



Securing Indigenous Peoples' Rights:

A Review of the Philippine Human Security Framework and its Impacts on Indigenous Peoples' Rights

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Abstract

This paper analyzes to what extent the concept of human security as used by the Philippine government makes indigenous cultural communities/indigenous peoples (ICCs/IPs) more susceptible to economic, social, and physical insecurities. This paper critiques several policies to expose particular areas of tensions and argues that despite the emerging trend to adopt a human centric approach to human security, Philippine state policies have largely remained path dependent, resisting changes that take cognizance of communities' current realities, and state-centric in its framing of human security.

The tension between the state and ICC/IPs has traditionally involved land rights and natural resources. With the advent of the Torrens system – the current system of private land titling – which led to the commodification of land resources, IP domains and their forms of ownership became the subject of the state's discipline and control. The expansion of the neo-liberalist creed for development in the 1970s greatly intensified the pressures on IPs as the state increased resource exploitation to spur economic growth. Simultaneous with this developmental aggression was the militarization of IP territories as the government attempted to suppress the growing resistance in the upland areas. Rather than address the root causes of conflict, such as poverty, land rights, and social needs, the government used a state-centric and militaristic framework to define policy outcomes.

The militaristic approach also led to the rise in human rights violations and red-tagging incidents among IPs. The Mining Act of 1995 and the Indigenous People Rights Act only paved the way for abuse inasmuch as they established perfunctory mechanisms to legitimize development aggression. Notably these same legitimizing mechanisms likewise justify the use of brutal force against ICCs and IPs struggling to protect their rights inasmuch as it draws the outer borders of permissible defiance.

The enactment of the Human Security Act of 2007 (HSA) gave the state new justifications to use excessive force on IPs and legalize the curtailment of dissent. Bereft of any clear standards and parameters, the government has in fact weaponized the HSA's ambiguity to engage in extensive red-tagging and arrests of IP leaders. Recent efforts through the Anti-Terrorism legislation intend to increase the breadth of state power.

Other government policies likewise observe such a path-dependent trend. Economic or corporate interests are privileged while resistance from indigenous communities are met with aggressive militarization and rights violations. Instead of prioritizing IPs rights, they are tagged as rebels or insurgents.

To address the root cause of conflict, it is thus vital for the Philippine government to reorient its understanding and appreciation of human security, and thereby embrace a people-centered human security development framework in crafting and implementing its various policies.

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The concept of security has evolved over time. It has shifted away from the traditional military-oriented and state-centric viewpoints towards a more people-centric lens and appreciation. In fact, the Human Development Report (HDR, 1994) of the United Nations Development Programme (UNDP) centered around human security and incorporated a list of multi-faceted categories: economic, food, health, environmental, personal, community, and policy security. The Commission on Human Security (2003), through its report entitled "Human Security Now," focused on the protection of people from critical and pervasive threats and situations and asserted for the creation of political, social, environmental, economic, military, and cultural systems that all together give people the building blocks of survival, livelihood and dignity.

Human security emphasizes two specific "freedoms": freedom from *fear* and freedom from *want* (Caballero-Anthony 2004). The former focuses on freedom from (the threat of) violence and encompasses security in the physical sense, whereas the latter is more extensive and covers many social and economic problems which include poverty, economic inequality, discrimination, and access to basic services.

The Philippine Human Development Report (PHDR, 2005) adopted both dimensions of freedom¹ in defining human security. Importantly, it highlights the distinction between human security and human development. While human development is the process that widens the range of people's choices, human security means that people can make those choices safely and freely. Essentially, the significance of human security is emphasized, and indeed, becomes a necessary precondition for human development. What remains to be assessed is the extent of how these favorable statements are realized in the Philippines.

¹ And added a third: freedom from *humiliation*.

Nonetheless, human security remains contested in definition, particularly its indices (dimensions and indicators) and utility (Cabillo & Baviera, 2010). On the one hand, having a more focused and narrower view can prove inadequate and insensitive to other equally important aspects of human security. In contrast, the move towards having a broader and a more inclusive definition that covers all possible dimensions has also opened the door for abuse. Populist regimes have recently taken advantage of the broadening definition of human security. State leaders have verbalized or even formalized in official issuances token promises of human security, but in reality execute military-oriented national security measures that threaten the rights of citizens. Globally, even democratic governments are able to criminalize legitimate acts of dissent under the guise of human security (Cuffe, 2018) such as in Brazil, Guatemala, Honduras, Mexico, the United States of America, and the Sapmi region of Norway, Sweden, and Finland (Human Rights Council [HRC], 2018).

The Duterte administration crafted the National Security Policy 2017-2022 (NSP 2017-2022). It provided for a lofty vision of “a Filipino national that has an empowered people with dedicated and professional leaders, living in freedom, dignity and prosperity.” It was intended to “provide guidance” as the country “face pressing national security challenges,” among its primary aim to “quell all existing secessionist and ideological rebellions and address their root causes” to secure the lives of Filipino citizens. Many regimes blatantly hide behind the veil of human security while executing traditional national security actions. In the Philippines, this predicament dates back to several administrations. Security is undeniably one of the more challenging puzzles that the Philippines must appropriately address. Issues are complex and multifaceted, where external security threats are able to heavily influence local policies that combat internal threats coming from various armed groups. To emphasize, the duty of the State to balance national security measures vis-à-vis civil liberties of individuals must carefully be implemented.

Addressing gaps in traditional national security measures entails inclusion of human-centered development strategies. Failure to do so exposes further the already-vulnerable sectors such as the indigenous cultural communities/indigenous peoples (ICCs/IPs). Assessing policies that impact human security of ICCs/IPs is therefore imperative and can be used as a tool against the manipulation of the human security concept which has been deceptively used to justify state-sponsored threats and human rights violations.

This paper analyzes to what extent the concept of human security as used by the Philippine government makes ICCs/IPs more susceptible to economic, social, and physical insecurities. Given the attempts of the state to include human security principles and approaches, have these been enough to secure the basic rights of ICCs/IPs? This paper critiques several policies to expose particular areas of tensions.

The next section presents how the concept of human security developed in the Philippines and corresponding violations against ICCs/IPs. What follows is an analysis of several laws and policies, both in implementation and approach, using the human security framework. The paper concludes with reflections on how human security as implemented impacts on ICCs/IPs.

Human Security Violations Against Indigenous Peoples: A Global Trend

Using counterterrorism legislation against indigenous leaders reflects a global trend. A growing number of Latin American indigenous leaders and activists have been openly and explicitly criminalized as terrorists (Cuffe, 2018)

Several countries have passed their own national laws that seek to protect human security (Obertleitner, 2005). In Canada, the Anti-Terrorism Act was passed in 2015 which is similar to the Human Security Act (HSA) of 2007 in the Philippines. This law has been opposed by various groups, particularly by human rights defenders and the indigenous cultural communities/indigenous peoples (ICCs/IPs). Like the HSA, Canada's law on anti-terrorism is observed to be deleterious. This law is perceived to have a chilling effect especially to indigenous groups and other organizations contesting the government's extractivist agenda (International Civil Liberties Monitoring Group [ICLMG], 2016). Palmater (2015), a *Mi'kmaq* lawyer and scholar, argues that the passage of the law further discriminates the indigenous peoples. Laws passed in Canada made it hard for indigenous peoples to practice their way of life because it is being defined as a crime. Today, with the broad definition of terrorism, even the thoughts of indigenous peoples could be held as crimes.

The case of the Mapuche in Chile is no different. The Prevention of Terrorism Act in Chile has caused erosion in the rule of law which makes ICCs/IPs more vulnerable (Bialostozky, 2008). Mapuche's resistance to colonization has put them to attacks and discrimination since time immemorial. Like other ICCs/IPs, they have been displaced from their ancestral domains. Prior to the enactment of the law in 2001, Mapuche has faced prosecution for common crimes such as arson, theft, and land grabbing; with the passage of the anti-terrorism act, the Mapuche now are being prosecuted with terrorism (Bialostozky, 2008). The anti-terrorism law has relaxed some procedural safeguards and due process that make it easier for the state to prosecute citizens under the said law. These safeguards are guaranteed in Chile's criminal code, but not in the anti-terrorism law. In fact, since its enactment, dozens of Mapuche were convicted for terrorist crimes (Human Rights Watch [HRW], 2004).

Contextualizing “Human Security” in the Philippines

The Philippines was one of the first ASEAN countries to embrace the concept of human security (Caballero-Anthony, 2004). In fact, after the 1986 People Power Revolution, national security was redefined as “security of the *people*” instead of the state (Talisayon, n.d., as cited in Atienza, 2015: 10). This was a result of the efforts to reconcile the perspectives of both the military and civil society in defining and operationalizing a common and united framework for national security. The new framework contained moral/spiritual consensus, cultural cohesiveness, economic solidarity/organicity, sociopolitical stability, ecological integrity, territorial integrity, and external peace. These clearly allude to dimensions of human *security* (and not merely the traditional elements of militaristic national security) even if the actual term was not expressly used.

