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THE DENR SHOULD
GET DOWN TO BUSINESS**

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TO HELP BRIDGE UNDERSTANDING
BETWEEN MINING INDUSTRY, IPS/ICCS**

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Diwata Meets with NCIP to Help Bridge Understanding Between Mining Industry and IPs/ICCs

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Obtaining the approval and trust of indigenous people (IPs)/indigenous cultural communities (ICCs) is one of the biggest challenges faced by mining companies operating in areas forming part of their ancestral domains.

In line with the objective of Diwata-Women in Resource Development's major advocacy of working with indigenous people, with a special emphasis on IP women and girls, we

sought a meeting with the Chairman of the National Commission on Indigenous Peoples (NCIP) Chairman Allen Capuyan to better understand the NCIP's national development agenda and how the mining industry and other resource development industries may better work with it.

Diwata, in turn, discussed its background, its achievements over the last 10 years (cf. Philippine Resources Journal Issue 2, 2023), and its Tanging

Tanglaw: Turning IP Women Into Solar Engineers Project, now the recipient of a grant from the USAID – Energy Secure Philippines Activity.

Chairman Capuyan was joined by, among others, by Executive Director Mervyn Espadero; Commissioner Atty. Rhodex Valenciano, Region III (via Zoom); Commissioner Simplicia Hagada, Region II (via Zoom); Commissioner Gary Cayatt, CAR and Region I; Commissioner Jennifer Sibug-Las, Central

Mindanao; Commissioner Atty. Pinky Grace Pareja, Northern and Western Mindanao; Glenda Pua, Division Head, Socio-Economic Development Services; Atty. Caesar Ortega, Director, Ancestral Domains Office; Engr. Kathy Gulunan, Division Chief, Technical Management Services, Ancestral Domains Office; Atty. Gillian Dunuan, Director, Legal

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4 Bundles of Rights: 36 ICC/IP Rights

➔ Right to Ancestral Domains/Lands	➔ Right to Self-governance and Empowerment	➔ Right to Social Justice and Human Rights	➔ Right to Cultural Integrity
<ol style="list-style-type: none"> 1. Right of ownership 2. Right to develop lands and natural resources 3. Right to stay in territories 4. Right in case of displacement 5. Right to regulate entry of migrants 6. Right to safe and clean air and water 7. Right to claim parts of reservation 8. Right to resolve conflict 9. Right to transfer land/property 10. Right to redemption 	<ol style="list-style-type: none"> 11. Authentication of Indigenous leadership Titles and Certificates of tribal membership 12. Recognition of Socio-Political Institutions and structures 13. Right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights 14. Right to participate in decision-making (mandatory representation in policy-making bodies and other local legislative councils) 15. Right to determine and decide priorities for development 16. Tribal barangays 17. Right to Organize and Associate for collective actions 	<ol style="list-style-type: none"> 18. Equal protection and non-discrimination of ICCs/lps 19. Rights during armed conflict 20. Freedom from Discrimination and Right to equal opportunity and treatment 21. Basic services 22. Equal rights for women 23. Rights of Children and Youth 24. Right to integrated system of education/right to education 	<ol style="list-style-type: none"> 25. Protection of Indigenous Culture, Traditions and Institutions 26. Right to establish and control their educational and learning systems 27. Recognition of cultural diversity 28. Recognition of customary laws and practices governing civil relations 29. Right to name, identity and history 30. Protection of Community Intellectual Rights 31. Rights to religious, cultural sites and ceremonies 32. Right to Indigenous Spiritual Beliefs and Traditions, and Protection of Sacred Places 33. Rights to IKSP 34. Protection of biological and genetic resources 35. Sustainable agro-technical development 36. Right to receive from the national gov't funds for archeological and historical sites

Source: National Commission on Indigenous Peoples

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Affairs Office; and Atty. Rizzabel Aguilar, Division Head, Legal Affairs Office.

IPs/ICCs, numbering 16 million, comprise 16% of our total population, yet they are among the most underserved and marginalized. It is therefore important that their rights are upheld.

Chairman Capuyan highlighted four (4) bundles of rights, namely: (1) right to ancestral domains/lands; (2) right to self-governance and empowerment; (3) right to social justice and human rights; and (4) right to cultural integrity, as well as thirty-six (36) ICC/IP rights (please refer to the table).

More significantly, Chairman Capuyan highlighted that with their great potential, our ICCs/IPS must be “capacitated as resilient, responsive, and relevant partners of both the public and private sector to contribute to the recovery of our national economy and the strengthening of local industries.”

He highlighted “13 Drivers for Nation Building”, which

are key areas of cooperation to propel holistic, inclusive, and sustainable development:

1. Improved food security through enhanced food production (DA, PCA, BFAR)
2. Access to renewable energy projects such as geothermal, hydroelectric, and wind sources to support economic activities (DOE);
3. Protection and promotion of arts and culture (DOT, NCCA);
4. Development of ecotourism destinations through cultural tourism and the creation of cultural highways (DOT);
5. Interventions for climate change mitigation through biodiversity and ecosystems preservation, protection, and adaptation programs (CCC, DENR);
6. Opening of local economic zones for resource processing and manufacturing (PEZA);
7. Improved logistical chains through development of infrastructure and road networks between provinces and regions (DPWH, DA);
8. Enhanced and responsible mineral extraction industry (DENR);
9. Sustainable and responsible plantation industries (banana, pineapple) and agro-industries to boost local agricultural economies (DA, DTT);
10. Relocation sites for informal settlers in urban areas (HUDCC, NHA);
11. Improved access to potable water for domestic, agricultural, and commercial usage (LWUA);
12. Implementation of the national greening program and local reforestation projects (DENR); and
13. Decreased cost for the maintenance and continuation of security operations in geographically isolated and disad-

vantaged areas (OPAPRU & AFP).

Items 2, 5, 8 and 12 are obvious areas of cooperation between the mining industry and the NCIP, particularly in linking critical minerals to a clean energy transition.

As we left the NCIP Central Office after an almost two and a half hour meeting, I was struck by how much time and effort the Chairman and his staff had devoted to preparing for our meeting. Each of the members of the Diwata team had left with multi-volume copies of NCIP’s publications. Immediately after, we were sent copies of a video that they had begun presenting, but did not have the luxury of time completing, on all the ICCs/IPs in the Philippines, making me realize how much more I need to learn. For the most part, my understanding of ICCs/IPs is from an academic or legal perspective and often from “compliance with legal requirements” point of view.

Hopefully, our recent engagement with the NCIP will not be the last and will just be the start of more fruitful conversations. **PRJ**