

Operational Options
Exploring potential for supporting improved access to Land by
Indigenous Peoples under NCDDP: Using Ethnographic Methods to
Inform CDD Approaches

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Acronyms

ADSDPP	-	Ancestral Domain Sustainable Development and Protection Plan
AC	-	Area Coordinator
CADC	-	Certificate of Ancestral Domain Claim
CADT	-	Certificates of Ancestral Domain Titles
CARP	-	Comprehensive Agrarian Reform Program
CENRO	-	Community Environment and Natural Resources Office
CF	-	Community Facilitator
CLOA	-	Certificate of Land Ownership Agreement
CNO	-	Certificate of No Overlap
DA	-	Department of Agriculture
DAR	-	Department of Agrarian Reform
DENR	-	Department of Environment and Natural Resources Office
DILG	-	Department of Interior and Local Government
DMTJSG	-	Dulangan Manobo Tribal Justice and Self-Governance
ESSC	-	Environmental Science for Social Change, Inc.
FGD	-	Focus Group Discussion
FPIC	-	Free and Prior Informed Consent
GIDA	-	Geographically Isolated and Disadvantage Areas (GIDA)
ICCA	-	Indigenous Community Conservation Area
ICC	-	Indigenous Cultural Community
IEC	-	Information, Education and Communication
IFMA	-	Integrated Forest Management Agreement
IKSP	-	Indigenous Knowledge Systems and Practices
IP	-	Indigenous People
IPMR	-	Indigenous Peoples Mandatory Representative
IPRA	-	Indigenous Peoples Rights Act
ISF	-	Integrated Social Forestry
KDMO	-	Kulaman Dulangan Manobo Organization
LGU	-	Local Government Unit
MARO	-	Municipal Agrarian Reform Office
MAT	-	Municipal Action Team
MIAC	-	Municipal Inter-Agency Committee
MTC	-	Municipal Tribal Council
NCDDP	-	National Community Driven Development Program
NCIP	-	National Commission on Indigenous Peoples
NGO	-	Non-Government Organization
NSC	-	National Steering Committee
OSCC	-	Office for Southern Cultural Communities
PDAF	-	Priority Development Assistance Fund
PhP	-	Philippine Peso
SNA	-	Senator Ninoy Aquino
USAID	-	United States Agency for International Development
UTOM	-	United Tribes of Malita
VOS	-	Voluntary Offer to Sell

Executive Summary

Background and objective of the study

Indigenous Peoples' (IP) rights over their ancestral lands have been recognized in the

Philippines through the Indigenous Peoples Rights Act (IPRA), a landmark legislation established in 1997 that, among other things, put in place the Certificate of Ancestral Domain Title (CADT). The CADT is the main instrument to operationalize IPs' legal rights to land. It recognizes the principle of "native land title", which refers to pre-conquest rights to lands and domains that have been held under a claim of private ownership by Indigenous Cultural Communities (ICCs)/IPs "as far back as memory reaches".

The National Commission on Indigenous Peoples (NCIP), created by IPRA in 1997, was given primary responsibility for the CADT approval and issuance. While acknowledging IP rights to land, IPRA was still vague regarding: (i) whether these new titles (CADTs) would be given precedence over pre-existing land-claims/titles held by non-IPs; (ii) what the process would be to resolve land disputes and competing land claims; and (iii) how the CADT issuance process would interact with existing Government Programs that also have an impact on land-titling and access, namely the Agrarian Reform Process and the issuance of land/natural resources exploitation permits by the Department of Environment and Natural Resources (DENR).

Largely due to the lack of clarity on how to address competing land claims, the issuance of CADTs has been slow over the last two decades. Official data from NCIP indicates that slightly over 60% of the applications submitted since 1997 have been approved by the Commission (159 out of 258, as of 2011). Only 26% (37) of these have been cleared and resulted in the official issuance of land titles.

In order to better understand these processes and improve the delivery of projects and services in IP areas, the National Community Driven Development Project (NCDDP), implemented by the Department of Social Welfare and Development (DSWD),¹ included **the analysis presented in this report as part of its analytical program.** NCDDP supports communities in the poorest municipalities in the country to select, design and implement sub-projects to address their development needs. During NCDDP preparation, access to land emerged as a key constraint for IP communities. While NCDDP uses an open-menu system, with few restrictions to the range of possible activities to be funded outlined in a negative list², it could

¹ Building on years of support for Community-Based and Community Driven Development in the Philippines and, specifically, the successful KALAHI-CIDSS program implemented by DSWD, the KALAHI-CIDSS National Community Driven Development Project (KC-NCDDP) was approved in 2014 with the main goal of empowering communities in 840 targeted municipalities to achieve improved access to services and participate in more inclusive local planning, budgeting and implementation. This would be accomplished by (i) strengthening community groups and barangay level institutions to better identify and articulate development needs, and manage public resources, (ii) financing priority small-scale community sub-projects, and (iii) enhancing the capacity of municipal-level government to partner with barangays in responding to priority development needs, and to respond promptly and effectively to an eligible crisis or emergency. The project amounts USD 664 million, and should be completed by 2019.

² The following areas are excluded from any project activity except for the exclusive purposes for which they are identified: sacred grounds and burial sites of indigenous communities; identified international and local cultural and heritage sites; critical areas identified or reserved by the ICCs/IPs for special purposes, and; other areas specifically identified by ICCs/IPs in their Ancestral Domain Sustainable Development Protection Plan (ADSDPP). The "negative list" of ineligible subproject activities and/or expenditure under KC-NCDDP also include, among others: purchase or compensation for land; road construction into protected areas; dams higher than 5 meters; environmentally hazardous materials; fishing boats; commercial logging operations or the purchase of logging equipment for use in primary tropical moist

not directly and solely address barriers in access to land for these groups due to complexity of the issue.

Using ethnographic methods, NCDDP sought to better understand the barriers facing IP groups to secure CADTs and the role (if any) it could be in supporting improved access to land by these communities. Specifically, the study: (i) provides an in-depth understanding of the background and status of the ancestral domain claims of selected IP groups, (ii) outlines specific recommendations for NCDDP implementation, and (iii) identifies key issues/constraints in CADT issuance that are beyond the scope of NCDDP/DSWD intervention, and which would need to be taken up by NCIP and other key National Government Agencies. Finally, the analysis also included the preparation of a methodological note on ethnographic methods and potential uses by the DSWD team in the context of NCDDP or other participatory programs for other marginalized groups.

Two mini-ethnographies were carried out over a three-month period among IP groups with approved CADTs in: (i) Malita, in Region 11, and (ii) Senator Ninoy Aquino (SNA), in Region 12. Two barangays in each of these CADT areas were chosen for the field immersion. In each of the four barangays, the field research team chose two to three villages in varied locations, covering a total of 5 *sitios*. The case studies generated important findings about land access, governance and the experience with the CADT of the **Tagakaolos and B'laans**, in Malita, and the **Dulangan Manobos** in Senator Ninoy Aquino.

Main barriers to the issuance of CADTs and loss of access to land by IP groups

The case studies exemplify some of the key challenges with the final issuance of CADTs given pre-existing claims over IP land as well as the parallel and continuous issuance of individual land titles to both IPs and non-IPs in the demarcated ancestral domain. The IP groups studied have NCIP-approved CADTs since 2009. However, in both cases the last stage of the process has not been completed and titles have **not yet been issued**. The last step of the CADT process includes: (i) mapping all competing claims that overlap with the CADT area, (ii) reaching an agreement on which claims are valid and should be upheld, and (iii) approving the final area of the CADT and issuing the title. As IPRA has not established a hierarchy of claims (and the place of CADT and native titles among these competing claims) or a process to review the validity of different claims, there is no clarity among the different government agencies³ involved on how to reach a decision over which claims/titles should take precedence in the ancestral domain.

forests or old-growth forests; and Marine and coastal fishing practices; repair of facilities storing hazardous substances (e.g. fuel depots), except simple clearing of debris or landslide materials on access roads and perimeters; major repair or reconstruction of damaged waste management facilities, except the collection of spilled and dispersed waste from the facility and returning it to its original position on the facility, or a safe temporary repository on the perimeter; repair of privately owned production facilities; any "salvage logging" operations.

³ These units include the Land Management Services of the Department of Environment and Natural Resources (DENR) Regional Office, the Department of Agrarian Reform (DAR), and the Land Registration Authority.

In the two cases under study, the issue of unresolved competing claims has been preventing the IP groups from completing their CADT processes. There are conflicts between the domain area claimed by the three IP groups in the two CADTs and patents and permits issued by the DENR, as well as Comprehensive Land Ownership Agreements (CLOA) issued by DAR. The permits provided by DENR allow logging; the CLOA under DAR allows the distribution of land to IPs and non-IPs for private use and agricultural exploitation (subject to annual tax and with a three-hectare limit on the area).

“Awarded” but not “issued” CADTs⁴ offer limited protection to IP groups. The study found that in both areas the erosion of their access to land has continued. In both sites, new issuances of CLOA continue in spite of the approved CADTs. Private ownership in the ancestral domain area has also been allowed beyond what CLOA sets. The data collected also indicated that the delay in the final issuance of the CADT tends to work in favor of the local non-IP elites, who have higher social and economic status (often owning private companies with interests in the ancestral domain area) and roles at barangay level. In the sites under study, non-IP political leaders were found to have expanded their ownership of land. Private initiatives focusing on the exploitation of natural resources are also ongoing. A private logging company had earlier and still enjoys access to the Manobos’ forests in SNA, and steps to pursue mining exploration in Malita are in progress.

Further undermining of IPs’ land access also happens through mortgaging and selling of land parcels given the lack of economic opportunities for IPs. The research team also identified cases where dispossession of IP lands happened through outright usurpation.

The CADT Process

The ethnography focused on understanding the process of applying for and completing the CADT and in the role of local government and IP leaders in this process. Data collected shows that the role of traditional leaders was effective in completing the CADT requirements in the initial phases of the process. In some instances, IP leaders were found to be subjected to the influence of the powerful local politicians whom they count on for needed political support and access for funds for their constituents. This was demonstrated in the Malita case in particular.

External support from donors, non-government organizations, and the church were also key in the CADT process. This additional support was instrumental to offset the technical and financial constraints of mandated government agencies (NCIP). The ability to mobilize additional funding was a determining factor allowing for successful applications in both areas covered by the study. The quality of the external support available had a substantial impact on how quickly CADT applications could be processed, with significant differences noted between the Malita and the SNA cases.

⁴ IPs’ ownership of land is being weakened despite having a CADT awarded at the NCIP level, which happens after preparation, signing and registration of the title, but still does not represent the official issuance.

The study found limited information about the CADT process among IP groups and an overall perception that CADT offers limited benefits. Within the IP communities themselves, the study found that only the signatory elders involved in the CADT had information about the process. Only a few of the traditional leaders were aware of the major CADT elements and of IPRA and had updated information about their CADT status (i.e. not issued because national government agencies had not yet completed the process). Among groups consulted for the study, there was a widespread view that “the government is not implementing the IPRA”. Most IP residents also indicated that they have not been benefitted by the CADT and IPRA.

The perception that CADT is of limited utility was the key factor behind IP groups’ preference for individual land titles. Individual titles were overall seen as providing better security, and valuable since they can be mortgaged or sold in times of need. This in spite of IP groups acknowledgment that the CADT application process had resulted in better cohesion among the community and a better understanding of the groups’ history.

Recommendations

As highlighted by the ethnographic analysis, the CADT process is lengthy and costly and securing the NCIP “award” is often only possible with external support. NCDDP could play a role in supporting the initial stages of CADT preparation and application, including land surveying and documentation of IP claims. The fact that NCDDP works with an open menu means that the project design would be able to accommodate this option as of now. Additional training of Regional Project Management Offices (RPMOs) and Area Coordination Teams (ACT) would be recommended in these cases. This would be important to enable ACTs to better understand IPRA and CADT and facilitate discussions with IP groups on the advantages and limitations of the CADT. The existing NCDDP IP facilitation module already includes relevant background information and guidance for facilitators on this matter. As NCDDP rolls out its next cycles, it will be important to ensure that these are well understood and applied.

However, the study has also shown that an awarded but not issued CADT offers limited protection against the erosion of IP land rights. The main bottleneck to the issuance of the title is the existence of competing land claims overlapping with the ancestral domain and the absence of a clear process to reach a decision about their validity among different national government agencies. This obstacle is beyond the scope of NCDDP to resolve and would require significant legal and procedural changes to address. Without this reform process it is unlikely that CADT applications supported by NCDDP would result in the issuance of titles and therefore in better land security for targeted communities.

Ensuring that IP communities have clear information about IPRA, CADT’s advantages as well as its limitations during the NCDDP Sub-Project preparation process would, therefore, be key to guarantee that IP groups can make well-informed decisions about the use of sub-project grants. There are clear choices and trade-offs between sub-projects that would improve access to basic services or productive infrastructure and a community investment in CADT whose benefits can take a long time to materialize.