Moreover, following the UNDP's 1994 HDR, the Philippine Human Development Report (PHDR) was released, which likewise revolved around human security. A conference entitled "The Gathering for Human and Ecological Security" was held the following year and was likewise convened by key government agencies such as the Population Commission, Department of Interior and Local Governments (DILG), and the Department of Justice (DOJ). The conference attended by representatives of different sectors introduced the concept of human security. The outcome was translated to a commitment that will ensure the protection of the people and the environment and be placed at the forefront of the national agenda. Thus, this commitment was merged with the people empowerment pillar of the Social Reform Agenda, which was the socio-economic program of then President Fidel Ramos.

Eventually, land rights were recognized as a core component of human security. In 2006, the project "Policy Dialogue Series 2006: Towards a Human Security Framework"² proposed framework was founded on four basic principles, one of which is "the centrality of land ownership and stewardship as part of human security."³ Likewise, a project that reviewed the Mining Act of 1995⁴ and the Indigenous Peoples' Rights Act⁵ (IPRA) firmly underscored the importance of peace, development, and human security as components of the two laws (Lusterio-Rico et al., 2009).

These efforts to ensure that human security is addressed towards achieving (human) development are certainly acknowledged. However, it is imperative to identify where the gaps lie between policy and action. Despite the promises of human security, Filipino citizens who are poor and marginalized are stripped off of both freedom from fear and want.

Historical Development of Human Security Issues vis a vis Indigenous Peoples

Human rights violations against ICCs/IPs begin when their rights to their ancestral lands and domains are neglected or violated. To fully comprehend their predicament, it is necessary to discuss how land rights in relation to the ICCs/IPs developed in the Philippines.

From the beginning, ICCs/IPs have been suffering from the injustice of foreign and State conquest. The Maura Law, the last land law under Spanish rule (Constantino, 1975, as cited in

² The project was overseen by the Third World Studies Center (TWSC) of the University of the Philippines in Diliman (UPD).

³ The other three principles are: "the interconnectedness of the various dimensions of human security, the emphasis placed on community security rather than the individual, the plurality of understanding human security" based on local realities.

⁴ An Act Instituting a New System of Mineral Resources Exploration, Development, Utilization and Conservation. Mining Act 1995, Republic Act No. 7942, 1995.

⁵ An Act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Therefore, and for Other Purposes. Indigenous Peoples' Rights Act of 1997, Republic Act No. 8371, 1997.

Molintas, 2004: 284), imposed the western framework of land ownership. Article 4 of the Maura Law denied and contradicted customary laws of land ownership declaring that “any lands not titled in 1880 will revert back to the state.” This meant that landowners were given only a year within which to secure land titles. After the deadline, untitled lands were forfeited. The Maura Law also emphasized *Jura Regalia* (Regalian Doctrine) which pronounces that “all pueblo lands were protected lands and could not be alienated because they belonged to the King” (Corpuz, 2001).

Moreover, the Regalian Doctrine remained in effect throughout the American occupation in the Philippines from 1898 to 1945, providing the American government like its Spanish predecessor, legal justification for centralizing and controlling the country’s natural resources. To further strengthen their hold over the islands’ resources, the Public Land Act of 1902 mandated the American government to expropriate all public lands. It subjected all lands to the Torrens system – the current system of private land titling – which led to the commodification of land resources. Consequently, the Philippine Commission Act No. 178 of 1903 ordered that all unregistered lands would become part of the public domain, and that only the State had the authority to classify or exploit the same. In 1905, a legislated Mining Law gave the American colonizers the right to acquire public land for mining purposes and revealed the Americans’ goal of extracting resources from indigenous territories.

All Philippine Constitutions, including the current 1987 Constitution, essentially retain the colonizers’ view of land ownership and distribution. This is in direct opposition to the understanding of ICCs/IPs in terms of ancestral lands and domains. In fact, UN Special Rapporteur on the Rights of Indigenous Peoples (2007) asserts:

There can be no security among IP in the Philippines if their inherent right to own, manage and control their lands is not respected. Majority still stay in the rural areas, in most cases, in their own ancestral domain. Researches have shown that as long as IP are in control of ancestral lands and waters, they can still survive with their subsistence economies mixed with other economic activities such as small-scale mining, marketing of handicrafts, raising of agricultural products and livestock for local markets.

In the 1970s, Structural Adjustment Programmes were launched in many developing countries through the insistence of international liberal institutions such as the World Bank and the International Monetary Fund. As the Philippine economy liberalized, it became increasingly foreign-dominated and export-oriented. This intensified the pressure upon indigenous communities’ land base since they occupy areas rich in natural resources. The IPs experienced harassments because of the increasing number of local and foreign corporations engaged in extractive industries such as mining, logging, and agriculture (Molintas, 2004). To support this export-oriented industrialisation, the government has been constructing massive foreign-funded infrastructure projects that continually reduce the scope of the IPs’ ancestral domain (2004: 269-306). This paradigm of development continues today. The military also participated in the aggression directed to indigenous communities. Tens of thousands of indigenous peoples have been relocated, comprising entire indigenous communities, in an attempt to counteract

and quell the growing resistance in the upland areas (2004, pp. 269-306). These attacks on the ICCs/IPs were rooted in conflicting interest on ancestral lands.

The military-led attacks are arguably spillover effects of the external security environment on a global scale. In particular, the war against international terrorism led by the United States has shaped both domestic and foreign security policies of the Philippines (Morada, 2003: 228-238). Responding to international pressure, the Philippines passed Republic Act No. 9372 or the Human Security Act of 2007⁶ to quell mounting insurgencies and acts of terrorism in the country.

While aggressive military strategies were being put in place, the government also widened the door for mining investments and has brought mining companies and ICCs/IPs in conflict with each other. Due to the complex geological forces that occasion their genesis, mineral deposits are usually found in mountainous regions where ICCs/IPs live. It is estimated that half of all areas identified in mining applications in the archipelago are in areas inhabited by ICCs/IPs (Ingelson, Holden & Bravante, 2007).

Dispossession of ICCs/IPs by mining activities has a long history. Ingelson, Holden & Bravante (2007) enumerate four ways mining activities in the Philippines have dispossessed the ICCs/IPs of their lands: 1) fraudulent acquisition of Free Prior and Informed Consent (FPIC); 2) physical displacement of ICCs/IPs and forcing them to cities; 3) destruction of mountains and other areas considered sacred by ICCs/IPs; and 4) environmental damage.

FPIC is required by the IPRA prior to the approval of any project or activity affecting ancestral lands and domains.⁷ FPIC has been obtained through bribery of ICCs/IPs, at times by creating a fake 'council of elders' comprised of people who do not even belong to the concerned community (Ilagan, 2009). For those who are physically displaced and forced into urban areas, they tend to end up poor and live with inadequate shelter, are without jobs, and/or lack basic services (Holden, Nadeau & Jacobson, 2011). As for the destruction of areas that are regarded sacred, this can occur throughout an extended period since mining operations produce massive amounts of waste (tailings) and acid mine draining which substantially degrade the environment.

The final, and arguably most problematic way mining and other resource projects have dispossessed ICCs/IPs is through the militarization of areas where mining projects are located. Militarization in indigenous territories conflated with the impacts of mining consequently push affected communities to express their dissent against mining companies (Capuyan, 2009; Carreon, 2009; Mora, 2009). the ICCs/IPs who opposed the mining project are thus accused of rebellion and tagged as 'terrorists' (Stavenhagen, 2003, as cited in Holden, Nadeau & Jacobson, 2011: 155). Rebel groups may certainly be present in indigenous territories as mountainous areas are frequent strongholds of the insurgency; however, government has carelessly tagged indigenous peoples as rebels or insurgents as an excuse to crackdown on anti-mining activists

⁶ Human Security Act, RA No. 9372, 2007

⁷ Indigenous Peoples' Rights Act, RA No. 8371, 1997, Chapt. 2, Sec. 3 (g)

(Wailan⁸, 2007, as cited in Holden, Nadeau & Jacobson, 2011: 155). Further, the Armed Forces of the Philippines (AFP) views IPs as potential recruits for the New People's Army (NPA). In an interview in 2007, Major Randolph Cabangbang, then spokesman for the Eastern Mindanao Command located in Davao City, reported that the NPA recruits ICCs/IPs as part of their doctrine, particularly in mining areas, and that 70% of all NPA members in Eastern Mindanao are indigenous peoples (Holden, Nadeau & Jacobson, 2011). Cabangbang observed that indigenous peoples are easily taken advantage of by the NPA because of their illiteracy, and that many Lumad leaders have supposedly encouraged their people to join the NPA perhaps in an effort to reclaim back their land (Holden, Nadeau & Jacobson, 2011). His statement, in fact, supports the argument against hawkish and invasive militarization and other similarly oriented programs. The root of the conflict is the aggressive takeover of indigenous territories with military support. In fact, the Tribal Filipino Program Coordinator for the Diocese of Kidapawan on the island of Mindanao, Father Peter Geremia, has insisted that "if there was no mining, there would be one less reason for people to join the insurgency" (Atienza, 2015).

