

**Consideration of the 21<sup>st</sup> to 25<sup>th</sup> Periodic Report of the Republic of the Philippines  
on its Implementation of the International Convention on the Elimination of All Forms  
of Racial Discrimination (ICERD)**

109<sup>th</sup> Session, UN Committee on the Elimination of Racial Discrimination (UNCERD)  
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**Opening Statement**  
of

**H.E. ALLEN A. CAPUYAN**  
Chairperson, National Commission on Indigenous Peoples  
Head of the Philippine Delegation

**Madame Chair, distinguished members of the committee, fellow stakeholders, ladies and gentlemen:**

Greetings on behalf of the 18 million Filipino Indigenous Peoples!

I am Secretary (Minister) Allen A Capuyan, Chairperson of the National Commission on Indigenous Peoples, or the NCIP. This is the State's primary government agency mandated to protect and promote the interests and well-being of Filipino Indigenous Cultural Communities or Indigenous Peoples, giving utmost to their beliefs, customs, traditions, and institutions.

I head this delegation that is ready to engage with this Committee on the State's combined 21<sup>st</sup> to 25<sup>th</sup> Periodic Report on its compliance with the ICERD.

Joining me as co-heads of this delegation are Ambassador Evan Garcia, Permanent Representative of the Philippines to the UN in Geneva, and Undersecretary (Vice Minister) Severo Catura, Executive Director of the Presidential Human Rights Committee Secretariat under the Office of the President of the Philippines.

Also with me as senior adviser is Undersecretary (Vice Minister) Angelo Tapales, Executive Director of the Council for the Welfare of Children.

We are also supported by senior officials from the Department of Justice, Office of the Court Administrator of the Supreme Court, Council for the Welfare of Children, Philippine Permanent Mission to the UN in Geneva, Presidential Human Rights Committee Secretariat, and my own organization, the NCIP.

His Excellency President Ferdinand Romualdez Marcos, Jr. conveys his respect and warmest salutations to this reputable Committee.

**Madame Chair,**

Today, we take full cognizance of the long and challenging journey of Indigenous Peoples in the Philippines against discrimination, and our efforts to pave an easier way.

The 1987 Philippine Constitution guarantees the full respect of human rights and dignity of every person as well as the promotion of the rights of indigenous cultural communities within the framework of national unity and development.

To reinforce this Constitutional guarantee, the Philippines acceded to ICERD in 1967 and enacted the Indigenous Peoples Rights Act or IPRA in 1997. IPRA is the State's landmark legislation enacted by and for the people as it went through broad nationwide consultations with Indigenous Peoples communities and support groups. The IPRA pre-dates by 10 years and has served as reference for the crafting of the UN Declaration on the Rights of Indigenous Peoples. It is focused on addressing the plight of Filipino Indigenous Peoples as a sector that is marginalized and most vulnerable to discrimination in Philippine society while correcting historical injustice and discrimination.

The IPRA focuses on four bundles of rights that specifically and collectively bear upon Indigenous Peoples, namely, right to ancestral lands and domains, right to self-governance and empowerment, right to social justice and full enjoyment of human rights and freedoms, and right to cultural integrity.

**Madame Chair,**

The State takes note and values the observations made by this Committee, to which its report has focused on responding significantly to the Committee's concluding observations and recommendations. This report reflects the inputs arising from five major consultations with non-government organizations and civil society groups, and among government agencies. Highlighting these consultations were the active participation of indigenous leaders through their Indigenous Peoples Organizations, or IPOs.

From these consultations, the National Report underscored the following essential feedback:

First, the State reaffirmed its national policy to prevent and address all forms of discrimination arising from race, color, descent, or national or ethnic origin, taking into account the principles of non-discrimination under the ICERD and the core international human rights instruments, such as the Universal Declaration on Human Rights and the International Covenant on Economic, Social and Cultural Rights.

Second, to further put form to this policy, the State enacted 215 laws relevant to Indigenous Peoples rights promotion, protection and fulfilment during the period under review, encompassing a range of rights relevant to the ICERD, such as on equal treatment, security of person and protection from bodily harm, rights of women and children, and rights to basic services. A good number of these laws provide for specific penalties as required in Article 4 of the ICERD.

Third, the State enhanced its judicial processes to ensure that its laws, as properly interpreted, positively bear upon the rights of Indigenous Peoples. Along this direction, the State conducted 17 judicial education seminars for judges and other officers of the court on these rights. These were participated in by 802 judges and 346 other key officials of the Judiciary.

Fourth, the State recognizes that development must be pursued in full respect of human rights and through inclusive and participatory processes. The State enforces guidelines on the Free Prior and Informed Consent, or FPIC, process that adhere to the spirit and intent of IPRA,

specific to environmental protection and responsible mining in the utilization of mineral resources. These guidelines underscore protective measures for sacred grounds, cultural heritage, as “no-go zones” and ensure that no major agreements shall be approved without undergoing the FPIC process with concerned indigenous communities and compliance with the social acceptability requirements of affected communities.