Based on these findings, the study concludes with a set of recommendations that could be implemented at NCDDP level building on the existing IP module. These include:

- (i) ensuring that the NCDDP IP Guidance Module's enhanced consultation process is being well understood and applied, contributing to disseminate information about IPs land rights (IPRA, NCIP, CADT and Ancestral Domain Sustainable Development and Protection Plan, ADSDPP);
- (ii) ensuring that the NCDDP IP Guidance module is implemented in all project areas with IP presence – including the ability by IP communities to use capacity building funds for additional training in project procedures as well as other areas of relevance for IP groups (including IPRA);
- (iii) carrying out additional consultations in IP areas (mixed areas) where non-IPs are in leadership positions to limit the potential for elite capture;
- (iv) introduce *sitio* level consultations and specific allocations of resources to sub-projects in more remote areas of the barangays in IP areas;
- (v) use NCDDP as a platform to strengthen the convergence of programs and services that reach IP areas across agencies through the DSWD Municipal Action Teams (MAT) and Municipal Inter-Agency Committee (MIAC). This could be done through the establishment of a "system" of information sharing between these agencies, who would be responsible for passing forward information collected during the social investigation and participatory situation analysis phases of the program.

In addition, the study suggests other measures that could be considered for NCDDP's second or third cycle of sub-projects and beyond, and be developed in consultation with NCIP:

- (i) NCDDP could facilitate dialogue and sub-project planning across municipalities, testing a new approach to sub-project implementation in IP areas using the ancestral domain level as the area of intervention – as so many of these domains cut across political boundaries. It could pilot a sub-project in a CADT area that include multiples barangays, and another one where the AD cuts across boundaries of more than one NCDDP municipality, requiring the engagement with different local government units.
- (ii) Building on the current IP module, NCDDP could include the provision of legal advice for IP groups as part of sub-project preparation and using the sub-project's capacity building funds.

In the longer term and beyond the scope of the project, NCDDP's National Steering Committee (NSC) could provide a good platform to convene a dialogue on how to address the issue of competing land claims through a dedicated NSC session on IPRA with NCIP participation.

I. Introduction

A. Research Background

Community Driven Development has proven to be an effective poverty alleviation strategy in the Philippines that has also allowed for meaningful participation of vulnerable groups. Through the Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services (KALAHYAN-CIDSS, or KC), implemented by the Department of Social Welfare and Development (DSWD) over the past decade, special emphasis was given to the participation of vulnerable sectors, which includes the indigenous people. While development institutions and government agencies often introduce programs aimed at improving indigenous peoples' lives, communities had rarely been involved in the conceptualization of these programs. This changed with the introduction of KC, as indigenous communities were invited to actively engage in the conceptualization, implementation and monitoring of projects (Austria-Young 2013a, 6).

A study was then conducted to analyze KALAHYAN-CIDSS implementation in areas with indigenous populations⁵, aiming at proposing adaptations and innovations to the program's manual that would allow a more IP-focused implementation. As a result, in the process of moving forward with the scale up of KC, through the implementation of the National Community Driven Development Project (NCDDP), special measures were taken to better address the priorities of indigenous communities. A special IP facilitation Module was also developed.

Access to land continued to emerge as a key constraint for IP communities. While NCDDP use of an open-menu system, with few restrictions to the range of possible activities to be funded (outlined in a negative list) allows more flexibility for the specific needs of IPs, the program could not directly and solely address barriers in access to land for these groups, due to complexity of the issue. The development of the present study therefore emerged as one more effort by KC and NCDDP to deepen the understanding about indigenous communities demands in order to improve policy responses in these areas.

B. Indigenous Peoples in the Philippines

Indigenous Peoples (IPs) represent approximately 10% to 15% of the population of the Philippines, with estimates varying between 14-17 million people (UNDP 2010).⁶ They are present in at least 62 out of the 78 provinces nationwide, living in geographically isolated areas with limited or no access to basic services. Although there is scarce quantitative data available about IPs in the country, an increasing number of studies show that they are among the poorest and most disadvantaged social groups in the Philippines, with high incidence of morbidity, mortality and malnutrition as well as illiteracy and unemployment (Cariño 2012).⁷

⁵ Austria-Young, J. 2013b. *Developing an IP Lens in Development Projects: A Study of KALAHYAN-CIDSS Projects with Indigenous Peoples in Preparation for a National Community Driven Development Program (NCDDP)*. Background study prepared as part of KC and NCDDP analytical work program.

⁶ The Philippine Statistical System, responsible for the national census, is in the process of refining the census on indigenous peoples.

⁷ A study prepared by Anthropology Watch for the World Health Organization revealed that the health situation in provinces with a high proportion of indigenous peoples' is below national average (Guia, M.T.,

Table 1. 20 Poorest Provinces and Percentage of IPs in Total Population

Rank	Provinces	Poverty Incidence 2006 (%)	% of IP Population
1	Tawi-tawi	78.9	16.04
2	Zamboanga del Norte	63.0	53.5
3	Maguindanao	62.0	24.22
4	Apayao	57.5	83.08
5	Surigao del Norte	53.2	50.32
9	Abra	50.1	95.36
10	Misamis Occidental	48.8	59.67
11	Agusan del Sur	48.7	37.83
12	Oriental Mindoro	47.1	38.24
13	Occidental Mindoro	46.5	37.83
14	Sulu	46.5	18.86
15	Kalinga	45.8	82.81
16	Surigao del Sur	45.4	33.21
17	Mt. Province	45.0	89.38
18	Saranggani	44.8	31.59
19	Lanao del Norte	44.1	8.73
20	Negros Oriental	43.7	1.85

Source: Draft IP Masterplan (IPAP), 2010.

Indigenous Peoples poverty status is aggravated by constraints in access to land, which limits income-generating opportunities. Located mostly in areas rich in natural resources, IP lands are encroached upon with the continued migration of lowland families to the uplands in search of economic opportunities. IP populations are also displaced by development projects including mining, logging and large agricultural plantations. With diverse stakeholders coming in, various land claims overlap within the IP land or ancestral domain. Conflicts related to land use and to the overall management and control of IP territories are prevalent.

Indigenous Peoples in the Philippines are protected by the national Constitution, which recognizes the rights of indigenous cultural communities within the framework of national unity and development; and the Indigenous Peoples Rights Act (IPRA) of 1997, a landmark legislation, pioneer in the region, that provides legal recognition of indigenous peoples' rights over their ancestral lands and domains and ensures their cultural integrity. Under IPRA, the Certificate of Ancestral Domain Title (CADT) is the main instrument through which the IPs' legal rights to land are operationalized. These titles give IP communities tenurial security over their traditional territories, including land, bodies of water and all other natural resources therein.⁸ The IPRA also provided for the creation of the National Commission on Indigenous Peoples (NCIP). The

Matibag, E., Padilla S. and Ramiro, 2005. The Philippines. "The Situation of the Health of Indigenous Peoples Today and the Main Issues and Challenges for the Future", cited in World Bank 2011).

⁸The term ancestral land refers to land occupied by individuals, families and clans who are members of indigenous cultural communities. It covers residential lots, rice terraces or paddies, private forest, swidden farms and tree lots. These lands are required to have been "occupied, possessed and utilized" by them or their ancestors "since time immemorial, continuously to the present". These areas can be claimed and protected through Certificate of Ancestral Land Title (CALT). The term ancestral domain refers to areas generally belonging to indigenous cultural communities and include ancestral lands, forests, pasture, residential and agricultural lands, hunting grounds, worship areas and land no longer occupied exclusively by indigenous cultural communities but to which they have traditional access (World Bank, 2011).

Commission is the primary agency responsible for the formulation and implementation of government policies, plans, and programs to promote and protect the rights and wellbeing of IPs, and therefore for the full operationalization of IPRA.

Despite this significant legislative achievement, the implementation of IPRA and materialization of IPs' rights has faced many challenges over the past decades. Indigenous Peoples development processes continue to lag behind. Access to land, in particular, remains considerably constrained, limiting income-generating opportunities. Official data from NCIP indicates that in 2001, 14 years after IPRA' approval, only 61% (159 out of 258) of submitted CADT applications had been approved by the Commission. Of this total approved, only 23% (37) have been cleared and resulted in the official issuance of titles.

Delays in the issuance of CADT also affect the design and implementation of the Ancestral Domain Sustainable Development and Protection Plans (ADSDPP). These plans are developed with the IP communities and under the guidance of the NCIP after the CADT has been approved. They are intended to serve as a roadmap for IP groups to manage and develop their ancestral domain, according to their customs, laws and traditions, based on Indigenous Knowledge Systems and Practices (IKSP). When the ADSDPPs are approved, the ICCs/IPs submit them to the municipal and provincial government units that have territorial and political jurisdiction over them so the local government can incorporate the ADSDPP in their respective development and investment plans. According to NCIP guidelines, Local Government Units (LGU) are encouraged to provide financial and technical assistance in the implementation of the plans and "to provide information and assist the concerned ICC/IPs in tapping or utilizing external resources and accessing basic services of the different government agencies and other support groups"⁹.

Potential bottlenecks in the CADT Process

The slow turnover in approval and issuance of CADTs is a problem fully recognized by the government. The preliminary literature review prepared as part of this study identified some bottlenecks in the CADT process related to policy, institutional and operational issues. Several of them were confirmed and further detailed in the ethnographies' findings. They are presented in the subsequent sections of this report. The most relevant ones to highlight include:

Policy and legal issues

The Certificate of Ancestral Domain Claim (CADC) was CADT's precursor legislation. The CADC and the Certificates of Ancestral Land Claim (CALC) were created in 1990 to respond to the provisions of the 1987 Constitution, recognizing the rights of possession and ownership of IPs over their ancestral land and domain identified and delineated in accordance with IPRA. These legislations faced the same issues that still challenge the full implementation of the CADT, as described below.

There are unresolved conflicts between IPRA's provisions regarding the CADT based on native title (justified as a claim of IP groups since "time immemorial") and previous legislation.

⁹ Article IV, NCIP Guidelines on the Formulation of the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP), Administrative Order No. 1, Series of 2004.

Laws that allow individual land claims in the ancestral domain area under the jurisdiction of different agencies (e.g. Department of Environment and Natural Resources, DENR, and Department of Agricultural Reform, DAR) were not superseded by IPRA. IPRA's section 56 recognizes the existence of and respects prior legislation that allows: (i) private ownership of land within indigenous peoples' territories; (ii) the use of natural resources by private companies within these territories; and (iii) the allocation of portions of forest land in IP areas for exploitation by non-IP settlers (Presidential Proclamation 550 of 1969). This is the basis for the difficulties in coming to closure on overlapping land claims as part of the CADT issuance process.

Numerous permits released by DENR made a big dent on territorial and land use rights of IPs – timber exploitation licenses, Integrated Forest Management Agreements (IFMA) and Industrial Tree Plantation Lease Agreement (ITPLA), Tree Farm and Agro Forestry Farm Leases, Socialized Industrial Forest Management Agreements (SIFMA), Forest Land Grazing Lease Agreements (FLGLA). The Department's programs in forest and mineral resources, watershed management over river basins and protected areas overlap with claims by IP groups. In particular, permits for mining issued by both the DENR and the LGU have significant adverse impacts on IP domains. The Certificate of Land Ownership Agreement (CLOA), part of the Department of Agrarian Reform's Comprehensive Agrarian Reform Program, also releases land to individual farmers. It has allowed the privatization of lands for agricultural use, even within CADT area.

In both study areas, there were indeed overlapping land claims in the awarded CADT areas, including individual stewardship contracts for forestlands through DENR and CLOA (Voluntary Offer to Sell - VOS) through DAR.¹⁰ In the case of DAR issuances, several Takaolos and B'laans in Malita noted that their individual titles were still tied up to a "mother title" (co-ownership VOS). Individual titles had therefore not yet been issued due to the costs involved (e.g. application fees, survey, and others). To some extent, having a "mother title" has become a safeguard to prevent community members from selling their lands.

It is therefore very common that a CADT area will be the object of competing claims that can only be resolved through an inter-agency review process. Joint circulars have been issued to facilitate this review process, but without further clarity on the legal status of these various claims vis-à-vis CADT, as noted above, reaching a consensus has proven extremely difficult. The most recent example of such inter-agency circulars is Joint DAR-DENR-LRA-NCIP Administrative Order No. 1, Series of 2012, which clarifies and restates the respective jurisdictions, policies, programs and projects of DAR, DENR and Land Registration Authority (LRA) and NCIP in order to address jurisdictional and operational issues between and among the agencies.

Institutional and operational issues

One of the key challenges in CADT issuance is the limited technical and financial capacity of the NCIP to oversee the process. Different studies have pointed to NCIP lack of staff, technical training, and limitations in funding as having had a significant impact in the pace of CADT issuance. External support by a civil society organization is often the key deciding factor enabling IP groups to apply for a CADT.

¹⁰ In Malita, those whose claims to lands within the ancestral domain are being processed through DAR applications had proof of ownership through the payments they are making. One informant in Sitio Anggas, Little Baguio, claimed that his family has to pay PHP5,600 a year to DAR for a period of 30 years.

In addition, the design of the CADT process did not fully take into account some of the complex linkages between ancestral domain areas, different IP groups and different administrative units.

The provisions of IPRA assume that only one IP group would be located in the CADT area. For a range of different reasons, some of them procedural (e.g. costs of application, which has created incentives for joint claims), there are cases where the ancestral domain covers more than one IP group. These groups can be so different from each other that land uses and ownership claims even within the same CADT may lead to conflicts. Processing a CADT in this type of context requires specific guidelines for NCIP implementers, including: (i) how to conduct community mobilization in the research and validation phases of the application; and (ii) how to deal with political influencing of applications on the part of different IP groups involved. Alternatively, the CADT area may span two or more municipalities and in some cases cut across different provinces. Similarly, guidelines on how to manage this type of claim with different Local Government Units and Provincial government are currently lacking. This makes an already complex process of validating the CADT claim and reviewing competing claims over land more difficult to manage, with the result that CADT claims can take years to process and some never result in the issuance of the title itself.