Unfortunately, the present leadership's rhetoric towards IPs does not seem to reflect a deep understanding of the root causes of conflict in indigenous territories. The protective mechanisms of IPRA are, in this context, largely ignored. Duterte has threatened to bomb lumad schools, which he views as breeding grounds for insurgents (Lingao, 2017). Instead of promoting ancestral domain rights of IPs, he has expressed plans to leave development of indigenous territories to investors (Cabico, 2018). Moreover, Duterte recently brought up "hamletting" as a policy option to keep IPs away from communist rebels. This policy was employed by former President Ferdinand Marcos, which brought about human rights violations according to Task Force Detainees of the Philippines (Ranada, 2018).

The Duterte administration continues to miss the point. Instead of narrow militaristic policies, the State should implement human-centered development strategies in securing indigenous lives. In the next section, this paper presents and assesses several related state policies and actions couched as human security measures.

State Policies and Actions

This section discusses laws, executive issuances and declarations and military operations, including the rise of extrajudicial killings (EJKs) in the framework of human security. While there is only one law in the Philippines that explicitly uses the term, there are several other policies that clearly reveal indicators and dimensions of the State's interpretation of human security.⁹

⁸ Andres Wailan was the Chairman of Cordillera Peoples Alliance – Kalinga Chapter

⁹ Informants from a study on human security practices by the Philippine government stated that while the concept of human security has not been formally accepted by their respective government agencies in the sense of actually using the term in their documents, elements of human security are indeed recognized, albeit in varying degrees, by all agencies (Atienza, 2015).

Laws

Mining Act of 1995

Prior to Republic Act No. 7942, otherwise known as “The Mining Act of 1995,” there was Commonwealth Act No. 137 or the Mining Act of 1936¹⁰. It was the country’s first major mining law. Consistent with the country’s colonial past, the Mining Act of 1936 carried the same legal concept of *Jura Regalia*. The law stayed on for 38 years until Marcos enacted a new mining law with Presidential Decree (PD) No. 463 or the Mineral Resources Development Decree of 1974.¹¹

PD No. 463 was framed by the 1973 Constitution and was generally more open to foreign investment compared to the present 1987 Constitution. Though having the same nationalist limitations in terms of reserve exploration, development, and utilization of mineral resources to Filipinos or Filipino-owned corporations¹², the 1973 version allowed Filipinos and Filipino-owned corporations to enter into service contracts with foreign entities.¹³ Service contracts cover a more expansive range of activities, including management or other forms of assistance. On the other hand, the 1987 Constitution limits contracts with foreign-owned companies only to financial or technical assistance. Moreover, only the President is authorized to enter into such contracts.¹⁴

PD No. 463 explicitly provided that mineral resources are excluded from the ownership of lands, whether public or private.¹⁵ Environmental safeguards such as Environmental Impact Assessment (EIA) and local government consultation and approval¹⁶ were also not expressly

¹⁰ Mining Act, CA No. 137, 1936

¹¹ Mineral Resources Development Decree, PD No. 463, 1974

¹² Corporations or associations with at least sixty per centum of capital is owned by Filipino citizens.

¹³ Art. XIV, Sec. 9, 1973 Constitution

¹⁴ Art. XII, Sec. 2, 1987 Constitution.

¹⁵ PD No. 463, 1974, Sec. 4

¹⁶ Sec. 26 and 27 of the Local Government Code of 1991 provide:

Section 26. *Duty of National Government Agencies in the Maintenance of Ecological Balance.* - It shall be the duty of every national agency or government-owned or controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, nongovernmental organizations, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof.

Section 27. *Prior Consultations Required.* - No project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2 (c) and 26 hereof are complied with, and prior approval of the sanggunian concerned is obtained: Provided, That occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution.

provided.¹⁷ These provisions would have directly clashed with the view that ancestral domains were never part of the public domain and belong to indigenous peoples (Royo, 1988). With the enactment of IPRA, indigenous peoples were at least afforded protections such as the requirement to secure the FPIC of affected indigenous community members before any extractive activity may be implemented.

As early as the 1970s, the mining industry was spurred by neoliberal institutions. The World Bank (WB), International Monetary Fund (IMF), and most especially, the Asian Development Bank (ADB) all played crucial roles in encouraging the Philippine government to pursue a “good investment climate” by opening up the economy which would allow foreign mining companies full access to mineral-rich lands. From 1985 to 1995, over 90 countries either adopted new mining codes or revised existing ones in the effort to promote foreign direct investment in their minerals sector (Bridge, 2004, as cited in Holden & Jacobsen, 2007). Mining companies benefited from the liberalization of mining laws, which offered as much access to as much land as possible, because of the rarity of nonferrous metals such as copper, gold, nickel, lead, and zinc—all of which can be found in the Philippines. Less than two years after the Mining Act of 1995 was enacted, the Philippines was ranked second most geologically prospective in the Asia-Pacific (Tujan and Guzman, 2002).

The Mining Act of 1995 was signed during the Ramos administration. The law contains several generous incentives to encourage the extractive industry (Holden & Jacobsen, 2007). The law also seemingly acknowledges the rights of ICCs/IPs, particularly in Section 16 which states that “no ancestral land shall be opened for mining operations without the prior consent of the indigenous cultural community concerned,” an insertion simply to comply with the fact that all laws must reflect the Constitution. This provision is arguably mere tokenism since corporate interests have repeatedly been more prominent in the State’s agenda over IP rights. In fact, in spite of the Mining Act’s protections for ICC/IPs, it was warmly welcomed by the mining industry. The number of foreign mining companies in the archipelago surged by 400% from just 1994 to 1996 (USGS, 1998, as cited in Holden, Nadeau & Jacobson, 2011: 146).

Critical to ICCs/IPs environmental protection, the Mining Act’s EIA as a precondition for mining again exhibits further tokenism. The EIA is designed to “make it appear” as if mining projects are being evaluated with respect to their environmental impacts when in reality, there is no serious intent to do so (Bravante & Holden, 2009).

Instead of regulating the mining industry, the Mining Act has become an instrument to encourage the exploitation of the country’s mineral resources. Along with the extraction of minerals, comes the violation of people’s rights. Two notable mining cases which brought about human rights violations to affected communities are worth discussing:

Didipio. In 24 June 1994, President Ramos entered into a Financial and Technical Assistance Agreement (FTAA) with Arimco Mining Corporation,

¹⁷ The Environmental Impact Statement requirement would later be established through P.D. No. 1151, a required document outlining the environmental impacts and mitigating measures of a proposed project or activity.

later on changed to Oceana Gold Phils, Inc. (OGPI). The agreement covered 37,000 hectares across the provinces of Nueva Vizcaya and Quirino, including Brgy. Didipio in Kasibu, Nueva Vizcaya. In June 2008, complaints of widespread and systemic human rights violations from residents of Brgy. Didipio reached the Commission on Human Rights (CHR). These residents were migrant IPs originally from other areas. The CHR, after a thorough investigation, concluded that the OGPI have committed several human rights violations.

OGPI violated the rights to residence, adequate housing, and property of the residents in Didipio. The CHR found that 187 houses of IPs were demolished without court orders and provisions for adequate relocation. The residents' right to security was also violated when members of the Philippine National Police (PNP) acted as if they were the private security of OGPI instead of maintaining peace and order for the community. In a massive demolition authorized by a writ of execution, the PNP were found to have violated protocols by carrying high-powered firearms and by applying unnecessary and unreasonable force.

The demolition of houses consequently violated IPs' rights to manifest their culture and identity. Lastly, the CHR found that OGPI's exploitation of the water resources in Didipio, particularly the Tubo Creek and the Dinauyan River, may also affect the community's fundamental right to access clean water.¹⁸

Mt. Canatuan. To formalize its intension to mine over 508 hectares in Zamboanga del Norte, Benguet Mining Corporation applied for and was granted a Mineral Production Sharing Agreement (MPSA) on 23 October 1996. Due to vast deposits of gold, mining exploration and extraction in this area have long been coveted by large mining corporations such as the Toronto Ventures, Inc. (TVI). On 16 June 1997, less than a year when the MPSA was issued, the rights afforded by the agreement were transferred to TVI.