Fifth and finally, the State emphasized its high regard for the role of Indigenous Political Structures, or IPS, which are the authentic Indigenous leadership and governance systems of Indigenous Peoples in mitigating violations and conflicts. The IPS are essential on two fronts.

The first is in obtaining Certificates of Ancestral Domain and Land Title through policy enhancements made under the Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Lands of 2012. This simplifies the submission of proofs consistent with the IPRA.

The second is in reinforcing the voices from the ground that demand the State’s continued intervention to address violent Leftist extremism that curb the free exercise by Indigenous Peoples of their rights to life, liberty, and property; their right to family, arising from cases of Indigenous children and youth abducted and trained as combatants by these same extremist groups; and their right to autonomy in governance.

The State, in keeping with its responsibility to ensure that Indigenous Peoples’ rights are protected, acts on these and other atrocities committed against Indigenous Peoples by violent Leftist extremists. The IPS have documented cases of these atrocities based on accounts of Indigenous leaders, youth women, and indigenous knowledge holders expressed in consultations, letters of complaints, and dialogues.

**Madame Chair,**

We are pleased to update the Committee on additional milestones from our last submitted report.

The State has embarked on partnerships and collaborations to advance Indigenous Peoples rights and strengthen capacity to fulfill its obligations under ICERD.

To date, more partnerships were established under collaborative frameworks, such as memorandums of agreement or cooperation involving some 70 government and non-government organizations. These were forged to facilitate the streamlining of programs, activities, and projects for Indigenous Peoples, women, children, youth, and elderly.

The NCIP is currently working on an undertaking with the World Bank for the conduct of an Indigenous Peoples Household Survey Project and for technical assistance to operate an Indigenous Peoples data portal. This portal shall be a collection of nationally representative data on Indigenous Peoples to address existing data gap in promoting the inclusion of Indigenous Peoples and their communities.

Our collaborations continue to expand to foreign institutions and international human rights organizations and mechanisms. We have continuing engagements with the United Nations Resident Coordinator in the Philippines, as well as established links with experts under the UN Special Procedures Mandate Holders System, such as with former and current UN Special

Rapporteurs on the Human Rights Situation and Fundamental Freedoms of Indigenous Peoples, and organizations, such as Human Rights Watch and Amnesty International.

The Covid 19 pandemic became an opportunity for the State to showcase its capacity and competence to protect its Indigenous Peoples, especially keeping track of the varying situations of Indigenous Peoples in their respective communities. The NCIP met in-person with 124 clusters of leaders and members from 350 ancestral domains/lands within a period of 65 days. At the surge of the pandemic in 2021, 17,867 Indigenous Peoples were vaccinated.

In keeping with its long-standing humanitarian tradition and abiding commitment to the 1951 Convention Relating to the Status of Refugees and its Protocol, the Philippines in cooperation with the UNHCR piloted last year the Complementary Pathways program. This is a landmark initiative that offers an opportunity for a durable solution for refugees by providing a safe and regulated avenue of admission and stay in the country through education. At present, the Philippines has established linkages with two higher educational institutions to implement this program.

In March 2022, the Philippines acceded to the 1961 Convention on the Reduction of Statelessness becoming the 78th country in the world to do so.

The Philippines likewise enhanced its mechanisms for refugees with the issuance of an administrative regulation to establish a fair, efficient and non-adversarial procedure for the protection and assistance of refugees and stateless persons. Moreover, an inter-agency committee was institutionalized in February 2022 tasked to facilitate access to socio-economic services by refugees and stateless persons.

**Madame Chair:**

The State, through the NCIP, has also distributed 260 Certificates of Ancestral Domain Titles, or CADTs, recognizing Indigenous Peoples' rights to such native titles. Some 218 CADTs are on the pipeline. In the meantime, some 252 Certificates of Ancestral Land Titles, or CALTs, have been awarded, while 177 are being processed.

The State continues to pursue an aggressive campaign on preserving cultural integrity.

Under this direction, awareness programs focusing on cultural practices and ancestral domains were conducted through the Epanaw or Journey Project. We take pride in our 3-volume *Recognize, Respect and Promote* coffee table books; our photo exhibits in all 13 Regions of the Philippines; and our institutionalization of the Indigenous Peoples Research Development Program for a Culture of Research. We are looking forward to the second and third phases of the Epanaw project.

We take pride in the following institutional strengthening efforts aimed at making NCIP more responsive to the call for action on Indigenous issues in the Philippines and overseas.

First is the establishment of the Information and Communication Technology Command Center. The State is committed to further strengthen its collection of comprehensive data on indigenous peoples for policy planning and formulation and the implementation of culturally-sensitive and appropriate programs. Recently, relevant Philippine Government agencies and

the World Bank have reached an agreement on the establishment of a single digital data portal accessible to all stakeholders.