Finally, knowledge gaps on the CADT status and on the availability of data about IPs themselves, especially at the local level, is a key operational bottleneck. The lack of data includes lack of official baseline information on the actual size of areas that are occupied and considered as the effective Ancestral Domain (AD)/Ancestral Land (AL) of IPs as well as lack of basic information about the IP communities.

C. Objectives and Methodology

The present study was commissioned as part of the continuing analytical work in support of the National Community Driven Development Program (NCDDP), currently under implementation by the Department of Social Welfare and Development (DSWD). NCDDP builds on the KALAHI CIDSS (Kapit-Bisig Laban sa Kahirapan – Comprehensive and Integrated Delivery of Social Services) program, which DSWD has been implementing over the past decade, and introduces some additional modifications to the initial KALAHI CIDSS model.

One area in which NCDDP aims to strengthen its engagement is on the outreach to IP groups, in coordination with NCIP. The program covers 840 municipalities nationwide, 85% of which include IP communities.¹¹ Although a specific IP facilitation and training module was developed for NCDDP, this additional analysis aims to better understand the challenges faced by IP groups in terms of access to land. The main objective is to understand key bottlenecks in the CADT application process and develop recommendations for how challenges with ancestral domain claims may be further addressed both in the context of NCDDP and through broader collaboration with NCIP and key line agencies.

¹¹ NCDDP aims to empower communities in targeted municipalities to achieve improved access to services and to participate in more inclusive local planning, budgeting and implementation, and has a special focus on IP areas. The project targets in particular Yolanda affected municipalities in its first two years of implementation and will be a key element of government post-disaster reconstruction strategy.

In order to achieve this goal, the research team¹² reviewed the literature on the topic, consulted national experts and government officials, and conducted two mini-ethnographies in selected IP communities that have recently undergone or initiated CADT applications. This summary report presents the main findings of these combined efforts, with a specific focus on the two mini-ethnographies.¹³

Key Research Questions

The ethnographies looked at (i) patterns of land ownership and use, including competing claims and conflict in land use; (ii) the governance systems within the CADT area and in the political units to which the ancestral domain belongs (LGU) – this analysis covered traditional decision-making processes in land uses, mechanisms to address grievances/land conflict within the ancestral domain/IP communities and links with and representation in barangay/municipal decision-making or consultative bodies; and (iii) the CADT process itself, which focused on documenting the experience of the community in pursuing a CADT.

Site Selection

Regions 11 and 12 were selected for the case studies given the high presence of IPs (as well as security considerations). Cities and barangays were selected taking into account differences in access to transportation; elevation (related to natural resources); and socio-economic variables. For the *sitios*, the main criteria for selection were previous work experience of the research team in those areas, and therefore the existence of community contacts; accessibility; and community interest to be part of the research. Two towns with IP groups with approved CADTs – Malita, in Davao Occidental, Region 11, and Senator Ninoy Aquino (SNA), in Sultan Kudarat, Region 12 – were selected, and two barangays in each of their CADT areas were chosen for the field immersion.¹⁴ In each of the four barangays, the team chose two to three

¹² The research team was comprised of a PhD Project Research Director and a Senior Researcher to oversee the overall work; and two field teams comprised of a field research leader and two (in the case of SNA) or three (in Malita) field researchers. Field team leaders were selected among faculty members (with a Masters or PhD degree) and field researchers among graduate students from the Ateneo de Davao University. They underwent a three-day training, which included a briefing on ethnographic principles, tools and methods using the assets-based framework. The research instruments were pre-tested and initial secondary data from research sites were obtained and validated.

¹³ This synthesis report was prepared by Flavia Carbonari (World Bank Consultant, Senior Social Development Specialist) with Patricia Fernandes (World Bank Senior Social Development Specialist). The original research and writing was carried out by a team of national consultants from Orient Integrated Development Consultants, Inc. (OIDCI) and Ateneo de Davao University, and comprised of Dr. Rowena R. Boquiren (Research Team Director); Marion Antonette A. Daclan (Senior Researcher); Rosalinda Tomas (Malita Field Research Team Leader); Marites Gonzalo, Marlouzel Mabunga and Johnmel Sumatra (Malita field researchers); Maricel P. Hilario-Patiño (SNA Field Research Team Leader); and Bernard Julian A. Patiño and Julianne Baldonado (SNA field researchers). The team would like to thank Maria Loreto Padua (World Bank Senior Social Development Specialist), DSWD team, NCIP, and Jane Austria Young for their review and valuable inputs.

¹⁴ The term *barangay* refers to the lowest administrative and political unit in governance in the Philippines, and is made up of several sub-units called *sitio*. The number and dispersal of indigenous peoples in their location may be the same as or even exceed the bounds of a *sitio*. The scope of an ancestral domain does not necessarily match the bounds of set political-administration units across hierarchical levels from the

villages in varied locations, totaling 5 *sitios*. In Malita, sitio selection also took into consideration the predominance presence of the two IP groups under that unified CADT claim, the Tagakaolos and the B’laans. The research was carried out in sitios Leleb and Biao, in Barangay Pinalpalan, dominated by Tagakaolos; and in Anggas, in Barangay Little Baguio, led by the B’laans. In SNA, the areas of research were sitios Tudog-Bangkong, in Barangay Bugso, and Lageton, in Barangay Tinalon, both occupied by the Dulangan Manobos.

Table 2. Geographic Location and Ethnographic Groups in Case Study Sites

Region	Province	Municipality	Barangays	Sitios	Ethnolinguistic Group
Region 11	Davao Occidental	MALITA	Pinalpalan	1. Leleb 2. Biao	Tagakaolo
			Little Baguio	3. Anggas	B’laan
Region 12	Sultan Kudarat	SENATOR NINOY AQUINO (SNA)	Bugso	4. Tudog-Bangkong	Dulangan Manobo
			Tinalon	5. Lageton	

The proposed site selection was presented to and approved by DSWD and NCIP Commissioners. The Commission further required the Free and Prior Informed Consent (FPIC) of the IP groups in the final selected sites before research activities could be undertaken. FPIC is a standard requirement established by IPRA for any activity or project, including research, which is undertaken with IP communities in the Philippines. The end result of the FPIC is the issuance of the Certification of Precondition (CP) signed by the NCIP National Chairperson.¹⁵ The FPIC took approximately 4.5 months to be processed at the national level.

Research Methods

The field research teams immersed themselves in the communities for a period of three months. The ethnography employed multiple qualitative methods for data collection, including direct observation, informal exchanges, semi-structured interviews with key informants and households, and focus group discussions. Particular attention was paid to gender balance in informant selection. The selection of households for the semi-structured interviews considered variations in terms of: (a) location (upland, lowland, central); (b) distribution of *sitio* clusters; and (c) perceived economic status (tenants, landowners, business operators). A simple settlement

barangay to provinces; an ancestral domain may include barangays that belong to more than one municipality or even province.

¹⁵ The FPIC was established by IPRA and is central to its principle of self-governance of indigenous communities. FPIC states that IPs shall, within their communities, determine the policies, development programs, projects and plans that will be developed to meet their identified priority needs and concerns. It is a tool intended to ensure that indigenous groups are aware of and in agreement with any intervention that target their communities, including research activities (World Bank, 2011). Administrative Order No. 03-12 -The Revised Guidelines on Free and Prior Informed Consent and Related Processes of 2012 specifies the different steps that need to be undertaken to complete the process.

mapping was done to help informant selection. A total of 111 individuals in Malita and 124 in SNA participated as informants in the research, as described in Table 3 below.

Table 3. Number of Participants in KIIs, SSIs with households and FDGs

Data Gathering Methods	Total Participants	Male	Female
Senator Ninoy Aquino			
Key Informant Interviews (KII)	13	11	2
Semi-Structured Interviews with households (SSI)	23	16	7
Focus Group Discussions (FDG)	88	57	31
Total number of participants engaged	124	84	40
Malita			
Key Informant Interviews	19	4	15
Semi-Structured Interviews with households	70	44	26
Focus Group Discussions	22	12	10
Total number of participants engaged	111	60	51

Secondary data was obtained from relevant institutions (e.g. Ateneo de Davao University and Orient Integrated Development Consultants, Inc.) on previous projects in the selected regions, as well as from relevant agencies such as NCIP regional and provincial offices, the municipal and barangay local government units, and the Municipal Agrarian Reform Office (MARO) and Community Environment and Natural Resources Office (CENRO). Available reports from IP organizations and other institutions supporting IP groups were also consulted. Where no recorded data was available at the LGU, NCIP or the DENR, the team accessed records from the church and non-government institutions. Baseline data collected on the sites covered location, biophysical features, demographics, housing conditions, water and sanitation, land use, sources of livelihood and income, and indigenous knowledge systems and practices. A review of the literature on the Dulangan Manobo, Tagakaolo and B'laan people was also carried out.

C. Organization of the Report

This summary report is organized as follows: after this introduction, section II provides an overview of the two cases studies' sites and the IP groups consulted. Section III discusses patterns of land ownership and use in the two cases, while section IV talks about the governance structures in the two ancestral domains analyzed and how they operate land-related issues and influenced the CADT process. Section V elaborates on the IPs' views of their CADT process in the two sites, and section VI concludes with policy recommendations at an operational level, for NCDDP, and broader suggestions to be discussed with government agencies.

II. Overview of Case Studies' Sites

A. Specificities of the studied CADTs and their IP groups

Malita is one of the eight upland communities of the Tagakaolo and B'laan people, who live under a unified CADT that comprises ten barangays. Senator Ninoy Aquino (SNA) is an extensive valley where the Dulangan Manobo reside under a CADT that includes eight barangays and cuts across four municipalities, including SNA. The Tagakaolos, B'laans and Manobos shared the same aspiration to have their rights over their ancestral domain recognized. They went

through similar experiences in following the set guidelines for the CADT process, and had their respective titles approved and awarded by NCIP in 2009. However, in both cases the CADT had not been formally issued by the time this report was concluded. Both are stalled in the final CADT process step, which requires a resolution of overlapping/completing land claims.

These two case study sites are among the IP areas with a Certificate of Ancestral Domain Claim (CADC), the precursor of the CADT. The CADC and the Certificates of Ancestral Land Claim (CALC) were created in 1990 to respond to the provisions of the 1987 Constitution, recognizing the rights of possession and ownership of IPs over their ancestral land and domain identified and delineated in accordance with IPRA. The DENR was then responsible for their issuance.¹⁶ Malita CADC application started in 1994, and SNA in 1997. With the establishment of IPRA in 1997, however, the application for CADC/CALC ceased. IPs with approved claims had to apply for the conversion of their approved CADC/CALC to CADT/CALT, under the responsibility of NCIP. Those with incomplete titling processes for CADC/CALC had to apply directly and anew for a CADT/CALT. Many of the applications for conversion were either not accepted or are still awaiting validation.

With the guidance of the local NCIP offices (Regional and Provincial), which also provided an initial budget, Malita CADC holders filed for conversion of their CADC into a CADT in 2007, 10 years after the IPRA enactment. The constraint in filing for conversion was due to the lack of funds to cover the costs involved. Their CADT is a unified claim of the Tagakaolos and B'laans, IP communities who dominate the landscape of the new province of Davao Occidental. The Tagakaolos are present in 29 of the 30 barangays in Malita, and comprise almost 38% of the total ethnic population, while the B'laans are dominant in at least two barangays, including Little Baggio, one of the study sites, and represent 11% of Malita's native population.¹⁷ Both IP groups have been living along each other, and the research team found that intermarriage among both communities was also common.

In SNA, the application for the CADC was concluded within a year with financial and technical support from external agencies such as the local Catholic Church, the Davao-based NGO Tri-People's Concern for Peace, Progress, and Development, Inc. (TRICOM), and the non-governmental organization (NGO) Partnerships for Intercultural Development (PAFID). The application for CADT conversion started in 2001. The Manobos constitute a minority group at the city level, representing 12% of the total population, but comprise the large majority (88%) of the population within the CADT area.¹⁸

Table 4. Summary of the CADT Process in the Case Studies' Sites

	Malita	Senator Ninoy Aquino (SNA)
CADT number	R11-017	R12-SEN-0609-111
Year of application to title/conversion	Applied as CADC in 1994 Conversion to CADT in 2007	Applied as CADC in 1997 Conversion to CADT in 2001

¹⁶ The DENR released Special Order 31 and 31-A in 1990 and Administrative Order 02-93 to issue certificates of ancestral domain and land claim recognition (CADC/CALCs).

¹⁷ There is no actual census done on IP and ethnic groups within the municipality. Ethnicity in official LGU documents is only associated with the speaking of one's native language (Malita Municipal Comprehensive Development and Land Use Plan (MCDLUP), 2006-2015).

¹⁸ SNA Case Study, CADT Census data.

Box 6. Who are the Tagakaolos, the B'laans and the Dulangan Manobos?

