

A scenic landscape photograph of a mountain valley. In the foreground, a large, dark tree stands on the right side. The middle ground shows a lush green valley with a small village of houses with red roofs. In the background, there are more mountains under a blue sky with white clouds. The text is overlaid on the right side of the image.

*Joint Statement of
Principles Regarding
Development Assistance
to Indigenous Peoples
in the Philippines Between
FAO, ILO, UNESCO, UNDP
UNFPA and UNICEF*

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Regarding
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Prepared by the United Nations (UN) agencies
collaborating through a Technical Working Group on
Indigenous Peoples under the
United Nations Development Assistance Framework
(UNDAF) in the Philippines

Message

In collaboration with the government and the private sector, the different agencies of the United Nations have been taking steps to be of help to the indigenous peoples in the Philippines in their bid to effectively address their development concerns. Through this form of partnership, a wealth of experience in terms of advancing the development process with the indigenous peoples has been acquired.

Today, greater challenges face the indigenous peoples as they tread the path of development individually and collectively. Tremendous pressure is on them to discover ways to cope with the ever changing socio-economic conditions without losing their cultural integrity.

As multi-sectoral initiatives to support the indigenous peoples attain their development aspirations continue, the need to ensure closer coordination, synergy and interface among the concerned agencies is increasingly being felt. This has been put to the fore by significant insights generated and lessons learned over time from various developmental activities undertaken in partnership with the indigenous peoples.

With this Joint Statement of Principles, it could be expected that the working relationship among UN agencies, the government, non-government organizations and the indigenous peoples in the Philippines will reach higher levels of dynamism, complementation and effectiveness.

RICHARD SZAL
Director, ILO Manila
Chairperson, UNDAF Working Group
on Indigenous Peoples' Empowerment



Message

The Joint Statement builds upon the consolidated years of work between indigenous peoples and UN Agencies. It contains a useful framework for our work and a number of specific actions that hopefully will focus our discussion on indigenous peoples and serve as a reference point for consensus.

The challenge for this year ahead will be to provide an operational mechanism for cooperation, and build a more efficient UN system-wide effort to address indigenous peoples concerns in the Philippines. New partnerships with local government, line agencies, non-government organizations and the international community will be needed to achieve this goal.

I do not underestimate the difficulties that lie ahead. Government and indigenous peoples will need to build a real bridge of understanding and commitment. How the Indigenous Peoples Right Act of 1997 (IPRA) will be interpreted and implemented is a key factor.

This document marks our collective effort to advocate for a more transparent and active partnership with government, civil society and the indigenous peoples.

TERENCE D. JONES
Resident Coordinator
UN System



"... the IPs have always maintained the position that their development could only be sustained..."



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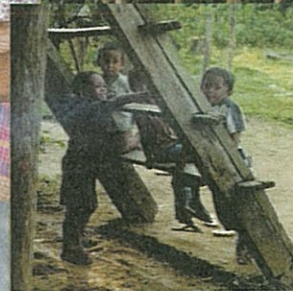
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...if it proceeds from the principles of freedom and self-determination and is anchored on their indigenous culture."

Preamble

The Joint Statement serves as a common framework for the delivery of development assistance to the indigenous peoples (IPs) by the United Nations (UN) agencies in the Philippines collaborating under the United Nations Development Assistance Framework (UNDAF). These agencies are the following:

the Food and Agriculture Organisation (FAO),
the International Labour Organisation (ILO),
the United Nations Development Programme (UNDP),
the United Nations Economic, Social and Cultural Organisation (UNESCO),
the United Nations Population Fund (UNFPA),
and the United Nations Children's Fund (UNICEF).

Hereinafter, they will be jointly referred to as the participating agencies.

Introduction



Historical accounts of the indigenous peoples (IPs) of the Philippines reveal that policies dealing with or affecting these peoples began to take shape during the Spanish colonial rule in the 16th century, proceeded to unfold in more vivid terms under the American colonial regime, and later the Philippine Republic. In these stages in the country's political history, national policies have been made to address what was popularly known as the "minority problem", referring to the status of the IPs as a minority in relation to the entire Filipino population.