However, the MPSA covered Mount Canatuan, which is considered sacred ground and home to the Subanen tribe. Under the tribal leadership of Timuay Jose "Boy" Anoy, the Subanen applied for and was issued a Certificate of Ancestral Domain Claim (CADC) on 21 October 1997. In 2002, the National Commission on Indigenous Peoples (NCIP) issued a Certificate of Ancestral Domain Title (CADT) in the name of the Subanen tribe. Due to the rights afforded to them by the CADT, the Subanen resisted TVI's entry into their ancestral domain. To secure their mining operations, TVI responded by bringing in paramilitary forces. This resulted in violent clashes and human

¹⁸ In Re: Displacement Complaint of Residents of Didipio, Kasibu, Nueva Vizcaya, CHR (IV) Resolution No. A2011-004.

rights violations against the Subanen. Both filed civil and criminal cases against each other. A tactic employed by TVI was to organize a small faction of the tribe to endorse their mining operations within the ancestral domain. Any opposition from members of the Subanen tribe were harassed. In fact, tribal leader Anoy was unable to even set foot in own his home in Canatuan for fear of being harmed by TVI's paramilitary forces (Leonen, 2007).

It is critical to emphasize that ever since the push towards liberalization of the national economy, all studies affirming free-market and export-oriented development never referred to nor considered the impact of mining on indigenous communities (Rovillos, Ramo & Corpuz, 2003). It is almost but natural for conflict to grow between ICCs/IPs and the mining industry. On one hand, there were hopes for increased economic growth through a flourishing mining industry. The ICCs/IPs, on the other hand, faced human rights violations and were constantly being, or in danger of being uprooted. There is clearly a case for conflict since almost all mining sites in the Philippines are within ancestral lands of the ICCs/IPs (Lynch & Talbott, 1998). Recently, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnes Callamard opined that a liberal vision for development is a threat to communities. She added that the policy that natural resources must be privatized are "killing so many people" and must be challenged (Ponsford, 2017).

The Philippine Government, however, has prioritized securing business enterprises such as mining through official State policy. In 1989, the Special Civilian Armed Forces Geographical Unit Active Auxiliary (SCAA) which operates under the control of the AFP and funded by private companies was established (Institute of Bangsamoro Studiens & Center for Humanitarian Dialogue, 2011). The Philippine government, under former President Gloria Macapagal-Arroyo, has gone to the extent of creating a special army unit called "investment defence force" to protect mines, plantations and power transmission lines (Reuters, 2008). Her military chief, General Hermogenes Esperon, even proposed to train, equip and supervise private security guards to defend mines and plantations across the archipelago (Reuters, 2008). The military has further expressed the need for paramilitary groups to secure mining firms (Reuters, 2011). This is a clear indication of the prioritization of businesses that create so much conflict with ICCs/IPs.

When Macapagal-Arroyo was elected Speaker of the House of Representatives (Colcol, 2018) she expressed that she will increase government revenue by amending the sharing scheme of the Mining Act (Arcallas & Mayuga, 2018). It remains to be seen, notwithstanding the industry's existence in the Philippines, how the government share will benefit the State. The Mining Act supports a mining regime that ultimately encourages extraction and export of resources at minimal revenue to the government, and to the detriment of ICCs/IPs and the environment.

Indigenous Peoples' Rights Act of 1997

The Indigenous People's Rights Act was intended to recognize, protect, and promote the rights of ICCs/IPs in the Philippines as mandated by the 1987 Constitution. According to one of the principal authors of the law, then Senator Juan M. Flavio, IPRA was made to "address the

centuries-old neglect of the Philippine indigenous peoples" (*Cruz v. Secretary of Environment and Resources*¹⁹, 2000, as cited in Samaniego, 2000). He emphasized the narrative of the suffering of "Indigenous Cultural Communities, including the Bangsa Moro", from the "dominance and neglect of government controlled by the majority" (Samaniego, 2000). He highlighted that the State was an "indispensable party to this insidious conspiracy against the Indigenous Cultural Communities" (Samaniego, 2000).

The IPRA thus lays down the framework of rights belonging to ICCs/IPs, such as the rights to their Ancestral Domains, the right to Self-Governance, Social Justice and Human Rights, and the Right to Cultural Integrity. Further, it details the process of formal recognition of ancestral domain and land rights and establishes the NCIP, the agency mandated to protect the interest of ICCs/IPs (Muhi & Pasimio, 2009).

UN Special Rapporteur claims that the IPRA law should be used to bring about better security (Tauli-Corpuz, 2007). Though an instrument that can formally establish ownership of ancestral lands and domains to ICCs/IPs, which consequently contributes to better security, the IPRA does not lack weaknesses, which can be attributed to how the law was crafted.

Like the Mining Act of 1995, the IPRA was enacted under the 1987 Constitution which espoused the Regalian Doctrine. This presented a legal tension between the rights to ancestral lands and domains introduced by the IPRA and the *Jura Regalia* concept of the Constitution. Consequently, the IPRA's constitutionality was challenged in the landmark case of *Cruz v. Secretary of Environment and Natural Resources* (2000).

The Supreme Court was split to a 7-7 decision on the constitutionality of the law, hence, the petition was dismissed on technicality. Touching on the merits of the case, retired Justice Reynato Puno wrote a separate concurring opinion, which attempted to harmonize the concept of ancestral lands and domains with the Constitution's Regalian Doctrine.

According to Justice Puno:

Ownership over the natural resources in the ancestral domains remains with the State and the ICCs/IPs are merely granted the right to "manage and conserve" them for future generations, "benefit and share" the profits from their allocation and utilization, and "negotiate the terms and conditions for their exploration" for the purpose of "ensuring ecological and environmental protection and conservation measures" (*Cruz v. Secretary of Environment and Resources*, 2000, as cited in Samaniego, 2000).

This view of State ownership and control over natural resources found in ancestral lands and domains reinforces *jura regalia*, and thereby, limits the indigenous concept of ownership over ancestral territories.

¹⁹ G.R. No. 135385, December 6, 2000.

Moreover, unlike international human rights treaties which carry tripartite obligations of the State to respect, protect, and fulfill human rights, the IPRA is designed to contain different obligations and duties to recognize, protect, ensure, and promote ICCs/IPs rights (Samaniego, 2000, pp. 45-46). This framing is largely due to the narrative which views the State as the primary culprit of the injustices committed against ICCs/IPs. Such negative framing of government shaped the manner in which the law defines the relationship between the State and the ICCs/IPs (Samaniego, 2000, pp. 34-35).

Thus, instead of the obligation to respect, which is a duty not to interfere with or hinder the enjoyment of rights, the IPRA prescribes the State to recognize rights of the ICCs/IPs. Though an admission of the primordial character of indigenous rights, the obligation to recognize gives the State the power to regulate these rights by imposing both procedural and substantive conditions in accessing and invoking them.

Section 2(a) of Chapter 1 of IPRA states that:

The State shall recognize and promote the rights of ICCs/IPs **within the framework of national unity and development.** (emphasis provided)

Instead of placing indigenous rights in the realm of negative rights, IPRA, in accordance with a similar provision in the Constitution, has provided ICCs/IPs with rights that require the State's positive act of recognition in order for such rights to be accessed (Samaniego, 2000: 48).

On the obligation to protect, the IPRA also veers away from how the obligation is traditionally defined in international human rights treaties. Instead of a positive State duty to prevent third parties from interfering with or hindering access to rights, the IPRA perceives it as a negative duty of the State to not interfere with the rights of the ICCs/IPs (Samaniego, 2000: 53). Consequently, IPRA does not effectively set positive measures to protect the rights of ICCs/IPs from third party abuses (Samaniego, 2000: 87).

IPRA's policy of non-interference are best embodied in the Free and Prior Informed Consent (FPIC) mechanism (Samaniego, 2000: 54). While the mechanism seeks to protect ICCs/IPs from corporate interference, it in fact becomes a tool easily exploited by corporations engaging in large-scale development activities, such as resource extraction (Samaniego, 2000: 81-82). Unfortunately, realities plague the implementation of the FPIC mechanism, such as ICCs/IPs' high illiteracy and unemployment rates, which make them vulnerable to bribes, coercions, and other forms of manipulation (Samaniego, 2000: 84).

Furthermore, the NCIP is over-concentrated with powers, making it the most pivotal government agency that may spell the success or failure of the IPRA. The NCIP's power on paper does not, however, translate to actual power or influence in practice. In reality, the NCIP is weakened by institutional inadequacies in staff capacity, budget, which, in turn, make it more vulnerable to corruption with and manipulation from powerful companies (Samaniego, 2000: 95).