The Tagakaolos - SIL International estimates that there are approximately 71,356 native Tagakaolo speakers. Their environment is diverse, consisting of the lowland, coastal, riverine, valley, mountain, highland, and the plain. Their traditional pattern of subsistence is through dry cultivation of mixed crops like rice and root crops supplemented by food gathering in the forests. With migration, a number of the Tagakaolos have also intermarried with the Visayan settlers in the area, making these mixed households more open to adopting influences from outside of their traditional society.

The B'laans - The southeastern portion of Davao del Sur is considered the B'laan homeland. In Malita, the biggest concentration of the B'laans is found in Barangay Little Baguio, with pockets of B'laan living together with other IPs in most barangays within the municipality. At present, many also speak Cebuano, a result of their intermarriage and constant interaction with settler groups. Traditional B'laan settlements comprise of scattered houses, but with immigration and with limited lands they now build their houses close to one another in small clusters.

The Manobos – The Dulangan Manobo is a subgroup within the Manobo, one of the major ethnic groups in Mindanao. They used to live off swidden farming, gathering and barter exchange of forest products as well as being engaged in fishing, hunting, and occasional trapping of monkeys, wild fowls, wild pigs and deer within the Kulaman valley. When more migrants came by in the 1960s, the Dulangan Manobo started hiring themselves as porters, farm workers, and household workers and tenants in farm lands they used to own (Maceda, 1964).

B. Socioeconomic profile and living conditions

The four barangays and five sitios selected in Malita and SNA are classified as geographically isolated and disadvantaged areas (GIDA) because of their location, which affects the living conditions of their population. IPs in these areas are under-served, marginalized, in poor health, with low educational level, and in cash-poor economic condition, like most IP areas in the country.²⁰ Within this general context, the two case studies still present differences in terms of socio-economic and living conditions. Malita is a larger and more prosperous municipality. According to its annual income, it is considered a 1st Income Class municipality.²¹

²⁰ There is limited quantitative data disaggregated at the local level. Most of the available information comes from qualitative studies of particular communities carried out by academic institutions, international development organizations and Non-Governmental Organizations, since the most important official statistical instruments to gather data on poverty, employment and human development outcomes do not tend to collect information on ethnicity. The Labor Force Survey (LFS) and the Family Income and Expenditures Survey (FIES) are among such instruments. In 2008, the Demographic and Health Survey (DHS) started to include a question on ethnicity (World Bank 2011).

²¹ Municipalities in the Philippines are divided into six different classes according to their average annual income during the previous four calendar years. A 1st Class municipality has an annual income of 55 million Pesos or more (approximately USD 1.2 million), and a 3rd Class municipal income ranges between 35 and

Livelihood sources in the two barangays and sitios there are sufficient for IP families to subsist. SNA, on the other hand, has fewer resources, being considered a 3rd Income Class municipality.

In both case studies, more than 50% of the IPs consulted consider themselves poor, with this percentage being much higher in SNA (80%-90%) than in Malita. In sitios Lebleb, Biao and Anggas, in Malita, annual household income ranged from PhP 5,000 (approximately USD 109) to PhP 90,000 (app. USD 1,967) and above, with the majority of the households interviewed earning between PhP 10,000-40,000 (app. USD 218-USD 874) a year. In Lageton and Tudog, in SNA, annual household income varied between PhP 5,000 and PhP 30,000 (app. USD 109- USD 655).

Land is the major asset in all *sitios*, with community members' income coming from land-based production. In Malita, livelihood strategies include agricultural production for household consumption (subsistence farming) and for sale (market-oriented). Overall, respondents indicated that income is used for basic subsistence, education expenses, with some funds set aside for continuing agricultural production. In SNA, residents are also a combination of subsistence and "market-economy" farmers. They grow rice for domestic consumption and can harvest 2 to 10 sacks per year. This is, however, not sufficient to meet domestic needs, covering only up to four months of household consumption. Other crops are, therefore, also grown for domestic use, like palawan (a kind of *taro*), bananas, and camote tops. The main source of income comes from sales of coffee and corn. To increase their income, some households engage in manual farm labor, which pays approximately PhP130 per day. Respondents reported, however, that work is irregular.

Major concerns in production in SNA are related to the prohibitive costs of farm inputs like fertilizers and pesticides and the cost of transporting goods to market (road conditions are extremely poor in the area). The situation is slightly better in Malita, where there is overall better access to market. Transportation remains expensive, however, causing farming households to resort to credit to cover this type of expenses. In *sitios* Lebleb, Biao and Anggas, a few community members have access to different credit sources (both formal and informal), particularly those who have businesses and properties that can be used as collateral. The most common is the local money lending for farm financing available at a 10-15% interest rate (paid in the equivalent of a regular copra or rice harvest). Formal agreements are signed to ensure a certain level of legality. Those without land that can be used as collateral get capital from moneylenders with daily cash payments provided for 2 months at 10% interest.

Access is more constrained in the *sitios* in SNA, where it is necessary to walk on narrow trails (that get muddy during the rainy season) to get in and out. This makes the transportation of agricultural products to the main road difficult, and much fewer households in SNA, when compared to Malita, have a motorcycle or horse for transport. Most residents find themselves hiring horses or people to help transporting their products. According to one of the key informants, the transport of one sack of rice from the *sitio* to the town center costs PhP50 (app. USD 1) because of the poor road conditions.

Most farm-related activities are managed by men, as they are seen as the ones in-charge of farm labor. Women in Malita were involved in livelihood activities, such as raising pigs and

44.9 million (USD 790,000 to USD 1 million, approximately) (Philippines Statistics Authority, accessed on March 1st 2015, at http://www.nscb.gov.ph/activestats/psgc/articles/con_income.asp).

chickens or small businesses like *sari-sari* stores, which were supported by the Municipal Agriculture Office, DSWD, and the church (in the case of Little Baguio). Women were also involved in projects related to health and education.

Access to health and education services, water systems, sanitation and transport (roads) are also much more precarious in the *barangays* and *sitios* studied in SNA (see Table 5 below). In Tudog, for example, distance and supply costs (uniforms, material, etc.) discourage parents from sending children to school. In Lageton, most of the population is illiterate, and health services do not reach communities at the *sitio* level. In Malita, most basic services are available at the *barangay* center. Although most IP groups live in *sitios* (outside the central area of the *barangay*) they do have access to primary education at *barangay* level. Based on the data collected, however, only a minority of children is able to complete primary education.

Table 5. Socio-economic Conditions in Case Studies' Sites, According to IP Residents and Ethnography Observation

	Malita (sitios Leleb, Biao and Anggas)	Senator Ninoy Aquino (sitios Tudog, Lageton)
Socio-economic information		
Poverty status	Majority (>50%) of IP households consulted consider themselves poor despite being actively involved in cash-based production and trading, as well as the availability of basic services in the nearby barangay center.	Most (80-90%) of IP households consider themselves with very insufficient livelihood, insecure food sources beyond 5 months in the year, and very poor access to basic services.
Annual Household income	PhP 10,000 to PhP 40,000 (57% of households)	PhP 5,000 to PhP 30,000
Livelihood sources • For domestic consumption • Farming to sell on the market	<ul style="list-style-type: none"> • Corn, rice, livestock • Corn, copra (harvested 2 to 3 times a year); abaca (once a year); coffee; livestock 	<ul style="list-style-type: none"> • Rice, taro, banana, sweet potato and irregular farm labor at P130/day • Coffee and corn
Living conditions		
Housing materials	Half of housing units use light materials; some units are semi-permanent structures.	Most houses made up by light materials.
Water System and Sanitation	Half of households access public water sources (pipes linked to springs); some share water supply with neighbors; water is insufficient during dry months, and of unsafe quality during wet months.	Households have no connection to water sources; water from spring is collected through a split bamboo for communal use; water is available during wet months but through unsafe, muddy trails.
	Closed pit Antipolo-type toilet for app. 60% of households; 20% use water-sealed toilet.	Open pit with no water containers besides the toilet.
Electricity	No access.	No access.
Health services and facilities	Only available at the Barangay centers.	Available 5 to 15 km away from the barangay center; mobile health units do not reach the sites.
Access to education	Leleb and Anggas have day care only but with no dedicated structure. Secondary education is available only at the barangay center. Most households have members who reach only up to elementary level, but do not complete it.	No primary school in Lageton. The nearest one is a 4-hour walk away, and most of the population is illiterate. In Tudong, the school only teaches up to Grade 4 level; Grade 5 to 6 schooling is accessible only at the barangay center, which is 5 km away.
Access		

	Malita (sitios Lebleb, Biao and Anggas)	Senator Ninoy Aquino (sitios Tudog, Lageton)
Travelling time from city center to case study site	2 hs on vehicle +1h on narrow foot path	3.5 to 4 hs on vehicle + 2 hs through narrow footpath (muddy and unsafe during wet months).
Means of Transportation to town center	Truck on all-weather road; horse or single motorcycle on muddy and unsafe road during wet months	bus/van, single motorcycle (<i>habal-habal</i> , on muddy and unsafe road during wet months)

Sources: Ethnographic Case studies (Malita and SNA informants).

III. Land Access

A. Land Ownership and Use within the Ancestral Domain

Traditional land claims are honored by the Tagakaolos, B'laans and Manobos, across study sites, although the large majority has no official papers to prove land ownership. In both Malita and SNA, IPs have inherited land from their ancestors following customary laws. Traditional rights over land are acquired through succession (with land usually belonging to the first-born child) or through voluntary transfer, with lands subdivided among siblings in this case. Land can also be acquired through marriage although usually the spouse only has the right to use the land. Formal transfers of customary rights are provided to the children (unless otherwise decided upon by the spouses).

Non-IP settlers were allowed to settle in both Malita and SNA ancestral domain areas with the permission of IP leaders. Others migrated as they had relatives in the area and helped till their lands. They were able to acquire lands by buying these from their IP owners, who sold their lands whenever there was a need (e.g. in times of family emergencies) or sometimes as a "friendly gesture" to acknowledge the support provided by non-IP settlers (namely by local politicians). However, the research team also found instances where non-IPs directly laid claims to ancestral lands without permission from IP groups - unilaterally applying for titles on the ancestral domain, where IP customary land ownership had not been formally recognized.

Tagakaolos, B'laans and Dulangan Manobos acknowledge that their ancestors were the first to occupy and own land in their current areas. Ancestral Domain rights are asserted at the collective (or communal) and individual levels. All of the interviewed Tagakaolos, B'laans and Manobos recognize that having an ancestral domain is an important element of their ethnic identity and cultural system and is their rights as a group. They have long inhabited the areas they claim as ancestral domains, located mostly in the upland forestlands and outlying valleys. A few of the informants consulted during the ethnographic fieldwork, mostly in the Malita CADT, also maintain homes in coastal areas. In Malita, for example, water sources are abundant, and due to their high location, forested areas still abound in the CADT area, especially in *Barangay* Little Baguio. These resources provide many of the traditional landmarks that serve as proof of IP presence in the claimed territory (traditional fishing and hunting grounds and sacred places). These IP groups rely on the ancestral lands for livelihoods and land also plays a key role in the groups' belief system and worldview and in defining their social organization. This central role of land is reflected in the communities' Indigenous Knowledge System and Practices (IKSP).²²

In spite of the central role played by land, access to and ownership of the ancestral domain is not secure across all study sites. Although they have been awarded their respective CADTs by NCIP in 2009, these IP groups are still waiting for the official issuance of their title due to the competing complaints that have remained unresolved in their territories. As a result, land access by IP groups continues to weaken. Overtime, this process has also affected how these IP groups use these lands.

²² The IKSP is a required instrument to be included in the CADT application documents.

Types of ownership

Collective ownership over the ancestral domain covers all land and resources within the territory. Within the ancestral land, IP groups covered in the ethnographic field work recognize two types of land use: (i) lands for collective use include what is shared by the entire IP group such as primary or old-growth forest, settlement areas, rivers; and (ii) lands individually owned by clans or families within the IP group for the family's residence, land for farming and secondary growth forest. Importantly, in the two case studies, there was a stronger sense among the three IP groups of their land as private and not as a collective property of the group. Clan-based and individual claims were found to be the dominant and preferred form of IP land ownership over the ancestral domain.

The old growth or primary forests are considered by the Tagakaolos, B'laans and Dulangan Manobos as the section that the entire IP group owns, and thus cannot be claimed or sold by individuals. Such forests are collectively regarded as hunting grounds and habitat of many species, as location of headwaters from which the rivers start, and as source of non-timber forest products like honey, rattan and nito for domestic use. Grasslands are also considered as communally owned by the IP group, and therefore no members can claim for clan-based or individual family use. The subdivided (or clan "owned") sections for settlement, farming and forest use are considered part of the whole domain and must be maintained by the families. Use by non-IPs had been allowed in the past but the IP community required that authorization first be sought by the IP leader /landowner. Harvesting of firewood by non-IP group used to happen both in the common forest section and in clan land, for example. Among the B'laan, notification to the neighbor near the firewood source is required and serves as consent; without such notice, the incident is reported to the *barangay* or traditional leader as an offense.