The same accounts also show that the IPs have always maintained the position that their development could only be sustained if it proceeds from the principles of freedom and self-determination and is anchored on their indigenous culture.

Only recently has development assistance for the indigenous peoples (IPs) in the Philippines, from foreign sources as well as from the private sector, started to reflect these historical facts. It has, in fact, gained a reasonable level of visibility as more agencies and organisations shared their experiences of providing support services to the IPs. Viewing this development as complementary to its own effort in the same direction, the Government has by and large welcomed and worked to sustain the momentum by initiating policy reform in favour of the IPs.

Knowledge of the origin and history of the IPs is, therefore, a pre-requisite to understanding their present development aspirations. Agencies and organisations ought to observe a common focus on development assistance for the IPs. Overlapping assistance or inconsistent delivery systems, approaches and methodologies would not do justice to the development aspirations of the IPs and would result in an ineffective allocation of resources for them.

The participating agencies share this vision; hence, this statement.



Overall Objective

To assist the Indigenous Peoples in empowering themselves and in improving the quality of their lives.

Immediate Objectives:

- A. To increase the effectiveness of the delivery of development assistance to the IPs through the provision of socially, economically and culturally appropriate technical cooperation that would lead to sustainable impacts;
- B. To ensure transparency, complementarity, and co-ordination among the participating agencies;
- C. To better assist the IPs in pursuing their own individual and collective development aspirations; and
- D. To strengthen the capacity of the counterparts in government and in civil society to effectively respond to the needs and aspirations of the IPs.

Definition of Indigenous Peoples



In the Philippines, indigenous peoples are referred to as groups of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded

and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilised such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits; or, who have through resistance to political, social and cultural inroads of colonisation, non-indigenous religions and cultures, or the establishment of present state boundaries, become historically differentiated from the majority of Filipinos.



IPs likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonisation, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

Legal Framework

In developing this Joint Statement, the principles and policies set forth in ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, the Convention on the Rights of the Child, the Philippine Constitution (notably Article XII, Section 5 thereof), and Republic Act No. 8371, also known as the "Indigenous Peoples Right Act of 1997" (IPRA), were used as the take-off points.

The application of the provisions of this Joint Statement shall furthermore be supportive of the rights and benefits that the IPs may derive from other international and national instruments, agreements or customs, such as the Convention on Bio-diversity, Philippine Agenda 21, the Comprehensive Agrarian Reform Programme and the like.

Although the Philippines has not yet ratified Convention No. 169, it has with its extensive provisions for human rights, land reform, employment, education, social security and health issues, often been used as a reference in government policy development concerning the IPs. The Philippine Constitution in turn recognizes and protects the rights of the IPs in the Philippines and mandates Congress to legally operationalise indigenous customary law. The IPRA finally, is an embodiment of the prevailing Government policy on indigenous peoples, and a promising departure from the uncertain policy environment that existed up till the end of 1997, under which different Government agencies, foreign institutions and private sector groups became independently active in the field of development assistance. The law provides focus by giving one Government entity the mandate to carry out policies concerning indigenous peoples. It has furthermore precisely indicated who should determine development priorities, how various stakeholders are to be involved, and what channels are to be used in the delivery of development assistance to the IPs.

Institutional Framework

The Joint Statement has also taken into account the respective mandates of the participating agencies, as well as the fact that some of these agencies have programmes or projects that only indirectly involve indigenous peoples. It has, in addition, considered the existing condition wherein participating agencies have either centralised or decentralised structures. Pursuant to their respective mandates, each agency can be tapped accordingly.

Strategy of the Joint Statement

To be effective and workable, the Joint Statement is meant, on the one hand, to ensure a general and common conformity in the implementation of Convention No. 169, the Philippine Constitution and the IPRA (with its implementing rules and regulations) and, on the other, to provide an appropriate avenue to make development assistance truly effective and sustainable. In this light, a number of Basic Principles are listed which the participating agencies agree to observe in relation to any and all forms of development assistance to the IPs.

Following these are Specific Principles. It is realised that the management, development and protection of the ancestral domains provides an effective and holistic perspective for the determination and delivery of development assistance.