Textual weaknesses in the law and realities on the ground have led to the weak implementation of the IPRA. Without adequate support for the NCIP, ICCs/IPs are more vulnerable to corporate plunder and State abuse. Some IP groups have even called for the repeal of IPRA as it is viewed to be an instrument that legalized plunder and ancestral land-grabbing of capitalist corporations. The Kalipunan ng Katutubong Mamamayan ng Pilipinas (Katribu) said IPRA was used as a tool by local and foreign companies that encroached in indigenous lands all over the country. Instead of enabling indigenous communities to protect their lands, the Certificate of Ancestral Domain Title (CADTs) were issued to transfer ownership of vast tracts of ancestral lands under more compromising tribal leaders who sign agreements with companies to exploit the land. Furthermore, the NCIP, instead of looking out for their interests were useless in stopping the entry of these projects despite the clear rejection of ICCs/IPs (Ayroso, 2016). IPRA also suffers from an overvaluation of tenure and its instruments. The successful acquisition of deeds or certificates of title is generally seen as the simple and effective solution to IP's woes (Gatmaytan, 2007). Augusto B. Gatmaytan (2007), a lawyer and an anthropologist, (2007), asserts that the struggle of the ICCs/IPs in the Philippines has never been for tenure or titles alone but for autonomy vis-à-vis the State (Gatmaytan, 2007). He further expounds that "...land-titling has historically been an instrument for the extension of state sovereignty and administration over a political or economic frontier" (Gatmaytan, 2007). Hence, securing CADTs should not be the central goal of IPRA. Perhaps, those tasked to implement the law should aspire beyond such instruments, thus, guard against the utilization of IPRA to implement the State's agenda of greater liberalization.

Human Security Act of 2007

A long history of internal wars followed by international pressure propelled the Philippine government to pass an anti-terror law. The "Human Security Act" (Republic Act 9372) or an Act to Secure the State and Protect Our People from Terrorism, was signed into law by then President Gloria Macapagal Arroyo on 6 March 2007. After the tragic September 11, 2001 attacks in the United States, the Philippines joined the US-led war on terror (Navera, 2011). The American government donated more than \$400 million in military assistance with a series of *Balikatan* exercises to improve capacity and combat skills of Filipino soldiers against communist and secessionist groups such as the Abu Sayyaf Group (ASG) who were reportedly connected to the September 11 US attacks (Muhi & Licas, 2007: 4). In return, the US gained from the revitalized bilateral security alliance as it negotiated for a mutual logistics support agreement (MLSA) in 2002 – an accord that enhances its posture in the region in the fight against international terrorism (Morada, 2004).

Critics of the law manifested their opposition even before its passage. Critics claim that the short title being used, "The Human Security Act" is misleading because it equates counter-terrorism acts with human security. Civil society groups, particularly human rights-based and law groups, questioned the legality of the law with the Supreme Court. The law was eventually declared constitutional by the Supreme Court in 2010, with finality in 2011. Soliman Santos, one of the petitioners and also an author of the 2005 PHDR, asserted that the HSA may only "secure the state but not protect our people from terrorism" (Atienza, 2015). Santos argued that projecting counter-terrorism as human security is not only deceptive but "also dishonest as a

misappropriation of a concept currently associated with the UNDP, the independent global Commission on Human Security, and the Human Security Network of countries" (Atienza, 2015).

Another critique against the HSA is that it promotes state-sponsored terrorism by repressing and curtailing people's basic rights and fundamental freedoms. The law was crafted as such to superficially soothe the dissent of human rights advocates. Even the title was carefully considered and chosen to mitigate the impending harshness of the said law in curtailing the liberties and rights of the people. Martin Scheinin (Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism) called for the repeal, or at the least, amendments of the overbroad definition and application of the law. Coming during the background of the United States-led "war on terror," the law triggered debates between state-centric and people-centered definitions of human security. A deeper analysis of the law will conclude that it dangerously focuses only on "freedom from fear" and ignores "freedom from want" dimensions of human security.

The danger lies primarily in its vague definition of terrorism; the lack of standards and parameters to determine what specific kind of acts fall under the offense is insufficiently defined by the law. This is dangerous because it allows the state to accuse almost anyone they want of terrorism. Moreover, the law does not define what is "widespread and extraordinary fear and panic" or the term "populace." Without definitions that set clear standards and parameters to help determine what qualifies under the terms, it would be very difficult to discern what constitutes "widespread," "extraordinary," and/or "populace."

The current socio-political context of a populist president with authoritarian tendencies amplifies the dangers posed by the HSA. The law not only poses risks against human rights defenders but also against ICCs/IPs. On 23 February 2018, the DOJ utilized the HSA and petitioned a Manila Court to declare at least 600 activists as terrorists (Conde, 2018). The list included indigenous human rights defenders and others working for IP rights such as UN Special Rapporteur Tauli-Corpuz, Cordillera Peoples' Alliance former leader Joan Carling, and Ilocos environmental activist Sherwin De Vera. Tauli-Corpuz was excluded from the list after a gruelling five month legal battle (Cabico, 2018). This reckless listing of indigenous leaders and activists is an example of how the HSA can implicate indigenous leaders and supportive individuals with the terrorist tag. The HSA is riddled with dangerous provisions that may be utilized as tools for abuse by the state against dissidents or human rights activists, and as recently proven, against ICCs/IPs. As mentioned earlier, the global trend of anti-terrorism tactics and national security legislation used against the indigenous community has become more prevalent in the Philippines.

Anti-Terrorism Act 2020

On 29 May 2020, the House of Representatives approved the Senate version of the proposed amendments to the HSA, thus fast-tracking its imminent passage. Senate Bill 1083 seek to strengthen the country's ability to combat terrorism by imposing tougher sanctions on perpetrators, easing penalties for law enforcement elements who commit human rights violations, and expanding the definition of terrorist acts.

Senate Bill 1083, however, suffers from the same quandaries of the HSA. Apart from containing vague standards in its definition of terrorism, Senate Bill 1083 also allows law enforcement or military person the arrest and detain suspected terrorists for up to twenty-four (24) days without the benefit of a warrant. Senate Bill 1083 likewise accords the Anti-Terrorism Council (ATC), a body predominantly composed of officials from the executive department, unbridled discretion to label individuals, groups, organizations, or associations, as terrorists; this executive designation, which does not have the benefit of judicial intervention, automatically grants the Anti-Money Laundering Council the authority to freeze the suspected terrorists' assets. Providing material support to those labeled terrorist organizations is likewise outlawed unless conducted by state-recognized humanitarian organizations.²⁰ In addition, the aforesaid legislative initiative creates the new crime of inciting to sedition, which is broadly and vaguely defined as conduct such as speeches, proclamations, writings, emblems, or banners, which incite others to commit terrorist acts.²¹

Indubitably, Senate Bill 1083 follows the path-dependent state centric approach to curb terrorism in the country, by according the state extra-ordinary powers. If Senate Bill 1083 is passed into law, it would give the ATC virtually unhindered power to label anyone or any group as terrorist. Even innocuous acts of humanitarian intervention by groups or organization require the prior authorization from the state, which is a clear attempt at discipline and control. Moreover, any act of dissent or opposition in conducted in the meaningful and authentic exercise of the constitutionally guaranteed freedom of expression rights, can be dangerously characterized as inciting to terrorism.

These menacing amendments to the HSA as enshrined under Senate Bill 1083 clearly predisposes the latter to being weaponized to stifle dissent, freedom of speech and expression, and other constitutionally guaranteed rights. Far from being a solution therefor, Senate Bill 1083 appears to legitimize the oppressive regime of a Big Brother state.

Executive Issuances/Declarations

Executive Order No. 270 of 2004

In the early 2000s, a development strategy of the Philippine government included aggressively flaunting its rich mineralized lands to stimulate interest from the global mining industry (Bravante & Holden, 2009). In 2004, Macapagal-Arroyo's Executive Order No. 270²² ordered the preparation of a Minerals Action Plan to entice foreign extractive corporations to invest in the Philippines. The Plan stipulated the guidelines and procedures regarding the simplification and streamlining of the clearance systems and the acquisition of mining permits in the Philippines. (Bravante & Holden, 2009). This was a clear biased towards attracting and incentivizing mining corporations to flourish. The lax policy of granting permits further

²⁰ Senate Bill 1083, Sections 12 and 13,

²¹ Senate Bill 1083, Section 9,

²² National Policy Agenda on Revitalizing Mining in the Philippines, Executive Order No. 270, 16 January 2004.

diminished the rights of ICCs/IPs to participate in or contest the approval of mining operations. What was considered an essential requirement prior to the roll-out of any mining activity, was relegated to a token requirement within a supposedly tedious and careful process. The lax in the policy increased the likelihood of violations caused by the mining industry as against ICCs/IPs. The government, once more, in the name of development, placed priority in the financial success of the mining industry at the expense of the environment and IP rights.

Executive Order No. 30 of 2017

The “Build, Build, Build” Program of the Duterte administration focuses on infrastructure and development projects that may also spell conflicts with the ICCs/IPs. Executive Order No. 30 series of 2017 (EO 30) which created the Energy Investment Coordinating Council (EICC) and allowed for the certification of Energy Projects of National Significance (EPNS) was issued by Duterte himself on June 28, 2017. EO 30 will effectively shorten the approval processes for Environmental Compliance Certificates (ECC), FPIC process and other requirements, to fast track EPNS. EO 30 will greatly impact ancestral domains and lands where energy sources are located.