For the Dulangan Manobo, SNA or the valley of Kulaman, as it is formerly known, has always been theirs. They lived and used its lands and resources as far as the group's memory goes, owned individual agricultural lands that were governed by very specific rules of inheritance, use and transfer of ownership, and collectively owned water sources, forests, and hunting grounds. Non-IP migrants came into the area in the 1950s, when Proclamation 550 opened up the land for private ownerships by non-IPs, and logging concessions started to be allowed. These were later on transformed into the Integrated Forest Management Agreement (IFMA) in the 1970s, and the Integrated Social Forestry (ISF) in the 1980s. Both of these forestry-related programs were implemented under DENR coordination. In SNA there is a 2,000-hectare logging area of Consunji Company in Kiasal under an IFMA. For the domain of the Tagakaolo and B'laan in Malita, the old growth forest is still present in Little Baguio while Pinalpalan, the site being targeted for mining by a private investor.

While lands are said to be communally-owned, customary practices show that it is more of individual claims that is the dominant form of land ownership over the ancestral domain. This consists of subdividing ancestral lands among clans and family members within the recognized larger domain, based on their utilization of the land (usually covering parts of the secondary forests). This shift away from a truly collective sense of land ownership by the whole group explains the importance of the mapping process undertaken as part of the CADT application. Through this process, clan members (through the tribal leaders and elders) can agree on the overall territory boundaries marked by traditional features and landmarks such as trees, rivers or streams – beyond clan and family customary rights.

Box 7. Principles and Practices for Land Use within the Ancestral Domain

Land use within the ancestral domain is classified according to residential, agricultural and forestry. In general, IP views from the three groups on land use include the following practices and principles: (i) if you have land, you need to cultivate/plant crops in it; (ii) landowners can have land cultivated by other people but not to plant long term/durable crops like fruit trees; (iii) if land had been mortgaged, there must have been legal agreement (and corrective measures must be taken, as needed in the current situation, with government support if possible); (iv) cutting of trees in other areas and contour farming, especially in sloping areas, are prohibited; (v) landowners should spare some land with no fertilizer or herbicide spray in order for root crops to grow as option in lean months; (vi) there must be no kaingin (slash and burn practice in small scale agriculture), or no burning of grasses.

For the Dulangan Manobo in SNA, this clan-based approach to upholding customary rights to land is now the primary means through which access to land is protected. The groups' claims over the fully communal sections of the domain are less strong. They are raised primarily by the older traditional and *barangay* leaders who are the signatories in the CADT process. It is therefore important to consider this shift towards clan-based collective ownership (as opposed to collective ownership by the whole IP community) when developing programs in these IP areas. Table 6 below summarizes the classifications of collective and individual land ownership, which are the same in both study sites.

Table 6. Overview of types and Basis of Land Ownership among IP Groups

Ownership of Land	Type of Land and Use	Evidence
A. Collective Ancestral domain as a collective (or corporate) right, covering land and resources within the territory.	<i>Primary or old-growth forest, grasslands, settlement area, rivers</i> that serve as hunting ground and habitat of many species, as location of head waters and source of non-timber forest products. Secondary or disturbed forests are a source of wood for housing and fuel)	CADT Native title (recognized even without written document, is a strong basis for a CADT).
A.1 <i>Shared by the IP group</i>		
A.2 <i>Clan or family-shared</i>	<i>Residential, farming, secondary growth forest;</i> used as source of wood for housing material, fuel and forest products. More common.	Native title (can be with or without papers).
B. Individual *	<i>Residential, farming, secondary growth forest.</i>	Native title (can be with or without papers) Any of these may be under the parents' names.

* Some IPs are being influenced to turn these into privately owned lands through any of the following: tax declaration, Deed of sale, CLOA under DAR (Individual VOS).

Another form of land access identified among the Tagakaolos and B'laans in the ancestral domain in Malita is the tenancy system. A tenant (*saop*) is only allowed to cultivate farmlands paying 20% share of the harvest to the landowner. The 20% share is received in the form of actual crops harvested and not necessarily in cash. For instance, for every 10 sacks of rice harvested, 2 sacks are given to the landowner. Informants in *sitios* Lebleb, Biao and Anggas estimated that around 20-40% of their *sitio* population are tenants. Some of those who became

tenants were the original owners of the land but have since mortgaged or sold their land to their current landowners.

Titling, private property and the continuous loss of land

The concept of titling and private property is relatively new for the Tagakaolos, the B'laans, and Manobos. In the *barangays* in the Malita CADT area, it was only with the entry of non-IP settlers in the 1960s that individual titles recognizing private property rights were introduced.²³ Before that, IP groups used to rely on traditional agreements based on customary laws and practices only.²⁴ Titling primarily involved applying for a document to certify that one has sole right of access, utilization and disposal over a particular property, so that outsiders would be prohibited from encroaching on private property (as doing so could lead to a legal action).

Non-IP settlers were able secure titles to indigenous land as there was no national government's recognition of native title at that time. Many IPs were displaced and had to move to more interior, remote areas. In other cases, the IPs themselves allowed the in-migrants to settle in exchange for goods, not knowing that they would be dispossessed of their lands permanently as the non-IP settlers applied for titles. Eventually, IPs also applied for proof of ownership over their properties, usually through tax declaration²⁵, to have some form of security and claim of ownership and later through individual land titles.

Box 8. CLOA Impacts in Traditional Livelihoods, according to the Manobos in Sitio Tudog

The continuous issuance of CLOA has had a drastic limiting effect on the traditional swidden agricultural practices, particularly for the Manobos in Tudog. With most arable land already titled (to both IP and non-IP landowners), Manobo cannot allow farm plots their fallow periods because they have nowhere else to cultivate in the meantime. This immobility leads to unrelenting farming activities that put a strain on the soil, ultimately resulting in reduced fertility. Soil quality in Tudog is uneven, with some areas being more fertile than others. Also, the reduction of farmland hectares to three- hectares per individual, as stipulated in CLOA rules, has required families to assign excess land areas (still 3 hectares at a time) to adults next of kin. This creates a number of obstacles, namely: the necessity to name co-beneficiaries; the difficulty of bureaucratic paperwork; and the burden of paying additional fees. In fact, none of the Manobos that claimed to have CLOA titles interviewed in SNA were in possession of actual papers that would verify their individual ownership of land, because they are unable to pay the required fees for their claiming. Residents in Tudog expressed fear that prolonged non-payment would result in their eventually forfeiting the farms they have actually held since time immemorial.

²³ At the sitio level, non-migrants were initially identified to have entered Sitios Biao and Anggas in the 1970s while it was around 1980s for Sitio Lebleb.

²⁴ For the Manobos in sitio Lageton in SNA, for example, customary laws on land acquisition and distribution as private ownership included: 1) cultivation of unoccupied land guarantees continuous access to that lot, 2) land can be inherited from one's parents, 3) a widow's eldest son has a right to redistribute land to younger brothers, and 4) land assigned by parents to a daughter is not co-"owned" by her husband. Ownership was then also asserted by means of work (e.g. clearing, planting, weeding, etc.) put into the development of plots of land. The selection of these farmlands depended on an individual's capacity to actually develop a chosen plot.

²⁵ In Malita, tax declarations were found to be more common in Sitio Anggas. In Sitios Lebleb and Biao, as well as in Tudog and Lageton, in SNA, there was no formal data on tenure documents for either residential or farming purposes.

The control of non-IP settlers over lands in the ancestral domain grew over time (non-IPs typically have higher economic, social, political roles and status).²⁶ In addition to the CLOA and other State-tenurial instruments, non-IPs have secured lands that are part of the claimed domains through mortgaging, selling, outright usurpation, and other irregular activities, which were found to be common practices in almost all of the five *sitios*. In sitio Tudog, in SNA, Manobos were emphatic in expressing the strained relationship with non-IPs due to conflict over land ownership.

The **mortgaging** of land commonly happens in times of need.²⁷ Usually entered into with no formal agreement, mortgaging (locally referred to as "prenda") commonly results in forfeiture of the land. It entails pledging a property (usually land with all its crops like coconuts, trees, etc.) to a creditor as security for the payment of a debt. An agreement ("kasabutan") is sealed with a written document detailing the terms of the pledge and signed by the two parties and witnesses. The mortgagor can have access to all the benefits over the land, including the harvests within the period of effectivity of the mortgage. While not an outright transfer of ownership, in SNA this was found to be practically a guarantee of loss of land, since resident Manobos almost never have the capacity to pay back their loans.

Selling of lands is another practice involving private property usually resorted to in times of need. Adopted from the non-IPs, this practice was found to be more common among the Tagakaolos and B'laans than the Manobos. Traditionally, IPs would not sell their lands but only transfer property rights to a clan member in times of need. With the entry of non-IP settlers, who offered cash and other material goods in exchange for land within the ancestral domain, the IPs increasingly resorted to selling (rather temporarily transferring user rights).

Additional titles and claims

As noted in the previous section, one of the key challenges in the process of CADT issuance is the overlapping land claims. One of the results of the slow issuance of CADTs is the process whereby clan-based ownership is becoming more prominent, and also a process through which individual titles are seen as more of a guarantee/protection among IP households. However, the titling situation is extremely complex, and the competing claims make the process of obtaining individual titles also difficult. There are a number of remedial solutions sought by IP households – some of which with the support of the barangay – when title deeds are too difficult (issuance would require legal action) or expensive to secure, as described below.

In the absence of individual titles and an issued CADT, Tax Declarations function as the most common proof of ownership for agricultural and settlement areas among IP groups. Those

²⁶ In the "old" Lageton settlement in SNA, non-IP residents are today dominant. While Manobo farmlands remain in its vicinity, only 3 IP households remain in the area ("naglalakas-loob,") or "braving it out", as an informant put it. Around 20 years ago an IP leader (*datu*) donated 5 hectares to create a sitio site, but non-IP residents (with no resistance from the Barangay) converted it into farmland, planting coffee corn, and peanuts in it. They also forbid Manobos from accessing the lot and sharing in its produce.

²⁷ Problems or issues regarding land access, use and ownership are traced by the local people to the following reasons (or needs): (i) emergencies such as illnesses in the family requiring hospitalization or money for consultations and medicine; (ii) educational needs of children; (iii) as part of dowry or to cover wedding expenses; (iv) for other rituals like death; (v) conflict resolution; (vi) capital borrowed to purchase farm inputs or pay for hired labor; and (vii) purchase of household needs, like a motorcycle or chainsaw.

issued by the Municipal Assessor's Office are only evidence of tax payments over land use. A significant number of cash poor IP in the study areas were, however, unable to pay their taxes. Other respondents indicated that they were not aware of the process for applying for these tax declarations (including whom they should approach).

Tagakaolos and B'laans in sitios Lebleb, Biao, Anggas also refer to the "deed of sale" (kasabutan) executed by the *barangay* and signed by all parties as documents that show their possession or ownership of a parcel of land. This is a practice instituted by the *barangay* and agreed with the Tribal Councils in order to provide support to those who have purchased lands (whether IPs or non-IPs) within an ancestral domain in the absence of legal titles. In cases where there are no titles, the reasons provided by the IPs include: a) no budget to apply for titles; b) tax declarations or VOS are under parents' names and not yet individually titled to children; c) waiting for perennial crops/trees to bear fruit before applying for tax declarations or other titles to prove their occupation of the land; d) land purchased with no documents except the executed "deed of sale"; and e) land mortgaged or pawned with no original titles.

Policies and agencies' support to address land-related issues

In this context of competing land claims, continuous loss of land access and instances of land-related conflicts, there is a set of traditional and institutional or official agencies and mechanisms that can provide support to IPs. In addition to the list of sources of support mentioned in all five sitios, as presented in Table 7 below, in SNA the NGO TRICOM was also helpful during a specific period of time (in terms of the CADT issuance).

Table 7. Current Sources of Support in Addressing Land Access Concerns

Who helps the IPs	Support provided
1. National Commission on Indigenous Peoples	<ul style="list-style-type: none"> • Gives assistance in case IPs have sold their lands e.g., check on land conditions prior to signing agreements in cases of land purchases
2. Barangay Local Government Unit	<ul style="list-style-type: none"> • Reminds residents to pay taxes • Assists people on where to go to get papers for their land tax and registration • Gives endorsement, gives advice, helps in settlement of conflicts • Provides written agreements in case of land purchases or mortgages • Provides guidance and assistance on the process for getting land titles • Settles land disputes including clarification of boundaries
3. <i>Sitio</i> leaders	<ul style="list-style-type: none"> • Assist IPs in facilitating the filing for formalized recognition of their land ownership
4. Assessor's Office	<ul style="list-style-type: none"> • Assists in application for papers for land
5. Public Attorney's Office	<ul style="list-style-type: none"> • For notarization of agreements
6. Department of Agrarian Reform	<ul style="list-style-type: none"> • Surveys land • Free processing of papers for people who directly engage in farming and are beneficiaries of CARP • Settles conflicts on land
7. Local business persons	<ul style="list-style-type: none"> • Encourage IPs to apply for "Deed of Sale", tax declaration
8. IP Leaders/ Elders	<ul style="list-style-type: none"> • Give assistance to IPs who have concerns on land ownership/titles • Monitors people in their area, Settles problems on land
9. Church sector	<ul style="list-style-type: none"> • Gives advice

	<ul style="list-style-type: none"> • Organizes people in the community • Helps in paying lender to get land back
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IV. Governance

An understanding of indigenous peoples' governance systems is necessary for both an analysis of the CADT process and IPs overall fight for land security, as well as for any planned development intervention in these areas, such as NCDDP.