Second, the Foreign Assisted Program and International Relations Office of NCIP was recently created to ensure the representation and participation of the NCIP, together with Indigenous Peoples, in national and international activities, policy debates and conferences that affect their lives and well-being.

Notably the streamlining of indigenous peoples' concerns in the country's international bilateral and multilateral engagements was further enhanced. Relevant government agencies engage and support the NCIP's participation to ensure the inclusion of IP issues in negotiated international instruments like Philippine-Australia Strategic Partnership, ASEAN – Canada Free Trade Agreement under non-tradable areas, Indo-Pacific Economic Framework (IPEF), and with the Austronesian Forum Executive Council, among others.

Significantly, the State actively continues to advocate for IP interests and issues, including in the areas of environment and climate change, disaster risk reduction, and gender development, within the UN system, particularly in the UN Human Rights Council through its Universal Periodic Review process, UN Special Rapporteur on Indigenous Peoples and other UN Rapporteurs concerned, Permanent Forum on Indigenous Issues, and UN Expert Mechanism on Indigenous Issues.

Importantly, the Philippines supports enhanced Indigenous Peoples participation in the United Nations. We underscore the importance of participation of no less than Indigenous Political Structures and traditional governance systems evolving from customary laws as separate from CSO and NGO representation.

**Madame Chairperson and esteemed Members of this Committee,**

All these are milestones and achievements contributing toward the implementation of the ICERD and the elimination of discrimination. However, we are aware that more has to be done by the State, through the NCIP.

The vulnerability of communities to external factors, such as foreign ideologies, armed groups, land grabbers, abusive politicians, criminal elements and other actors who illegally operate and extract resources inside the ancestral domains continue to threaten the Indigenous Peoples right to self-determination and governance. We need more than just our NCIP Commission-En-Banc Resolutions that condemn the atrocities of extreme Leftist Extremists, all aligned with their continued acts of terrorism and their exploitation of Indigenous Peoples.

We seek the help of the Committee in this regard.

Join us in our campaign against the abuse of the UN system by interest groups that are aligned with violent Leftist Extremists in our country. Curtail their tenacity in using the UN space granted to Indigenous Peoples rights defenders to misrepresent and discriminate against authentic indigenous communities and groups and prevent the latter's participation in international conferences that affect the lives of Indigenous Peoples.

Such bogus groups have benefited much from UN goodwill and have used the same to access foreign funds that perpetuate terrorism. The UN and its member-States must be made aware

of this travesty through informational and educational activities, dialogues, and multilateral events. There is urgency in this regard if we are to address discrimination against Indigenous Peoples as an offshoot of violent extremism.

Nonetheless, we shall remain resilient, responsive and relevant amid this and other concerns. After all, we remain guided by our so-called 11 Building Blocks which keep us focused and determined, as follows:

1. Confirmation of Indigenous Political Structures;
2. Registration and accreditation of Indigenous Peoples Organizations;
3. Delineation of ancestral domains and ancestral lands as well as issuance of corresponding CADTs and CALTs;
4. Establishment of Ancestral Domains Management Office;
5. Preparation of Ancestral Domains Sustainable Development and Protection Plans;
6. Design of Indigenous Peoples Wealth Management, Community Royalty Management, and Development Plans;
7. Institutionalization of Certification Precondition for FPIC & Exercise of Priority Rights;
8. Effective Indigenous Peoples Mandatory Representation in local legislative bodies;
9. Efficient and enhanced formulation of partnerships, collaborations and convergences;
10. Implementation of socio-economic activities with Indigenous Peoples' cooperatives; and
11. Operation of Ancestral Domain Defense System.

**Madame Chair,**

The State's commitment to the promotion, protection and fulfillment of the rights under the ICERD shall not waiver. Through all the milestones and strategic directions – from weaving Indigenous Peoples stories, correcting historical injustices to focusing on genuine recognition, respect and self-governance and bridging gaps via convergences and partnership for economic sustainability and security in ancestral domains, and on the foundations of the IPRA and the 11 Building Blocks Framework, we shall eliminate discrimination that pervades the Indigenous Peoples sector in the Philippines.

**Madame Chairperson and esteemed members of this Committee,**

*“The elimination of racial discrimination in all its forms is everyone’s business. In the Philippine context, it is rendered not by government alone nor just by Indigenous Peoples and other stakeholders, but by a whole-of-nation and a whole-of-government approach informed by the active participation of all stakeholders and sectors of society, most especially of Indigenous Peoples whose voices from the ground must be heard and made to bear upon public policies, programs and projects.”*

Let us do this together! Let our future shine bright with indigenous light.

Thank you. We are now ready for this interactive dialogue.