Executive Order No. 70 of 2018

In 2018, Duterte issued EO 70 articulating the Government’s application of the Whole of Nation approach as its “National Peace Framework” toward “attaining inclusive and sustainable peace.” The EO directs the formation of a Task Force to implement thus, TF-End Local Communist Armed Conflict (ELCAC). A closer inspection of the Government’s rhetoric reveals it to be mostly a military option to combat “terrorism” and “violent extremism” (Clavite, na). Civil society groups are apprehensive that instead of encouraging peace, EO 70 only serves to legitimize the witchhunt for critics of the Administration, intensify political persecution, and red-tag individuals and organizations with greater impunity.

EO 70 harkens back to the older anti-insurgency legislation, RA 1700 or the Anti-Subversion Act, passed in 1957. It was intended to address the Hukbalahap insurgency, later expanded by Marcos to counter the Communist Party of the Philippines (PD 885 in 1975 and PD 1835 in 1981). President Aquino repealed Marcos’ Presidential Decrees and RA 1700 was repealed in 1992 under President Ramos. The Secretary of the Department of Interior and Local Government (DILG), a main actor in the implementation of the EO 70, had initially pushed for the revival of the anti-subversion law (Chavez, 2019). He now looks to the Anti-Terrorism Act as a catch-all legislation (DILG, 2020).

Military Operations

Oplan Bantay Laya (Operation ‘Freedom Watch’)

The AFP implemented Operational Plan (OPLAN) Bantay Laya (Freedom Watch) in 2002 with the primary objective of eliminating the NPA (Tolentino & Raymundo, 2006), particularly its legal fronts (Holden, 2009). The plan was designed such that the AFP would strike at all that it deems as legal or “above-ground” organizations used by the NPA to mask its armed

underground activities (Tolentino & Raymundo, 2006). Such a plan is easily traceable back to the United States (Tolentino and Raymundo 2006) since the AFP has been described as more oriented towards and influenced by the former than any other armed forces of a developing country (Thompson, 1995). In fact, almost all AFP senior officers received advanced military training in the United States in the post-war decades (McCoy, 1999). AFP's American influences substantially increased since the advent of the War on Terror (Holden, 2009), where over 180 million dollars for military assistance was allocated to the Philippines between 2000 and 2004 (United States Government Accountability Office, 2005). Amnesty International USA reported in 2002 that the majority of aid and assistance from the United States to the AFP was provided with little to no monitoring at all to ensure that the latter would respect human rights (Holden, 2009). When Amnesty International USA asked for information on human rights policies from the Pacific Command, the integrated command in the US military with responsibility for the Philippines, no response was given (Holden, 2009).

Oplan Bantay Laya has been described as the bloodiest and the most brutal counter-insurgency program. A fact-finding mission in 2008 by an international human rights non-government organization, Human Rights Now, concluded that the root cause of EJKs is a "counterinsurgency policy which does not differentiate between the NPA, armed rebels, and legal organizations and activists" (Human Rights Now, 2008).

A report by the Asia Foundation (Parreno, 2011) on the Philippine Extrajudicial Killings from 2001 to 2010 estimated a total of 305 EJK incidents with 390 victims. Most cases involved the killing of leftist activists allegedly associated with the communist group, the Communist Party of the Philippines/New People's Army/National Democratic Front (CPP/NPA/NDF) (Parreno, 2011). Similarly, UN Special Rapporteur on EJK, Philip Alston, asserted that the killing of human rights defenders, trade unionists, and other civil society leaders is caused by their affiliation with an organization identified to be part of the CPP/NPA/NDF rather than their particular activity (Tolentino & Raymundo, 2006). As a response to the alarming spate of killings at the time of the Macapagal-Arroyo government, the Melo Commission was formed. The Commission suspected that the perpetrator of such killings was the AFP, which identifies some leftist organizations as "enemies of the state." Top military officials believe certain leftist organizations are identified to be influenced or affiliated with the CPP/NPA/NDF or are in fact actively and covertly assisting the latter in its goals to supplant the current government with a communist state (Parreno, 2011).

Oplan Bayanihan

When Benigno S. Aquino III won as president in 2010, he made it clear that his administration will stand against EJKs and will likewise be emphatic in delivering justice to victims of abuses from the previous administration. Claiming to be a victim of EJK himself, Aquino declared that he "will not tolerate extrajudicial killings in his administration" (Parreno, 2011, p. 22). His new military strategy coined "Oplan Bayanihan" focused primarily on civil military operations and development activities. Then National Defense Secretary Voltaire Gazmin and then AFP Chief of Staff Gen. Ricardo David claimed that Oplan Bayanihan was "a product of a series of consultations and with various stakeholders, including non-government organizations, government agencies, and members of the academe" (Ruiz, 2010). With this new plan, the military rhetoric was its

change of focus from a predominantly militaristic solution to a “people-centered” support to win the war against the CPP/NPA/NDF (Holden, 2009).

In the case of the Department of National Defense, the term “human security” is not mentioned in their articulated policies, elements of human security are insinuated in its concept of national security. The Oplan Bayanihan documents employed both human security, “community security” as well as human rights, “particularly protecting people’s political and constitutional rights” (Atienza, 2015). Oplan Bayanihan focused on the more community-based peace and development activities with local government units and people in conflict areas, which echo aspects found in the human security framework.

However, the Aquino administration also tallied EJKs and was infamous for the rise in *lumad* killings. According to Karapatan, a national human rights group, a total of 102 IPs were killed during Aquino’s presidency (Ambay III, 2016). The Catholic Bishops’ Conference of the Philippines (CBCP) condemned the killings and called for an honest, thorough, impartial, and speedy investigation on the matter (Paterno, 2015).

One of the victims of such killings was Dionel Campos, a community leader and chair of the IP group Maluhutayong Pakigbisog Alansa sa Sumusunod (MAPASU). Campos was known for his fight for ancestral lands and campaigning against human rights violations targeting the ICCs/IPs. On why the Lumads were being killed, his daughter Michelle explained, *“The people in power do not want the Lumad to prosper, to become educated so that they will further their capacity to protect their ancestral land. They do not want this to happen, because if this happens, their mining conglomerates will never be allowed”* (Pagaduan-Araullo, 2015).

Aquino’s mining policy was also just a continuation of the prevailing mining regime. Despite his moratorium on new mining projects through the issuance of Executive Order No. 79 (EO 79),²³ existing mining areas covered by the Mineral Production Sharing Agreements (MPSAs) increased by about 6 percent at the tail end of his term (Mayuga, 2017). Some of these MPSAs were among those subsequently canceled by former DENR Secretary Regina Paz L. Lopez for being within or near watersheds. In terms of land area, mining grew by a total of 35,067.35 hectares, with most of the expansion happening in May and June of 2016 (Mayuga, 2017). Many of these lands encroached on ancestral domains.

Oplan Kapayapaan

President Duterte terminated Oplan Bayanihan early in his term, when he was still in support of the peace talks with the CPP/NPA/NDF, but eventually commenced his own “Oplan Kapayapaan” (Peace) in January 2017. With the recent turn of events regarding the President’s public disdain for activists and his denouncement of human rights, Oplan Kapayapaan

²³ Institutionalizing and Implementing Reforms in the Philippine Mining Sector Providing Policies and Guidelines to Ensure Environmental Protection and Responsible Mining in the Utilization of Mineral Resources, Executive Order No. 79, 2012.

is considered a mirror image of previous counter-insurgency programs (Lumibao, 2017). Opposition groups warn that Oplan Kapayapaan is bound to fail if it continues its trajectory of unmitigated killings, illegal arrests and detention, and rampant military abuses (GMA News Online [GMA], 2018). His bid to crush the NPA by the end of 2018 has resulted to a mad rush of recruiting 15,000 additional troops for the AFP, and the all-out offensive means laying siege to civilian communities, such as the IPs who remain to be the most vulnerable. There is mounting apprehension as the Administration continues its plan to convert thousands of hectares of land to commercial plantations and mining sites (GMA, 2018).

The government claims, however, to use non-traditional national security approaches. Presidential Adviser on the Peace Process Jesus Dureza affirms that Oplan Kapayapaan emboldened the non-traditional approach where peacebuilding, through development and people's participation, is still the most effective means (Politiko, 2017). These approaches, however, contrast with Duterte's reputation for using violence as a means of attaining peace and order. The prevalence of EJKs in Davao when he was still a Mayor were mentioned in Alston's Report, "it is commonplace that a death squad known as the 'Davao Death Squad' (DDS) operates in Davao City." As President, this brutal way of addressing drugs and crime has escalated on a national level under Oplan Double Barrel, most popularly known as "*Oplan Tokhang*." Duterte's policies on drugs and crime, in many ways, mirror his approach in dealing with the insurgency and resistance to his national development plan.