A. Traditional governance

Traditional governance has a key role in decision-making processes and in conflict resolution among IP groups. It is anchored in respect for elders, who are responsible for maintaining peace and order and for taking charge of judicial affairs. It is an informal and less bureaucratic system based on customary laws. Tagakaolos and B'laans are traditionally ruled by a village chief. For the Tagakaolo, this leader used to be called the *matikadeng*, while for the B'laans they were referred to as *fulong*. The chief would come into power without a formal selection process or appointment. Earlier studies found that specific qualities and skills required to be a *matikadeng* and *fulong* included being the oldest and wisest man in the village, having good character, knowledge of customary laws, the ability to settle local disputes, and possession of considerable amount of wealth in the form of cultural materials, slaves and gold (Avancena-Arcenas 1993). Among the B'laans, a person could also become a *fulong* if proven to be a champion warrior. The *matikadeng* or *fulong* would have the authority to administer justice, conduct negotiations with other village chiefs and maintain peace and order as well as make economic and political decisions affecting the entire community. He would be supported by a Council of Elders. Overall, he is the leader, counselor, mediator and protector.

For the Dulangan Manobos, traditional leaders used to be referred to as *lukes*. They would respond to a supreme leader of the territory, a Sultan. While the position of a Sultan is inherited, that of a *luke* is earned based on qualities and abilities as a warrior, and in commanding wealth. They would assist the Sultan in community or tribal matters. Families living in the settlements would look to the *lukes* for advice on all matters of their social, economic, or political life. With the influx of settlers, the responsibilities of the *luke* expanded to dealing with them.

Table 8. Defining Aspects of Traditional Governance Structure

Aspects	Tagakaolo	B'laan	Manobo
Traditional leader	<i>Matikadeng</i> (village chief)	<i>Fulong</i> (village chief)	<i>Lukes</i> (settlement or hamlet leader)
Basis	Wealth or warrior status before; with qualities and skills	Hereditary position; follows rule of first born	Selected by members to represent them, can be changed if not well representing them
Scope of authority	With authority over defined area No paramount leader, with council of elders		Settlement or village governed by the elder (no centralized political organization)
Functions	Counselor, mediator, protector Presides over civic and labor duties, oversees conflict resolution and administers justice		Gives advice on all matters of social, economic, or political life; represents members in marriage transactions, if requested; negotiates conflicts

B. New governance structures

National laws and policies influenced by a strong history of colonization have been partly replacing the long-standing traditional political structure of the IPs. Although still existing, the traditional governance system started to be re-appropriated/adapted over the past decades to follow the mainstream structures of governance. Changes in nomenclature and the addition of units, sub-units and positions that could dialogue better with a more decentralized form of government took place. This process emphasizes the dominant role of the Barangay Councils at the local level and the Municipal and Provincial Councils. While the concept of the traditional *matikadeng*, *fulong*, or *luke*, for example, has been retained, differences are seen in local terms used that are more the product of external construction. *Matikadeng* and *luke* are now referred to as *datu*, for both the Tagakaolos and Manobos, while the *fulong* for the B'laans is referred to as *chieftain*. In addition, instead of being community selected, in both case studies a number of the new IP village chiefs/datus have now been elected or appointed by the councils with NCIP confirmation. Although uncommon, current practices have also seen the rise of a few woman IP leaders among them. In Little Baguio, the selected IP representative is currently a woman, who comes from the political clan that controls the area.

Following the *barangay* political structure, a *barangay* Tribal Chieftain is now recognized along with his Council of Elders, and together they constitute what is now locally referred to as the *Barangay* Tribal Council (BTC). This particular reference was created by the Office for Southern Cultural Communities (OSCC), which was instituted in 1987 to later become the NCIP.²⁸ Among the Manobos in SNA, the IPs' governance structure was also expanded to include the *Booy* and *Binaulan*, who represent the women and youth sectors, respectively, in Tribal Council meetings.

More recently, in 2010, a new political representation was provided for the IPs through the Indigenous Peoples Mandatory Representative (IPMR)²⁹. This is the chosen representative of the ethnic group in the local legislative council, policy-making bodies or local special bodies in the *barangay*, municipal/city and provincial level. Those selected as IPMR need to be confirmed in their roles by the NCIP Regional Office. Part of the criteria for selection is that the IPMR should be at least 50% IP "by blood", resident of the community for 5 years, involved in IP community services for at least 5 years, speak the language fluently, and be a member of the existing Tribal Council in the community. The term of office is for 3 years at the municipal/city and provincial levels and 5 years in the case of the *barangay*. The difference of the IPMR from the Barangay Tribal Chieftain is that the IPMR formally sits in the Barangay Council as a permanent member to propose legislative measures. As one informant in Malita expressed, the IPMR "acts as their voice in the local councils". The Barangay, Municipal and Provincial IPMRs are required to organize assemblies with their constituents every month, two months, or quarterly, respectively, to report on their accomplishments and conflicts resolved.

²⁸The OSCC was created under Executive Order 122-C in 1987 under the late President Corazon Aquino's term. Under this office, the recognized political structure of the IPs was known as the Tribal Council, which was also acknowledged as the Indigenous People's Organization (under Administrative Order 215). From then on, the traditional leadership of the IPs started to be represented in the Tribal Council.

²⁹ The selection, designation, and how the IPMR is supported in executing his functions is determined by IPRA and the Department of Interior and Local Government (DILG) Circular Order (2010).

Decentralized and improved vs. competing and overlapping representation

The new IP local governance structures also influenced the CADT process of both Malita and SNA. This was illustrated by the Tribal Chieftain's ability to influence IP elders' participation in the genealogical, historical and survey mapping activities that are part of the CADT. This was especially important as the Malita CADT process covers two IP groups, the Tagakaolo and B'laan, (each with their recognized traditional leader). Having this new Tribal Chief role/position meant the IP groups were better represented at the municipal-level through a "unified CADT claim". This proved advantageous in facilitating the application process. A similar process was noted among the Dulangan Manobos in SNA, where having a Tribal Chieftain representing the various *lukes* (who represent their respective villages only) proved equally helpful in terms of the CADT claim.

Nevertheless, it is important to note that earlier studies describe the evolving governance structures put in place by NCIP as weakening traditional structures or leading to overlapping or competing roles at village level. In his analysis of Manobo's contemporary governance system, Gaspar (2004) found that the introduction of the municipal and barangay local government units as "the" basic local government unit significantly limited the role of the *datu* as elected officials, and the selected *sitio* leaders now lead the communities. Through the years, only a few Manobos have been elected to government office because, aside from lacking resources, the group constitutes a minority of the population. If ever elected as Barangay or Municipal Council members, their influence and authority is limited (Gaspar 2004).

In Malita, key issues raised during the present study with the new structures referred to competing roles in resolving conflicts (see Box 4). Issues that used to be the responsibility of the *sitio*-based traditional leader/Council of Elders are now being addressed to different elected/traditional leaders. Theft cases for example can be resolved at the local community level in keeping with the IKSP. Land-related issues on the other hand (connected to CADT) are increasingly being addressed by the *barangay* Captain or the Municipal Tribal Council (MTC) coordinated by the municipal IPMR. However, data collected during the study also indicated that rather than going to the Municipal IPMR or MTC, IP members often end up approaching the United Tribes of Malita (UTOM), an organization created and headed by the Municipal Mayor/LGU and currently seen as the effective in addressing IP needs.

Box 9. Traditional and Adapted Conflict Resolution Mechanisms of the Tagakaolos and B'laans

For the three IP groups, the traditional leaders are the official negotiators of conflicts. For the Tagakaolos, conflicts are traditionally settled through a process called *balaw-balaw*.¹ Conflicting parties are summoned for reconciliation or amicable settlement. A spokesperson represents each party, but the *matikadeng* acts as the chief judge. Once the guilty party is identified, a system of fines/penalties is set up wherein the aggrieved party will present the agreed form of fines/penalties which may consist of cultural materials (gongs, horses, carabao) or some cash. For the B'laans, the *fulong* is also the chief judge assisted by his Council. Amicable settlement is the target done through a *kasfala* where the conflicting parties are brought together to discuss, negotiate and come to an agreement that includes exchange of goods or some cash as demanded by the aggrieved party. Part of the Tagakaolos and B'laans system to identify the guilty party is the practice of *kalep*, which is the holding of one's breath underwater. Those who are suspected to have committed a wrongful act yet refused to admit its commission will be called by the elder and brought to the river. The suspected parties will go underwater and whoever comes out first to take a breath is believed to be the guilty party.

Today, conflicts related to IP issues among the Tagakaolos and B'laans are normally referred to the local Barangay Tribal Council, based at the sitio level, prior to its referral to the barangay. When the barangay steps in, it is first referred to the *Lupon* (Barangay Mediation Council), which has a representative in the sitios. In case the *Lupon* cannot come to a resolution of the issues presented, then it is passed on to the Barangay Council or directly to the Barangay Captain for settlement. In some cases, like in Barangay Pinalpalan, there is an agreement between the Barangay Local Government Unit, IPMR and the *Lupon* as to the type of conflicts to be initially referred to and settled by each group. For examples, theft, physical injuries and other physical offenses go to the *Lupon* (at sitio level); when issues are related to land, settlement is done through the Barangay Tribal Council and IPMR. If the conflicts cannot be resolved at these two levels, the Barangay Captain will intervene, and if not settled, the conflict goes up to the Municipal IPMR or Tribal Chieftain (MTC).

In SNA, the competition and overlap of functions is no less complex. With the new structures, there are now three competing leadership structures to some extent representing IP groups: (i) the Dulangan Manobo traditional leadership supported by the Church; (ii) the Kulaman Dulangan Manobo Organization (KDMO), organized by the NGO TRICOM; and (iii) the Kulaman Tribal Datu Association and the Municipal Tribal Consultative Body, organized by NCIP. The trend among IP leaders to join people's organizations, such as the KDMO, Kulaman Datu Tribal Assembly and the Dulangan Manobo Tribal Justice and Self-Governance (DMTJSG), is another source of complication in terms of representation of the IP community. Most of the members of the peoples' organizations are also the lukes/datus/sultans and their followers may join any of the groups above depending on what benefits are likely to be derived at specific periods of time. Finally, according to informants, the relationship between NCIP and the LGU is strained in SNA because of different political affiliations.

These competing leadership claims within the traditional system, and especially in CADT areas with mixed IP groups, emphasize the need to better understand the political dynamics of indigenous communities – for the implementation of development activities (including NCDDP). Dispelling notions of "homogenous" indigenous leadership structures will be particularly important.

Patronage and partisan politics

This more decentralized authority system has not been able to overcome problems of patronage politics in both areas covered by the study. There has been a slow integration of IP

institutions in formal local governance systems dominated by non-IPs. Given the political dynamics at the local level, the IPMRs (and even Tribal Chieftains) are vulnerable to “coercion” by local politicians (especially *barangay* captains) and heavily influenced by dominant political elites. It is still the *barangay* captain or the Mayor who wields more influence at the local level.

Partisan politics in the selection of the IPMR and the integrity, efficiency and capacity of local NCIP unit staff were issues raised by IPs interviewed in both case study sites. Informants said that the selection process of the IPMR in both areas were subject to political influence. There are cases where the *barangay* IPMR was simply “appointed” by the *barangay* Captain and not selected following the customary practices, comes from a known political clan, or is backed by powerful organizations supported by the political elites.

The case studies also show that the formal LGU structure and processes are strongly influenced by patronage politics. Political alliances influences the prioritization of municipalities, *barangays* and *sitios* for the provision of access to services and infrastructure – with more inaccessible villages benefitting less from development interventions. This was visible in the status of UTOM vis-à-vis the IPMR in Malita and the dynamics among the IP organizations with claims to Dulangan Manobo leadership in SNA.

In Malita, UTOM is the more organized structure involved in the CADT process. It is supported by the LGU and has direct links with the *barangays* and *sitios* through local coordinators with links to local leaders. The group can serve as “gate keeper” in terms of the projects and services that reach the IPs. The source of constraint in this particular case is that IP leaders involved in the CADT process do not have direct a management role in the organization. It is the Mayor (who is not an IP, but is 'adopted' by the IP community in Malita) who decides how the group is managed and what will its development priorities be. UTOM has its own staff who reports directly to the Mayor, not to the IP leaders involved in the CADT process. The Municipal IPMR and Tribal Chieftain (and head claimant for the CADT) thus do not meddle with the affairs of UTOM except as “advisers”. UTOM's accountability is, therefore, to the Mayor, not to the IP groups. These dynamics raise important concerns regarding the CADT process, since in both case studies, it is always clear that it is the IP community who makes the critical decisions over the CADT process.

IV. Experiences with the CADT Process

The analysis of the experiences of the Dulangan Manobos, B'laans and Tagakaolos with the CADT application processes confirmed some of the essential bottlenecks in CADT issuance identified in the literature review: policy issues related to competing claims are the key constraint to obtain final issuance of the title; the superposition of different IP groups in one CADT, as in the case of Malita, or the fact that the ancestral domain cuts across different political-administrative entities, as in SNA, can also impose institutional challenges; and the lack of government's capacity to provide support to IP communities in the process is an important operational bottleneck. However, the ethnographies also identified additional hurdles at the local level, and specificities to each case that could differently impact IP groups in their attempts to secure their ancestral domains.

