commercial rice.

Infrastructure such as farm-to-market roads could not be constructed within the IRT and PPUR in the way desired by communities also because of the need to maintain the sites' OUVs. Yet, some commercial buildings and other physical infrastructure that are deemed incompatible under WH standards are

noticeable in the IRT and PPUR. Entities undertaking these are unaware of and/or not complying with such standards. While infrastructure guidelines have already been drafted, these are still to be adopted and translated into local ordinances and incorporated into local development plans.

Loss of heritage and risks to cultural integrity are threats as sites are exposed to tourism. The monetary valuation of artefacts and cultural performances has set off practices considered as commodification and misappropriation of culture. To respond to urgent financial needs, Ifugao cultural artefacts are sold by their owners with some locals acting as brokers. Taking cues from previous visitors who have offered tokens, a number of residents now charge tourists who wish to peek into their native houses. Moreover, some dances and other cultural performances in both IRT and PPUR are contrived out of context for tourists in exchange of fees.

Impediments to participation, consultation and consent

With both IPRA and WH policy in place, participation and consultation of local stakeholders from planning to actual implementation are conditions for the pursuit of projects and other initiatives within the IRT and PPUR. Obtaining Free and Prior Informed Consent (FPIC) is required under the IPRA to ensure consultation according to customary law.

However, lapses in coordination among agencies still occur. Conflicts between or among community leaders and monopoly of leadership exist, dividing communities and causing lack of or disproportionate participation among constituents that therefore also result in the uneven representation of interests.

Rumours and public reaction about the August 2015 fatal shooting of the Philippine eagle named Pamana at the buffer zone of Mt. Hamiguitan may also reflect tensions that could not simply be settled through consultations, apart from what is perceived as insufficient protection of natural heritage. The Philippine eagle *Pithecophaga jefferyi*, one of the rarest raptors in the world and endemic to the Philippines, numbers less than a thousand and is considered to be critically-endangered. Pamana was only released two months earlier from the Philippine Eagle Foundation rehabilitation facility in Davao City into Mt. Hamiguitan, which ironically was selected by conservationists with the trust that locals in the area were

strongly committed to the protection of the range.

Furthermore, the tedious and costly FPIC process slows down community development efforts, and is at times interpreted as consent secured from an entity other than the IP community itself. Site managers are nonetheless committed to engaging communities for their representation and productive participation as well as for conflict resolution, strengthening their community development components to facilitate these processes.

Indigenous cultural rights

Greater regard for the rights of IPs has come with the IPRA and the WH system's emphasis on rights-based approaches. With the National Commission for Culture and the Arts (NCCA) and Department of Education, the Ifugao Cultural Heritage Office has programs aimed at cultural preservation and reclaiming heritage like the indigenization of the school curriculum, and teaching of some indigenous skills and performing arts to secondary school students.

The issues on land, resources, livelihood and development, all implicating culture, however reflect that IP rights are yet to be fully enjoyed as these are undermined by incompatible laws and differing interpretations. Discrimination by non-IPs is another lingering concern.

The more abstract, challenging, direct or implied questions on cultural rights in the sites pertain to concepts: *Who defines culture and what is considered heritage? When you say World Heritage, whose heritage? Who determines the direction, management and use of heritage? Who shoulders the costs of and benefits from maintaining heritage? What is the obligation of others (who now share heritage by virtue of declarations) towards conserving such heritage?*

These questions resonate another right enshrined in the IPRA – *self-determination*, a yearning that for decades has fuelled the struggles of Philippine IPs.

Complex but crucial path towards realizing rights

Constraints in the realization of rights in WH sites that are IP territories, like the IRT and PPUR, arise from conflicts in laws and policies on the protection of natural and cultural sites and on indigenous people's rights. Resolving contradictions and nuances in interpretation of national and local heritage and environmental laws is

expectedly difficult, but it is key to advancing rights-based approaches for the realization of human rights and at the same time promoting site protection. IP rights provide the engine by which people can reclaim their heritage and realize their rights.

Cultural mapping, in-depth research and databases at the site-level are fundamental given the diverse natural and sociocultural settings. Negotiations for resolving conflicts and for crafting rights-oriented, site-specific and national policies and programs can only be pursued if these are founded on comprehensive research. Supporting initiatives with local laws and intensive information and education campaigns will also be necessary for effective implementation.

A multi-disciplinary approach that would also engage the active participation and sense of ownership of stakeholders, most importantly the local communities and agencies, will help warrant the potency and sustainability of policies and programs.

A wealth of resources and potentials for improvement exist amidst present weaknesses. Academic institutions with expertise in heritage research, rights-based approaches and development may be engaged in the efforts. Resources for various courses of action may be tapped from national agencies whose mandates are linked with the protection of human rights and heritage, such as the National Commission on Indigenous Peoples (NCIP); Commission on Human Rights-Economic, Social and Cultural Rights (CHR-ESCR) Center; NCCA; Climate Change Commission; Department of Environment and Natural Resources; Department of Education. The role of WH bodies and institutions like the UNESCO Philippines and the University of Santo Tomas Graduate School - Center for the Conservation of Cultural Property and Environment in the Tropics (USTGS-CCCPET) will be vital in facilitating and harmonizing this complex but crucial process.

Clarification of some terms:

Barangay – the smallest administrative division in the Philippines. Although sometimes interchanged with the term 'community,' the latter pertains more to a group of people that may variably comprise a whole barangay solely or with other communities, or whose membership may be spread over more than one barangay.

The Indigenous Peoples Rights Act/IPRA of 1997 (Republic Act No. 8371) recognizes, protects and promotes the rights of indigenous cultural communities/indigenous peoples. The novel law covers a wide range of human rights, particularly patterned according to the IP context, as it attempts "to correct historical injustice."

World Heritage Sites in the Philippines

Cultural

- Baroque Churches of the Philippines: Paoay (Ilocos Norte), Santa Maria (Ilocos Sur), Miag-ao (Iloilo), San Agustin (Manila), inscribed in 1993
- Rice Terraces of the Philippine Cordilleras, more known as Ifugao Rice Terraces, in the towns of Banaue, Hungduan, Kiangan, and Mayoyao (all in the Province of Ifugao), 1995
- Historic Town of Vigan (Ilocos Sur) 1999

Natural

- Tubbataha Reefs Natural Park (situated in an area in the Sulu Sea, under the jurisdiction of Palawan), 1993
- Puerto Princesa Subterranean River National Park, more known as Puerto Princesa Underground River (Palawan), 1999
- Mount Hamiguitan Range Wildlife Sanctuary (Davao Oriental), 2014

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Acknowledgments:

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