Duterte terminated peace negotiations with the NDF in November 2017. According to NDF peace panel senior adviser Luis Jalandoni, Duterte ordered his troops "to flatten the hills" and led the declaration of an all-out-war against the CPP/NPA (Clapano, 2018). This aggressive, trigger happy strategy has caused a spike in the number of internally displaced peoples. Specifically, there is an increasing number of IP evacuees as a result of military operations in rural areas, often in the guise of going against insurgents. In July 2017, about 400 families of largely Manobo IPs from the far-flung communities of Barangay Diatagon, Lianga, Surigao del Sur and adjacent areas left their homes because of the ongoing military operations that could lead to killings in their tribal communities (Interaksyon Online, 2017). Approximately 200 ALCADDEV students and 43 volunteer teachers of five Tribal Filipino Community Schools run by the Tribal Filipino Program of Surigao del Sur also evacuated due to similar reasons, according to the human rights group Karapatan-Caraga (Interaksyon Online, 2017). The evacuees continue to seek refuge from the trauma caused by the cycles of violence, killings, and conflict. The province of Surigao del Sur is regarded as a prime mining area and potential for agro-industrial projects. Several mining corporations have tendered their interest to mine the area (Mordeno, 2018).

Co-opting Human Security

Under the Duterte administration, allegations of political repression and impunity continue. Under the guise of securing peace and order, statistics show up to 20,000 deaths under the present regime's War on Drugs (Regencia, 2018). Human rights advocates argue that the current state of things is the worst time for human rights in Philippine history. Duterte's rhetoric against human rights has been a cause for concern as he openly declared to kill human

rights advocates and defenders if they continue to oppose his all-out drug war (Holmes, 2017). He has likewise declared an all-out war against insurgents, promising to end the insurgency within his term (Panares & Blancaflor, 2019).

The Duterte administration's approach to human security is one of war framing. As Haddad (2020) aptly states, "[w]ar framing suggests an urgency in which 'now' is never the time for critique—in wartime, we band together, we do not criticize." Implicit in the war discourse is the preservation of society's homogeneity and pathologisation of the "foes" of the state (Slomp, 2009, p. 7). The construction of this Manichean world is necessary in order to compel its citizens to obey (Slomp, 2009, p. 9) and bolster the legitimacy of an oppressive regime (Slomp, 2009, p. 65). The 'foes' in this context take the form of those who are defiant, disobedient, the dissenter, the ICCs/IPs defending their lands and rights from corporate encroachment, compared to the wealthy tycoon whose business interests are necessary for the preservation of the state. In this process, the faces that have come to represent the dissenters are altered to represent icons that threaten public safety and the state. In this context, the imposition of extraordinary measures is justified because, "the prince is duty bound toward the estates or the people only to the extent of fulfilling his promise in the interest of the people. He is not normatively bound under conditions of urgent necessity" (Schmitt, 2005, p. 8).

The war discourse thus obfuscates government accountability and undermines the complexity of systemic problems by skirting the discourses on economics, health, development, and inequality. Apart from justifying the use of extraordinary power at the expense of the rule of law, it also shifts accountability from the government to the people who resist "development" interventions by the government. This binary construction divides the people and dilutes the possibility for political accountability and opportunity for criticism either arising out of government ineptitude or the excesses of an oppressive regime. Far from elevating these real issues on of systemic priorities in the response agenda, the war framing structured the contextual framework for possible strategic intervention and privileged brutal power discourse to shape policy outcomes.

Another way of understanding the security framework of the administration is through the notion of a "state of exception" (Agamben, 2005). By constructing conditions as emergency, fueled by rhetoric of war (against drugs, insurgency, pandemic), the state seeks to engender a case for a state of exception. In a state of terror and emergency, the state is enabled to impose extra-judicial violence. Constitutionally protected rights and democratic processes give way to the expansion of the state's police power. When this is further couched in law, such violence is clothed with legitimacy. Through legislation, what are ambiguous and extra-judicial are given justification and become normative. The Anti-Terrorism Act 2020 for example, sets the stage for furthering the security agenda of the state. As defined by law, dissent, protests, and community resistance can be alleged as "inciting sedition" and "acts of terrorism." Under the guise of the law, dissent is eliminated. The law becomes a mechanism to consolidate and maintain power within a purported landscape of democracy.

Upon further scrutiny, there are scant details on how the Duterte administration plans to achieve any of the socio-economic promises to address the "root causes" of the nation's

internal conflicts. That there are an increasing number of military officers appointed to Cabinet positions, including top posts of the Department of Environment and Natural Resources (DENR), the Department of Social Welfare and Development (DSWD), and the National Food Authority (NFA), traditionally civilian in qualification, raises more concern (Ranada, 2018). In reality, what plays out through the Duterte administration's actuations and articulations runs contrary to securing the lives of citizens. Present conditions have given rise to extrajudicial killings and legal harassment fostering even greater insecurity.

Oppressive States have utilized legal means as ways of silencing voices of opposition against development aggression. This type of legal harassment is called Strategic Lawsuit Against Public Participation (SLAPP). SLAPP refers to "an action whether civil, criminal or administrative, brought against any person, institution or any government agency or local government unit or its officials and employees, with the intent to harass, vex, exert undue pressure or stifle any legal recourse that such person, institution or government agency has taken or may take in the enforcement of environmental laws, protection of the environment or assertion of environmental rights."²⁴

Following the killing of members of the T'boli Manobo tribe in Lake Sebu, South Cotabato, a total of 11 cases have been filed against members of the same tribe charging them with theft and malicious mischief in order to cripple their opposition. Those charged with crimes are now burdened with answering these charges. Their recourse under law greatly hampered by their lack of resources for legal support and knowledge.

The current Administration continues to advance the interest of large corporations to the peril of poor and marginalized ICCs/IPs. The decades-long struggle of the T'boli-Manobo S'daf Claimants Organisations (TAMASCO) in Lake Sebu, South Cotabato has their ancestral domain turned into a coffee plantation run by Silvicultural Industries Incorporated (SII). SII is a company linked to one of the country's largest business conglomerates belonging to the Consunji family. On 3 December 2017, the combined military operation of the 27th IB, PA and 33rd IB, PA led by Lt. Col. Leander and Lt. Col. Harold Cabunoc, respectively, had an alleged encounter with Datu Victor, chieftain of the T'boli Manobo, killing him and six members of his tribe (Watts, 2018). Until now, the community fears harassment coming from other fronts such as the SCAA and other paramilitary agents.

The declaration of Martial Law in Mindanao, the suspension of the privilege of the writ of habeas corpus, and collapse of peace talks with the CPP-NDF further exacerbate the vulnerabilities of human rights defenders. Documented as the first major atrocity of martial law in Mindanao is the aforementioned killing of members of the T'boli Manobo tribe. In spite of the safeguards provided by the Constitution, past experiences of rampant abuse by the military against IPs tagged as rebels and the growing anti-human rights sentiment from the current administration signal the need to protect and support vulnerable communities, especially in Mindanao.

²⁴ The Rules of Procedure for Environmental Cases, A.M. No. 09-6-8-SC, 29 Apr. 2010. Rule 1, Sec. 4 (g).

Prior to the present administration, threats against land and environmental defenders were already at alarming levels. Global Witness reports that between 2002 and 2013, 67 activists were killed and two have disappeared and presumed dead (Global Witness, 2014). Indigenous community leaders at the forefront of the opposition are often the victims. Activists oppose numerous resource projects that endanger communities and the environment. The report claims that conflicts over mining account for 42 murders of environmental and land defenders since 2002 (2014, p. 21). Global Witness clarified that the number of IPs killed may be even higher as a victim's indigenous identity is likely to be under-reported. Killing incidents, such as the murder of indigenous leader Jimmy Liguyon who was shot dead in front of his family on 5 March 2012, often go unresolved. He was reported killed for opposing the grant of mining rights for an area of 52,000 hectares of the Matigsalog tribe in San Fernando, Bukidnon. Another victim was Juvy Capion and her two young sons, who in 19 October 2012, at their home in the mining area of Tampakan, South Cotabato were shot dead by soldiers; A "fact finding mission by 30 NGOs found reports that the soldiers peppered her house with machine gun fire, before removing their dead bodies and leaving them outside" (2014: 20). Juvy was a member of the B'laan indigenous community, an anti-mining activist who had actively resisted against the Tampakan Gold Copper Project and the security forces protecting it. The murders of Juvy and her sons, and those of her kin remain unaccounted. An increasing number Lumad activists were killed for defending their lands from agribusiness and mining companies.²⁵ The alarming figures show that the ICCs/IPs are facing terrible circumstances but receive little or no help at all from the State, even suffer under the State. In 2017, murders of indigenous and environmental activists numbered to 48 killings—almost a 71% rise from 2016, thus considered the highest number ever recorded in Asia in a single year. By 2018, the Philippines ranked as the most dangerous place for environmental defenders with an increase in the number of deaths (Watts, 2019).