A. Level of Awareness about CADT, IPRA and NCIP Processes and Roles

The Tagakaolo, B'laan and Dulangan Manobo went through the ancestral domain recognition processes twice: first, during their application for the CADC, and second during the conversion of their CADC to a CADT. Despite that, in both case studies CADT signatory elders seem to be the only ones who are clearly aware of IPRA rights and regulations, the CADT process, including the information related to where they stand in the CADT application cycle (i.e. that it has been approved by NCIP but is not finally registered, and hence it is not yet functional), and even NCIP's role.

In both sites, the traditional elders and Tribal Council members remembered the activities they participated in during the CADT application period. The majority of the ordinary residents interviewed in both cases, however, seemed to have no knowledge of CADT, IPRA and even NCIP. "*Never heard*" was a common response found in focus groups discussions in both areas when asked about those issues. The ones who knew about NCIP could only say that it was the "*office of IPs*". The limited knowledge the research team found about both CADT and IPRA primarily focused on the prohibition of selling ancestral domains and lands to non-IPs.

B. Participation and External Support for the CADT Process

Community participation in the CADT process was mostly limited to the IP leaders and elders who provided most of the information required. In Malita, one factor that could have constrained maximum community participation was the availability of funds to facilitate community assemblies in the 10 barangays. In SNA, the number of surveyed sites and genealogies completed was trimmed down to five because of budget constraints (from the target of ten) so that the number of *barangays* reached was reduced. The spatial scale of SNA as one of four municipalities covered by the unified CADT also meant that more time was required to obtain and validate data. Documents of CADT-related activities in both case study sites also show that the barangay leaders and traditional elders were mostly the barangay-level participants during the orientation, that the research and survey mapping validation meetings were CADT-wide gatherings but held at the barangay center, and not at the village level, which could have had more effectively involved community members at large. The cost of travel was the IP members' major constraint in participating in such gatherings.

In SNA, church workers, NGO TRICOM, and leaders of the local Kulaman Dulangan Manobo Organization (KMDO) carried out the initial information, education, and communication activities on the IPRA and the CADT process, as well as the initial required documentation at the village level. It appears from the CADT Claim Book that most of such CADT application-related activities, including the documentary evidences, were later repeated by NCIP. As a provincial NCIP officer explained, while NCIP was grateful for the support of the NGOs and other groups to facilitate the ancestral domain titling, only the agency has the official mandate to conduct CADT-application related activities.

In Malita, the push for the CADT process was led by NCIP with sustained participation of the *barangay* level Tribal Council of Elders and the church. Documents from the CADT process indicated that there was an initial meeting when the IPRA and CADT process were discussed with the IP groups, but that there was limited follow-up and pretty much no subsequent consultations. Consultations had overall poor attendance, despite full support from the municipal LGU. The quality of information-sharing and dissemination with the community members was limited. The

selection process as to who could participate was left to NCIP; hence, the IP groups who were easy to locate were the ones involved, to limit expenses for meals, lodging and transportation.³⁰

C. Perceived Benefits of having a CADT

Traditional leaders and elders who participated in the process could clearly articulate their reasons for pushing through the CADT process: "(...) *To ensure their use, tenure and control over their ancestral domains*", explained the CADT head claimant from SNA, referring to the land. He also believed that the CADT could open opportunities for the development of their ancestral domain, and mentioned development plans they already had for their CADT related to improving their educational status, agriculture, their forest, and women's livelihoods. Similar reasons were given by CADT head claimant from Malita to explain their motivation to pursue the CADT: "*Our lands have no titles. We want the lands of IPs to have a title through NCIP (...) so we can preserve our culture. Our land is from our ancestors. We are the rightful claimants*". Other key informants in Malita explained that, for them, the title is also important because it allows them to have something tangible to present as claim for the ancestral domain; to prevent outsiders or investors to easily enter/encroach and grab ancestral territories; to prevent the selling of ancestral lands, as the ancestral domain has been acknowledged to be decreasing; and to get support for the development of the ancestral domain. Despite having less familiarity with the CADT, men and women in the two case studies consistently repeated the need for a CADT. They believe that having an issued CADT would prevent outsiders and investors from entering their territory, that the ancestral domain will not be taken by others, and that the collective title cannot be sold.

In discussing how they consider a CADT to be beneficial, the IP groups believe that certain resources can be shared under a unified claim under CADT and better exploited/used. In Malita, as one municipality with one CADT for the upland areas, the focus was on water resources for the B'laan and Tagakaolo who dominate the population. Far from the town center, both the Tagakaolo and B'laan want the upland areas of the town to be developed. In SNA with four municipalities make up the CADT (Manobos and other IP groups), the focus was on the protection of water and forest resources in the Kulaman Valley.

The strong focus on these development priorities, mostly voiced by traditional leaders and elders, showed strong IPs' leadership commitment to the CADT issuance as a means to secure a "bundle of rights", access to basic services. However, the general assessment by the research team was that there was insufficient information, education and communication on the CADT process to generate participation and informed decision-making by the whole community. Finally, despite the consensual perception that having a CADT can yield benefits for the IP groups, most of the informants consulted, including the leaders in both study sites, report they have not yet seen direct benefits of the CADT process (or of IPRA).

D. Challenges in the CADT process

The study cases identified challenges faced by the three IP groups in the CADT process that provide insights to NCIP and other agencies. The first issue identified was the cost of the

³⁰ It is interesting to note that this type of challenge could affect the scope and quality of Free and Prior Informed Consent (FPIC) processes.

application or conversion process. From the experience of a sample of regions where data on costs is available, the CADT application process can cost over Php500,000 particularly in the Mindanao examples, and reach up to as high as Php 2 million depending on the size of the ancestral domain area (NCIP Ancestral Domain Office, 2011). The NCIP supports operational expenses of agency personnel engaged in the CADT process as well as community meetings for orientation, IEC and validation of results. The rest of the costs are handled by the claimant and/or are covered by external sources of support. In SNA, for example, approximately 17% of the CADT process costs were covered by NGO TRICOM, 32% by the LGU, and 51% by NCIP. In Malita, the conversion from CADC to CADT took 10 years because there were no resources to cover the conversion costs, and NCIP had to provide the initial budget.

The gap in information and the low level of awareness about the CADT among the broader IP community is another key challenge, and a reflection of the need to improve community outreach during the CADT process. While the CADT can contribute to improve social cohesion and play a key role in reviving the cultural heritage of the IP community this will require broad-based community participation –which was not found in the these two case studies.

Due to its limited resources, number of staff and technical capacity to handle all applications, NCIP reaches out to a limited area in the ancestral domain. This affects the level of information about the CADT process in the areas targeted. Limited means on the part of NCIP also reduces the overall number of CADT applications that are processed and awarded. NCIP can be supported by external agencies, such as in the case of SNA, which demonstrates how the church and NGOs have been instrumental in extending IEC activities to explain the IPs’ rights, the IPRA, NCIP and CADT. In fact, in SNA *sitio* residents had greater trust towards NGO and church workers (compared to NCIP staff). Yet they are still not formally considered as official partners in the IP group’s capability building programs with the LGU and NCIP.

Finally, there is a need for significant improvement in inter-agency coordination among government agencies responsible for overseeing aspects of land titling (namely NCIP, DENR and DAR). As noted earlier overlapping and unresolved claims are the main bottleneck to the issuance of CADTs. Gaps in guidance for how to resolve these conflicts are significant. In addition, IPRA’s recognition of earlier claims overlapping with the ancestral domain and the absence of a “hierarchy” of rights over IP land make these conflicts extremely difficult to resolve through a coordination/negotiation process alone.

Box 10. The Competing claims in the Malita CADT area

The Malita case is a good example of how improved inter-agency coordination is necessary to resolve the issue of overlapping claims. The initial tenure list provided to NCIP indicated that both Barangays Pinalpalan and Little Baggio had CLOAs and patents. The Malita CADT Conversion document shows that there are currently 117 DAR issued CLOAs in the entire CADT area (10 of them in Barangay Little Baggio), and 122 patents issued by DENR (of which 3 in Panalpan and 10 in Little Baggio). However, upon checking of existing tenure within the CADT, the Municipal Agrarian Reform Office (MARO) confirmed the CLOA listing yet the Community Environment and Natural Resources Office (CENRO) of Malalag (under whose jurisdiction the Malita municipality is included) issued a letter indicating that there were no existing patents in the two selected barangays, contrary to what was initially listed in the CADT conversion documents.¹ Hence, inter-agency projection - the technical term that refers to checking measurements of perimeter surveys as well as any possible claimants of titled land within the ancestral domain - has not resolved the overlaps, and tenure remains unsecured despite NCIP’s approval of the CADT in 2009.

In Malita, NCIP is still processing documents (maps on land claims) in order to determine the final CADT area. All maps and information about the titled areas by DAR and DENR were already provided to NCIP. Both DAR and the DENR have records of CLOAS and patents issued. The research found that, in addition, there are further overlaps in the claims of these two agencies.

In SNA, NCIP is currently waiting for the information on land claims from DENR and DAR for the CADT to be registered. According to participants in the study, until now the DAR has not responded to the request for information on these land claims in spite of NCIP follow-up. They also mentioned that DAR is simultaneously fast tracking the processing and issuances of CLOAs in the Kulaman Valley CADT area. In the survey and mapping in the Manobos final application CADT, the lands covered by CLOAs, IFMA and Integrated Social Forestry were included.

E. Communities’ recommendations to improve the CADT process and IP’s development

As the CADT process and management continues in Malita, SNA and other areas, a few insights were generated on how to improve the CADT process and IP participation in it. Some of the general recommendations from the B’laans, Tagakaolos and Manobos interviewees that could be useful for NCIP as well as NCDDP implementation include:

- Provide more extensive Information, Education and Communication Campaign on IPRA for the IPs especially for community members at *sitio* levels.
- Support the formulation of the ADSDPP, which will serve as a guide for ancestral domain management and should be communicated to the general community.
- Create indigenous peoples organizations to formally represent the CADT and access necessary funds for CADT development.
- Establish regular coordinated meetings of IP leaders and barangay officials and in the interior/more remote *sitios*.
- Strengthen the coordination between the *barangay* Tribal Chieftain and the *barangay* IPMR in supporting and addressing common IP concerns (if the chieftain is not the IPMR, which is usually the case).
- Support and develop sustainable livelihoods for the people within the CADT, which could be part of the ADSDPP.
- Facilitate the coordination of different government agencies related to IP projects and concerns. DAR and DENR were identified as agencies that can provide support in sustainable livelihoods within the land potentials of the ancestral domain.

In terms of recommendations for interventions and priorities for IP development, it is worth noting that most of the needs voiced by the IPs do not differ from those of other poor communities. As seen in Table 9 below, most of the demands at the *sitio* level are largely related to the provision of basic services.

Table 9. Identified Community Needs at the *Sitio* Level

Sitio	Community Needs
Malita	
Lebleb, Barangay Pinalpalan	<ul style="list-style-type: none"> • School building for Day care and Grade I/ Educational scholarships • Power supply (electricity)

Sitio	Community Needs
	Malita
	<ul style="list-style-type: none"> • Road - improve road accessibility for easy transport of products • Spring development • Sitio Health Center, basic medicine supplies and health services • Livelihood projects • Support to product pricing from government so they can sell products at better prices • Maintenance of peace and order (presence of military and NPA)
Biao, Barangay Pinalpalan	<ul style="list-style-type: none"> • Spring development for access to water; water hose to improve existing water system • Road access to market • Livelihood support
Anggas, Barangay Little Baguio	<ul style="list-style-type: none"> • Spring development for access to clean water including construction of reservoir • Electricity • Improve farm to market road to support transport of goods • Emergency vehicle to transport the sick and access to basic medicines at the <i>sitio</i> level • Livelihood support including provision of capital to buy fertilizers, solar and collapsible dryer • Guide from farm technicians to improve farming practices • Seminars/trainings on forest protection and conservation ("how to revive nature") • Educational scholarships especially for college/tertiary level
	Senator Ninoy Aquino (SNA)
Tudog	<ul style="list-style-type: none"> • Spring boxes to ensure potable water supply • Development and promotion of rainwater harvesting • Supporting livelihood systems • Better roads and footpaths from sitios to the nearest existing road • School building for grades higher than 1-4 and financial support for school supplies
Lageton	<ul style="list-style-type: none"> • Spring boxes to ensure potable water supply • Preventive health care • Livelihoods and Capital for other livelihood options • School Building and Financial support for school supplies • Better roads and footpaths

Source: SSIs and FGDs in all sitios, August-September 2014.

V. Conclusions and Policy Recommendations

The CADT is an important instrument for all IPs in the assertion of their native titles. It reflects the primacy of cultural integrity, empowering IPs to work for their own self-determination as they create their own plans and processes for their ancestral domain governance.

However, the slow turnover of CADT issuance has not yet allowed this policy to effectively protect IP lands and provide them with the title's intended benefits. It has also created division among the IPs. Of the 258 applications since IPRA's enactment in 1997, 158 have been approved by NCIP, and only 37 of those have completed the process and been issued. The application for the three IP groups in Malita and SNA was approved at the level of NCIP in 2009, but the process has not been finalized at the Registry of Deeds. Although the CADT has provided an initial safeguard for these IPs so outsiders cannot immediately enter the ancestral domain, since selling of lands within the CADT is prohibited, practices on the ground show that selling and mortgaging to IPs and mostly non-IPs continue.