However, the holistic approach may not be appropriate or feasible in many instances. The succeeding Specific Principles are meant to offer guidance whereby the integrity of ancestral domains, culture, values, practices, institutions, customary laws, and traditions of the IPs shall be considered and given due regard.

In the event of conflict in the implementation of more than one Specific Principle, the provisions under the Basic Principles on development priorities and free and prior informed consent will apply.

The section on "Other Provisions" includes procedural matters.

A. Basic Principles:

1. Development Priorities and Methodologies

- ☐ IPs have the right to determine and decide their own priorities for development and to participate fully at all levels of decision-making in

matters which may affect their rights, lives and destinies through procedures determined by them. They shall participate in the formulation, implementation, and evaluation of policies, plans and programmes for national, regional and local development that may directly affect them.

- ❑ Approaches or methodologies for the delivery of development assistance must be geared towards the overall development aspirations of the IPs. Long and short-term assistance must enhance the democratic and egalitarian institutions or structures of the indigenous peoples.
- ❑ The utilisation of development assistance is better ensured if the target groups are held collectively responsible for the help they receive, rather than being held individually responsible.
- ❑ Development assistance implies a shared responsibility. A clear and graduated phase-out plan constituting a progressive transfer of technology and responsibility to the IPs should therefore form an integral part of the consultation.
- ❑ For purposes of sustaining development after assistance has been phased out, communities may be assisted to, among others, develop and administer their own viable credit mechanisms.

2. Adhering to the Principle of Free and Prior Informed Consent

The consensus of all the members of a given community of IPs must be determined according to their customary laws, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity in a language and process understandable to them.

3. Complementary Development Assistance

Development assistance to the IPs must reflect a relationship of complementation, interface and coordination among agencies, institutions and groups involved in the delivery of assistance to them. The existence of prior or ongoing



Photo Courtesy of UNAC

assistance in a given community must be considered in the formulation of new development assistance projects, whereby duplication ought to be avoided, and interface is encouraged. To effect this, the participating agencies agree to furnish each other with documents pertinent to ongoing or planned activities affecting the IPs.

4. Widening Development Assistance Coverage

Development interventions result in socio-economic change. It is therefore important to consider the expansion of development interventions to several communities in order to maintain the balance and remove inequities vis-à-vis other communities in the immediate area, considering the available technical and/or financial package of agency assistance.

B. Specific Principles:

1. Development of Ancestral Domains

The IPs have the right to pursue their economic, social, political and cultural development in the context of the management, development and protection of their ancestral domains. For purposes of exercising this right, the IPs may formulate their own

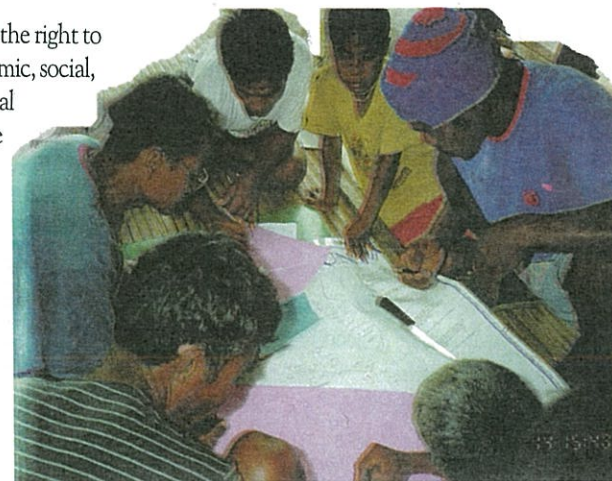


Photo courtesy of PAFID

ancestral domain management and development plans based on their indigenous knowledge, systems and practices (IKSP) and on the principle of self-determination. Such plans are to be incorporated into the municipal development plan and such other plans as may be required by law.

2. Basic Services

- ❑ IPs have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, education, housing, water, sanitation, health, nutrition and social security.
- ❑ Particular attention should be paid to the rights and special needs of indigenous women, the elderly, youth, children and differently-abled persons.
- ❑ In the delivery of development assistance to the IPs, utmost transparency must be observed and the involvement of the community people's organizations (POs), council of leaders and community members must be ensured.

