



## Mindanao Indigenous Peoples Council of Elder and Leaders

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### POSITION PAPER OF THE MINDANAO INDIGENOUS PEOPLES COUNCIL OF ELDERS AND LEADERS (MIPCEL) ON PROPOSED HOUSE BILLS:

**HOUSE BILL NUMBER 015;** AN ACT DEFINING THE RIGHTS AND FUNDAMENTAL FREEDOMS OF HUMAN RIGHTS DEFENDERS, DECLARING THE STATE RESPONSIBILITIES AND INSTITUTING EFFECTIVE MECHANISMS FOR THE PROTECTION AND PROMOTION OF THESE RIGHTS AND FREEDOMS.

**HOUSE BILL NUMBER 161;** AN ACT DEFINING THE RIGHTS AND FUNDAMENTAL FREEDOMS OF HUMAN RIGHTS DEFENDERS, DECLARING THE STATE RESPONSIBILITIES AND INSTITUTING EFFECTIVE MECHANISMS FOR THE PROTECTION AND PROMOTION OF THESE RIGHTS AND FREEDOMS.

**and HOUSE BILL 240;** AN ACT DEFINING THE RIGHTS AND FUNDAMENTAL FREEDOMS OF HUMAN RIGHTS DEFENDERS, DECLARING THE STATE RESPONSIBILITIES AND INSTITUTING EFFECTIVE MECHANISMS FOR THE PROTECTION AND PROMOTION OF THESE RIGHTS AND FREEDOMS.

The **MIPCEL** is a SEC-registered and NCIP-accredited Indigenous Peoples Organization (IPO) representing the Council of Elders and Leaders from the 18 IP Major Ethnographic Groups and 6 Regions all over Mindanao to include those from BARMM, which was established in 2003, to engage government, specifically the NCIP, in our advocacy to fully implement the spirit and content of RA 8371 otherwise known as IPRA Law.

The advocacy started from select IPO groups who lobby for the passing of the IPRA Law in 1997 that continuously engaged the NCIP in the recognition, respect, promotion, and protection of the 36 Specific IP Rights categorized in the Four (4) Bundles of Rights.

From the core Rights provided in the IPRA Law, we also advocate more Rights provided in the Universal Declaration of the Rights of the Indigenous Peoples (UNDRIP).

From these advocacies, we engaged NCIP and government for the recognition, respect, and empowerment of the **Indigenous Political Structures (IPS), Indigenous Peoples Organizations (IPOs), Council of Elders (COE) and the Indigenous Peoples Mandatory Representatives (IPMRs)** as the *duly constituted and validated representatives* of the ICCs/IPs.

We also engaged **Civil Society Organizations (CSOs)** *but with a clear limit for only those CSO accredited by the NCIP and whose advocacy are consistent with ours and that is within the framework of IPRA Law and consistent with UNDRIP.*

We use the **Free and Prior Informed Consent (FPIC)** mechanism as foundation in our engagement with these CSOs, Government Agencies, and Private sector, *No FPIC, No engagement nor representations of our ICCs/IPs.*

Within this context, that our definition and position of Human Rights Defenders specifically defenders of the IP Rights are based. Our ICCs/ IPs will have the choice of their representatives which are the **IPS, IPO, COE, and IPMRs**. They are our active and authorized **Human Rights Defenders specifically the IP Rights** and we recognized **NCIP** as the *primary government agency mandated to recognize, respect, promote, and protect our Rights and Welfare.*

That is why we have no option but to oppose the following House Bills, not because we do not recognize nor respect the Human Rights Defenders but it is our duty to give recognition to the **GENUINE Human Rights Defenders** in our own perspective and our own experiences and it is our responsibility to speak out on the concrete situation in our communities where for a long time there are pseudo-organizations acting as IPOs but are in fact established by interest group specifically those who are opposed to the government and aligned with the Communist Terrorist Groups (CTGs). We are very clear on our stand regarding these groups that they are not Human Rights Defenders but are Human Rights Violators that committed the *17 Major Atrocities on the Rights of the ICCs/IPs* which we had reported and submitted to the **NCIP, the Commission on Human Rights (CHR), Office of the President (OP) and the Unite Nations High Commission on Human Rights (UNHCHR).**

*Indeed, Defending Human Rights is our Individual and Community Responsibility. It is not only taught to us in schools and academes but it is a customary law and practices orally taught to us by our elders and our ancestors.* In the ICCs/IPs, we have this **inter-generational role of upholding the individual and collective rights of our community and members** of the community. In fact, this is the foundation of our traditional selection process of our community leaders, their wisdom and experience in upholding these individual and community rights and in resolving community conflicts.

**We are therefore Human Rights Defenders. We are for Sustainable Peace. We are for National Unification and Development. We are the Defenders of our Right to our Ancestral Domains. We are the Defenders of our Right to Self-Governance and Empowerment. We are the Defenders of our Right to Cultural Integrity. We are the Defenders of Social Justice and Human Rights.**

We are **opposed to organizations pretending to be Human Rights Defenders** but are *misrepresenting our ICCs/IPs* who call for the abolition of the Indigenous Peoples' Rights Act or IPRA Law and undermine the NCIP as the duly mandated government agency to recognize, respect, promote, and protect the IP Rights and our duly established government.

**We are opposed to the inclusion** of the *KATRIBU KAMMP organizations and their Regional and Local Chapters because they do not recognize IPRA nor the voice of the ICCs/IPs. These organizations who are part of Bagong Alyansang Makabayan (BAYAN) and their sectoral networks and support groups like the NUPL, KARAPATAN, PAHRA, Save Our Schools Network and their Lumad Schools and Bakwit Schools in UP, USC, and Haran. They are not Human Rights Defenders. In our experience, they are part of those who violate our Rights, exploit our weaknesses, and promote Conflict and Divisions in our communities. We openly express our opposition to the armed struggle and terrorist group like the Communist Party of the Philippines (CPP) and New People's Army (NPA).*

Our basis is grounded on solid evidences, affidavits, and testimonies of our members who came from the ranks of these organizations. Recruitment of "child warriors" of the NPA are the result of their establishment of Lumad Schools that is part of the Save Our Schools Network, that recruitment in our communities are done by organizations belonging to KALUMARAN in Mindanao and KATRIBU KAMMP in the National level to destroy our government and our democratic way of life through "armed struggle" and other terrorist acts.

From our experiences and perspective, we hope that members of the House of Congress and that of the Senate, hear our voice as we speak of the TRUTH. We have no other territory except our Ancestral Domains. We have no other government except our duly established democratic government. We are Indigenous Peoples and we are also Filipinos. We are one with you in supporting and protecting our Constitution, our Democracy, and Our Government.

**May Magbabaya and the Almighty God Guide all of us.**

  
**LIPATUAN JOEL UNAD**  
Chairman, MPCEL