The key bottleneck preventing the final issuance of the CADT relates to competing claims that involve different government agencies with distinct jurisdictions over land. This is where the process is currently stuck in both Malita and SNA. Competing claims of the DENR, DAR and the CADT applicants are not yet fully resolved. Historical land uses from the national government's land classification opened up lands for settlement expansion and permitted private investments that had already made an earlier dent on the native claim of the IPs. In

addition, the release of land for private ownership through the DAR's CLOA continues while the dominant non-IP settlers have become owners of lands.

In this context, IP community members continue to pursue individual titles, despite recognizing the importance of having a collective one. Individual titles such as CLOAs continue to be issued, further undermining their chances of protecting and securing their domains. Proof of individual ownership is more important as a way to both fend off possible land encroachers but also to use for negotiation of an exchange price whenever there is an economic need. Without the final issuance of CADT, IPs in these areas are therefore still unprotected and land is continuously being lost, patterns of use are continuously changing, and marginalization continues.

Support from government agencies is not consistent in the process, which may affect IP groups' capacity to roll out the CADT application. This issue relates directly to the need to strengthen NCIP capacity to handle all IP needs under its responsibilities, with the CADT being perhaps the most important of them. NCIP's open leadership role with the church sector and NGO as side partners in facilitation in the CADT process in Malita was efficient and effective. In contrast, communities in SNA - one of four municipalities involved in that CADT – resorted to NGO and church support in the beginning, but after not recognizing these earlier efforts of process, NCIP became a lone lead implementer and facilitator in the process. The DENR and DAR, meanwhile, did not participate in the initial survey mapping activities in both cases, when conflicting claims and land uses could have been identified.

Despite all the difficulties identified in the process and remaining challenges, to some IPs the CADT application itself has had its positive effects. Traditional leaders and elders affirm that it has helped communities to recover their ancestral backgrounds, history and culture, and helped to bring awareness about IPs rights.

Among other IP residents at the *sitio* level, however, significant lack of knowledge about IPRA, NCIP and the CADT itself seems to predominate, indicating that the process is not as participatory as it should be. The lack of awareness and understanding about their rights and the process also relate to the capacity to reach out to all IP groups at the sitio level, which affects the ability to foster participatory processes capable of engaging communities' at large. Most of the knowledge and participation in the CADT keeps then restricted to IP leaders and elders.

Finally, although the respect for traditional governance structures within the CADT and continuous involvement of traditional leaders at the sitio level and their coordinating role at the barangay and municipal level can facilitate the completion of the CADT application requirements, IP representatives are highly subjected to local politics. While within the State machinery and newer governance structures the IPs are not politically marginalized, in practice, IP leaders (both Tribal Chieftains and IPMRs) can be subjected to the influence of local politicians from whom they need political support in order to access funds and other support for their constituents, as demonstrated in the Malita case. Continuous loss in land access is therefore ongoing under unclear, over-lapping, competing governance positions between the traditional and evolved governance structures and dynamics.

Given this background, the analysis leads to two sets of recommendations. The first ones relate to short and medium term suggestions that could be taken into account by NCDDP project as it rolls out into IP areas. The second refers to broader national policy level discussions that require further assessments and coordination among all the different agencies in charge of IP and land affairs.

A. Recommendations within NCDDP current Scope

Several of the recommendations made by the study have already been taken up by DSWD in the NCDDP IP Module (popularized version). The findings presented here emphasize the importance of ensuring that the additional guidance provided to field teams on NCDDP implementation in IP areas is well understood and that mechanisms are in place to monitor its implementation and make adjustments as needed.

NCDDP's strong consultation process should help to disseminate information about IPs land rights, including the CADT and its process. As NCDDP rolls out to IP areas, active dissemination of additional information about the IPRA, NCIP's role and the bundle of rights guaranteed to IPs should be pursued. Awareness raising about the status of instruments such as the CADT (and likely bottlenecks), Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) and the indigenous knowledge systems and practices (IKSP) would contribute to better knowledge among IP communities of their rights to land. Although communities seem more likely to request sub-projects focused on services and livelihoods, they must be well informed about their rights, benefits of the CADT as well as the challenges to pursue it, in order to be able to eventually request support to their application.

Systematic knowledge sharing seminars and training on policies aimed at IP groups and IP rights, development trends and opportunities can also be supported, with sessions done at the level of IP villages (*sitio* level) to ensure that more of the IPs in less accessible areas are adequately informed. DSWD should ensure that the IP Guidance module is implemented, with NCDDP facilitators in IP areas having received specialized training.

Additional consultation processes may be necessary in IP areas (mixed areas) where non-IPs are in leadership positions to limit elite capture of projects. The mini-ethnography detailed the dominance and control of non-IP settlers who are decision-makers in IP areas in the selection of project sites and types of supported activities. Thus, sitio-based projects and the more thorough community mobilization and Participatory Situation Analysis using principles of process-based triangulation and iterative learning must be observed in the selection of projects. NCDDP facilitators should be particularly aware of this potential issue during social preparation. In addition, when development-oriented projects are introduced, initial assessments should also consider the cultural appropriateness of these projects and investments in the ancestral domain, and not only the economic and social benefits and environmental impacts. As above, this can be achieved through the new Participatory Situation Analysis process under CEAC put in place for IP areas. NCDDP facilitators should also look at IPMR accountability system during implementation and pay special attention to patronage issues through the program's Grievance Redress System.

In IP areas with more scattered settlement patterns, NCDDP may want to ensure that *sitio* level consultations are carried out, as recommended in the IP Guidance note, and that specific allocations of resources to sub-projects in more remote areas of the barangays. The mini-ethnography found that government services were often only available at the barangay center (e.g., water system, educational support, health services, livelihood), even as these may still be insufficient. Remote or geographically isolated sitios are often not targeted by development projects/interventions. NCDDP may want to consider experimenting with a separate flow of funds/allocation to remote IP communities (as was done by the Indonesia PNPM Program).

The barriers to participation in community planning processes by IP women should be assessed and taken into account as women are often left out in development interventions, especially considering the more male-dominated Tribal Councils and IP Mandatory Representatives (IPMRs). Additional training for Area Coordination Teams (ACT) on how to identify these barriers in IP areas could be considered, building on Gender Analysis modules in the CEAC.

B. Recommendations for new approaches, NCDDP 2nd Cycle and beyond

The study also led to additional suggestions that could be incorporated by NCDDP during its second cycle of implementation. Some of them could be quite easy to accomplish in the short-term, while others may require the development of new approaches that could be piloted first.

Short-term

In the short-term, NCDDP should ensure that additional information materials related to IPRA and the CADT, as well as specific training sessions on CADT during the social preparation and community mobilization phases are being provided and well understood at the community level, as recommended in the popularized version of the IP Module and **safeguards manual under preparation.** This material provides specific guidance to ACTs and Community Facilitators to carry out an all-inclusive IPRA orientation meetings in which information about the CADT and its relevance for IP communities should be highlighted.

NCDDP could also serve as a platform to strengthen the convergence of programs and services that reach IP areas across agencies. NCDDP's Municipal Action Teams (MAT) could promote inter-agency coordination so that development efforts can be maximized at the local level. Both of these suggestions could be more easily incorporated in the second phase of interventions. Specifically, ACs should share information gathered during the Social Investigation and Participatory Situational Analysis related to the IP communities' needs with the Municipal Inter-Agency Committee (MIAC) and MAT. MIAC agencies are then responsible for passing this information forward to the others institutions responsible for providing services to the IP communities. In addition to that, the MAT will participate in the second barangay assembly to be able to share information about other programs with communities. MAT representatives should also be able to carry out meetings at communities that are located in more remote areas, or by purok, to be able to reach them and share information. The establishment of this "system" of information sharing about demands and supply of services at the local level should help to improve targeting and delivery of services for IPs.

NCDDP could also facilitate dialogue/and sub-project planning across municipalities when the same IP community resides in different municipalities. Likewise, given the fact that so many ancestral domains also cut across different political boundaries and that it is important to promote development within the AD, it could also test a new approach at the ancestral domain level. Projects under NCDDP are set within the bounds of a selected municipality and block grants are allocated at municipal level. However, there are several IP groups in one CADT area that could potentially propose projects that cut across municipal boundaries (since some ancestral domains cut across several municipalities). NCDDP could facilitate the dialogue between the different authorities and groups to ensure that the different IP groups in adjacent areas may be able to benefit from the projects or interventions. Cross-municipal planning in IP areas could start with the introduction of additional/separate meetings with IP groups and relevant LGUs. There are already a number of interventions from the project's first cycle where IP groups whose land straddles different barangays have developed joint-sub-projects with the support of the municipality (**see Annex 2 for more information**). These examples could offer important lessons for this type of sub-project.

This would require the development of a different strategy, since teams would have to deal with multiple LGUs, and project beneficiaries would be considered within the broader context of the CADT, and not the barangays within a certain municipality; or in the cases of an AD that covers the whole municipality or several barangays, in which there would be a need to consolidate them into a whole AD. In order to test this different strategy, DSWD will explore with NCIP the possibility of piloting these two approaches in two NCDDP sites, using the CADT as the unit of planning. In the first case, sub-project will be implemented where a CADT goes over the boundaries of several barangays and potentially involves different IP communities; in the second pilot, sub-project will be based in an area where the CADT goes over the boundaries of several municipalities (as long as all these municipalities are already covered by NCDDP). These pilots will take some time to be designed and will need NCIP collaboration, and therefore will be most likely implemented in the third cycle of the project. During the design phase, regions will be asked whether they are interested in enrolling for the pilot.

The provision of legal advice and support funds for the IPs could also be considered as a new modality for sub-project selection. Ancestral domains have become the subject of interest for many external groups wanting to exploit the natural resources in these areas. Hence, the provision of legal support to IPs, including women, should be provided to avoid the exploitation of resources and of IPs in general. The IPs in CADT areas have already expressed a number of land-related issues that need clarification and guidance. Legal advice must also be made accessible to IPMRs at all levels (Barangay, Municipal, Provincial) as they represent IP interests at different scales and can push for policies that truly promote IPs' interests. Their human and social capital must be enhanced so they can increase their bargaining power and give IPs a better voice at the decentralized local levels.

DSWD will explore, also in collaboration with NCIP, the possibility of using the project's technical assistance funds to provide these types of legal aid services. This could be done through agreements with the University of Philippines and Ateneo Schools of Law, for example, who would provide the legal support to the IP groups. As this will take time to be established well, the

preliminary preparatory work will take place during the second cycle for possible implementation in cycle 3. DSWD will also consider this type of activity to be included as part of the sub-grant activity, with communities using part of the funds to for legal aid. This will require the inclusion of an amendment with this additional information in the IP Module, which will also require more time to be developed. It is more likely that it will therefore be piloted during the project's third cycle of implementation.

Beyond the project's scope

NCDDP's National Steering Commission (NSC) could provide a good platform to convene discussion about CADT competing claims. Given that the key bottleneck in the CADT process seems to be the presence of competing land claims the presence of all relevant government agencies (as mentioned above) at NSC could be a good opportunity to initiate a broader discussion with DAR-DENR-DA-NCIP.

Finally, the study also revealed the importance of using ethnographic methods to engage IP communities in participatory processes, allowing for a better understanding of their specific needs. The methodological note on ethnographic methods should be used by the DSWD team in the context of NCDDP or other participatory programs for other marginalized groups.

Table 10. Summary of Recommendations

IP & Land Study Recommendations	Recs. Implementation Level/Phase	Action/Timeframe	Responsible Agency
<ul style="list-style-type: none"> • Specialized training for facilitators (knowledge about IPRA and CADT process; ADSDPP). • Additional consultation in mixed areas where non-IPs are in leadership positions to limit elite capture. • Sitio level consultations and specific allocations of resources to sub-projects in more remote areas. • Ensure women participation. 	<p>1st Cycle Recommendations – Already contemplated by the IP Module or ACEAC in general; corrective measures relate to ensured implementation or reinforcement in existing guidance</p>	<p>Training of Facilitators in IP areas using IP Module/</p>	<p>DSWD</p>
<ul style="list-style-type: none"> • Add specific material and training sessions to facilitators on CADT and bottlenecks, to be disseminated as part of project preparation. • MAT and MIAC to share information about IP needs, gathered at social investigation and participatory situational analysis phases, with other agencies in charge of providing services to IPs. • MIAC representative will also be responsible for reaching out to more remote communities or carry out meetings at the purok level to share information about programs. 	<p>2nd Cycle Recommendations</p>	<p>Suggested August/September 2015</p>	<p>DSWD (in consultation with NCIP)</p>

<ul style="list-style-type: none"> • Pilot NCDDP project considering the Ancestral Domain (and not municipal boundary) in close coordination with NCIP. • Pilot NCDDP sub-project with funds allocated to legal aid. • Strengthen inter-agency coordination through the Municipal Action Teams. • Include DAR, DENR at MIAC to review competing claims within pilot AD. • Develop an approach to provide legal aid as part of NCDDP sub-project menu for IP areas. 	3rd Cycle Recommendations	Preparatory work will start in October 2015; Implementation of pilots would likely take place in 2016, during the 3 rd cycle.	DSWD (in consultation with NCIP)
<ul style="list-style-type: none"> • Convening discussions at the NSC level to discuss CADT competing claims 	Policy Level Recommendations	Suggested after NCDDP 2 nd Cycle	DSWD

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Annex A. The CADT Process, Step-by-Step