3. Cultural Integrity

The IPs have the right to cultural integrity. In the course of development assistance, it is paramount to respect, recognise and protect the rights of IPs to preserve and protect their culture, traditions and institutions and to have the wealth and diversity of their culture, traditions, histories and aspirations appropriately reflected in all forms of education, public information and cultural-educational sharing.

4. Indigenous Knowledge, Systems and Practices

The IPs are entitled to the recognition of their cultural and intellectual rights, specially in relation to ownership and control of such rights. Their IKSPs should therefore serve as the foundation of all capability-building activities under development assistance projects.

5. Indigenous Women

National policy upholds the right of indigenous women to enjoy equal rights and opportunities with men as regards the social, economic, political and cultural aspects of life. Development assistance should proceed from this policy to help the IPs advance the status of the indigenous women.

6. Indigenous Children

As a party to the Convention on the Rights of the Child, the Philippine government ensures that indigenous children are protected from any form of discrimination and that they are accorded equal services and opportunities for survival, development,



Photo courtesy of PAFID

protection and participation. Development assistance should proceed from this policy to help the IPs address the special needs of indigenous children. More specifically, the indigenous children must also be given the opportunity to exercise their right to enjoy their own culture and to practice their own religion and language.

7. Government and Civil Society Programmes and Projects

Agencies from government and/or civil society that are responsible for programmes or projects ongoing and/or planned in areas that are considered, in whole or in part, to belong to ancestral domains shall be encouraged to enter into a joint management agreement with the concerned IPs. A plan for the eventual transfer of full management powers and responsibilities to the IPs shall be incorporated in the agreement.

C. Other Provisions

1. Inter-Agency Collaboration

- ❑ Twice-yearly meetings will be convened by the participating agencies, whereby specific and practical means of collaboration can be defined with donors and government, respectively.
- ❑ In addition, the participating agencies will generally meet once every month in an inter-agency Technical Working Group on Indigenous Peoples convened within the context of the UNDAF.

2. Rules of Interpretation

All doubts in the interpretation and/or application of development assistance and related programmes, including this Joint Statement, shall be resolved in favour of the indigenous peoples.

3. Other Parties

An agency may, upon written consent of all the parties, become a party to this Joint Statement by signing the same in an annexed page.

4. Financial Consequences

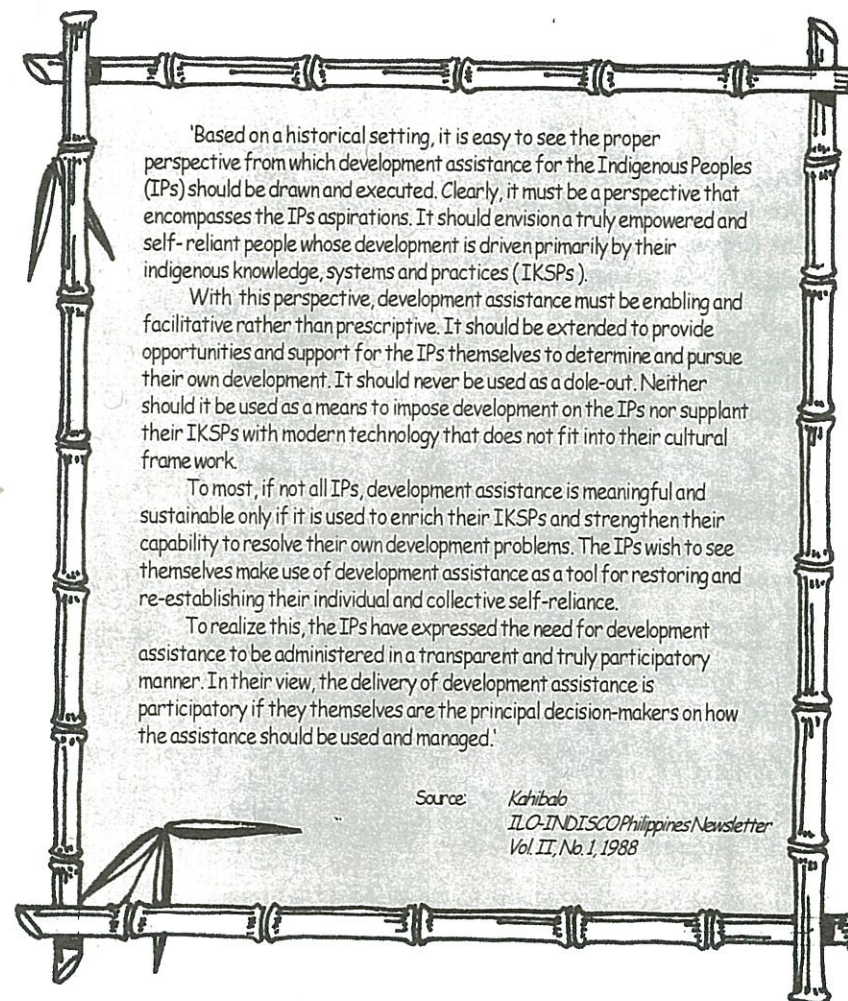
This Joint Statement is neither a fiscal nor a funds obligation document. Generally, any endeavour involving the transfer of funds will require following standard procedures and requirements of the concerned agencies.

5. Amendment of the Joint Statement

The Joint Statement shall be reviewed annually and may be correspondingly amended or supplemented upon agreement of all parties.

6. Date of Effectivity

The Joint Signature shall become effective upon signature by at least three agencies and shall remain in effect until it is duly terminated.



'Based on a historical setting, it is easy to see the proper perspective from which development assistance for the Indigenous Peoples (IPs) should be drawn and executed. Clearly, it must be a perspective that encompasses the IPs aspirations. It should envision a truly empowered and self-reliant people whose development is driven primarily by their indigenous knowledge, systems and practices (IKSPs).

With this perspective, development assistance must be enabling and facilitative rather than prescriptive. It should be extended to provide opportunities and support for the IPs themselves to determine and pursue their own development. It should never be used as a dole-out. Neither should it be used as a means to impose development on the IPs nor supplant their IKSPs with modern technology that does not fit into their cultural frame work.

To most, if not all IPs, development assistance is meaningful and sustainable only if it is used to enrich their IKSPs and strengthen their capability to resolve their own development problems. The IPs wish to see themselves make use of development assistance as a tool for restoring and re-establishing their individual and collective self-reliance.

To realize this, the IPs have expressed the need for development assistance to be administered in a transparent and truly participatory manner. In their view, the delivery of development assistance is participatory if they themselves are the principal decision-makers on how the assistance should be used and managed.'

Source: Kahibab
ILO-INDISCO Philippines Newsletter
Vol. II, No. 1, 1988

Signed/Date



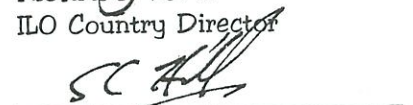
SARAH TIMPSON
UN Resident Co-ordinator
UNDP Representative and
Acting FAO Representative

16 March 1999
Date

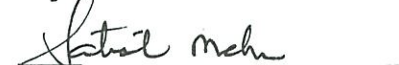


RICHARD SZAL
ILO Country Director

3/16/99
Date


STEPHEN HILL
UNESCO Regional Director and
Representative

19 April 1999
Date



SATISH MEHRA
UNFPA Representative

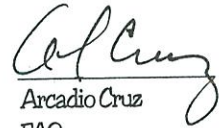
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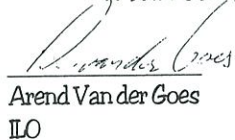


TERREL HILL
UNICEF Representative

18/3/99
Date

Witnessed

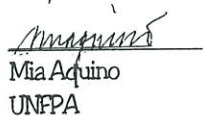

Arcadio Cruz
FAO


Arend Van der Goes
ILO


Jorge Reyes
UNDP



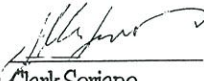
Philippe Delanghe
UNESCO


Mia Aquino
UNFPA


Regina Molera
UNICEF



Diane Respall
ILO



Clark Soriano
UN Resident
Co-ordinators Office



Domingo Nayahangan
ILO-INDISCO Programme