The Administration's aggressively anti-human-rights stance and a renewed military presence in resource-rich regions are fueling incidents of violence. Conflict over land rights in relation to mining projects and agribusiness are the greatest drivers for conflict in the country (Global Witness, 2016a, p. 10) conditioned and driven by State policies. In February 2018, Duterte announced before of hundreds of Lumad leaders that he would want ancestral domains to be open for investment, and further quipped that he would personally look for these corporate investors (Basa, 2018). Such declarations are indicative of a mindset that does not consider sustainable development programs beneficial to the ICCs/IPs. In fact, the government has shown to routinely abdicate its responsibility to secure the rights of the ICCs/IPs favouring large development projects (LRC-KsK/FOE-Phils, 2018).

When communities resist, their resistance is framed as war against the interest of the state and their acts become acts of terror. Enabled by such security legislations and orders from the Executive, the state is able to coercively curtail the rights of peoples with a cover of legitimacy while propounding a democratic project.

²⁵ In 2015, globally, "67 land and environmental defenders killed in 2015 were IPs, almost 40% of the overall total, and an increase of 20 victims from 2014" (Global Witness, 2016a, p. 10)

War Framing Approach to the Covid19 Response: A Case of Insecurity

Even the present government response to the Covid19 public health crisis confirms the deeply entrenched myopic state-centric security paradigm, instead of the human centered approach espoused under the National Security Policy 2017-2022. Specifically, through the war framing of the present crisis, the state remains as the locus of the present public health crisis instead of the individual human being, which has far reaching implications insofar as the indigenous communities are concerned.

By way of context, the Philippine government response to the Covid19 crisis²⁶ started with a late night presidential address on 12 March 2020 (Duterte, 2020). The president, then flanked by two uniformed high ranking military men, opened his speech by saying “I am now addressing the nation together with the civilian, military and police sectors --- the organizations that would count in our enforcement of the laws to protect the people of the Republic of the Philippines (Duterte, 2020).” He further ominously alerted that the “COVID-19 is spreading all throughout the country including the Philippines”... and that “there is no cure (Duterte, 2020).” To appease his audience gripped on television, he assured that “government is doing everything possible to make it at least controllable (Duterte, 2020).” Nonetheless he warned that the people must cooperate with the lockdown; if people don’t cooperate, that is when problems would start (Duterte, 2020). Although he repeatedly assured that there is no martial law, he apprised the public that “the Philippine National Police and the Armed Forces of the Philippines”, shall be called upon to “ensure effective and orderly implementation of the above measures (Duterte, 2020).”

Interestingly, the 12 March 2020 presidential address contained no reference to any economic or social amelioration program, or even substantial health management protocols; what the president made clear were the unavoidable war framing of the present crisis, the necessity of public sacrifice, and militarization of intervention to ensure state preservation. Unsurprisingly, less than two weeks into the lockdown, three ex-generals were hand-picked to head the National Action Plan to fight the pandemic thus cementing this state-centric approach (Gotinga, 2020). Notably, this war framing of the present crisis emanates from the state-centric concepts of security that champions the primacy of state preservation over the needs of its citizens. This approach benefits the government in several ways. It justifies the use of extraordinary power during an extraordinary time and it also shifts accountability from the government to the people who spread the virus because they refuse to obey strict laws (Haddad 2020).

Lamentably, the state-centric framing largely muted any discussion on the disproportionate impact of the present crisis on the needs, health, and wellness, of indigenous communities. Enduring concerns, which make indigenous communities particularly vulnerable to pathogens like Covid19 such as, insufficient access to basic government services, deficient

²⁶ The Philippines recorded its first case in 30 January 2020 but the robust government response only crystallized in middle of March after it confirmed a sustained local community transmission.

vaccination programs, inadequate exposure to similar pathogens, lack of access to information about emerging infectious diseases, absence of a robust communications infrastructure in remote areas (IWGIA, 2020) have been subdued with the idealized patriarchal image of an obedient soldier who sacrifices his life for love of country. Such state-centric concept of security, unfortunately, fails to address the root causes of the uncontrolled spread of the disease, such as a weak health care system, overcrowded housing (Global Report on Human Settlement, 2003), absence of effective social amelioration programs, and lack of mass testing.

Aside from not being able to offer meaningful solutions to the public health crisis, the state-centric conception of security has justified the proliferation of military and security forces in rural and ancestral domain areas to ensure strict obedience to government lockdowns (IWGIA, 2020). This overbearing and ominous presence can be used to escalate violence in indigenous peoples' territories and increase human rights violations given the military's history of hamleting and red-tagging of indigenous people's dissenters.

The limited movement on the part of human rights workers may also embolden perpetrators inasmuch as it decreases the perception of detection of human rights violation (IWGIA, 2020). As aptly stated by Wessendorf, "These actions have impacts on and threaten indigenous peoples' physical and cultural survival due to the militarization measures towards the borders in all indigenous territories. This pandemic then becomes a perfect strategy to occupy the territories of the peoples and thus restrict freedom of movement, even within their territories (IWGIA, 2020)."

The war discourse is hardly surprising given this administration's track record. In constructing the present public health crisis under the rubric of war, the President has effectively justified the imposition of extraordinary measures, as opposed to merely the implementation of the legal norms, because of the grave and imminent risk to the existence of the State (Schmitt, 2005, p. 6). This military dominance arising from the national government response plan shrewdly obscured the possibility of reorienting the locus of the response to a more human-centric approach.

The gradual lifting of the government lockdown to reinvigorate the economy did not alter the war framing approach to the public health crisis. If at all, it merely re-affirmed the rhetoric of the primacy of state-preservation over public health. Despite the lack of a mass-testing strategy, the government is prematurely easing the lockdowns to improve the financial health of the nation. As the Presidential Adviser for Entrepreneurship stated "[w]e are at war with a common enemy and need to use everything in our arsenal to fight it (Ortuoste, 2020)." The arsenal, in this context, largely pertains to the Filipino citizen; consistent with the war framing approach, they are expected to make all sorts of sacrifices, to expose themselves unwittingly to the pathogen at grave risk to their own lives and the lives in their communities, in order to revive a badly battered Philippine economy.

Tellingly, among the industries which were granted preferential accommodation under the eased quarantine restrictions are forestry industries, which are permitted to operate at full capacity, and mining companies which are allowed to operate at fifty percent (50%) capacity.

Following the neo-liberalist creed of development strongly espoused since the 1970s, these industries are among those impliedly portrayed as critical for the survival of the state.

The state-centric approach to the Covid19 pandemic has justified the militarization of strategic interventions and the systematic transgressions of the rule of law. To continue to deliberate under the state-centric prism amounts to the acceptance of the government's primacy in constructions of reality and the legitimisation of oppression.

Conclusion

The Philippine government has not actualized the concept and principles of human security in any major law, notwithstanding the controversial Human Security Act, which arguably, uses the concept in a very limited and virtually inaccurate ways. It is vital that the Philippine State reorients its understanding and appreciation of human security in order to implement the same, reflecting its true holistic sense that genuinely works towards human development, in contrast with a narrow militaristic approach.

Human security is not limited to militaristic approaches but covers many social and economic dimensions including poverty, economic inequality, discrimination, and access to basic services. Human security within the application of the HSA is a misnomer. The manner in which human security is utilized in the Philippines has proven to be ineffective in securing rights, has in fact put those in the margins in insecurity and distress. The government largely implements so-called human security measures but uses traditional, militaristic approaches, thereby, securing itself rather than the people. Similar to the global trend, aggressive security policies have proven to be counter-productive. Rather, a genuine implementation of human security policies bring about real human development and not just token promises for progress.

During the passing of the HSA in 2007, the Legal Rights and Natural Resources Center-Kasama sa Kalikasan/Friends of the Earth-Philippines (LRC-KsK/FOE-Phils.), has called attention to a vital issue against the law:

the dangerously vague, encompassing, and overarching notion of "terrorism" that draws no distinction between "acts of terror" and legitimate exercise of dissent and social protest. The fundamental principle of due process is seriously violated in this regard. Anyone can be accused of "terrorism" that is not precisely and legally defined. By criminalizing dissent and by drawing no distinction between legitimate acts of protests and political actions versus common crimes, the HSA is a draconian measure of insecurity and terror.

The same danger remains present today, if not heightened. The current direction in Congress is to further increase the powers of the security sector in their crackdown against crimes and acts of terrorism. Pangasinan Representative Amado Espino, Jr., former company commander of the Philippine Constabulary, is moving for the amendment of the phrase "thereby

sowing and creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand” and instead replace it with a predicate crime of “any other act” not even necessarily penalized under the Revised Penal Code (Roxas, 2018). Such a change would imply that “a simple workers’ strike, street parties, or flash mobs can be considered as terrorism” (Roxas, 2018). These now find flesh in the Anti-Terrorism Act.

The International Commission of Jurists (ICJ) advocating for Justice and Human Rights, strongly urged the Philippine Congress to reconsider these proposed amendments. In its submission to the House of Representatives’ joint Technical Working Group (TWG) of the Committees of Public Order and Safety and National Defense and Security, the ICJ stressed that certain proposed amendments to the HSA are clearly incompatible with international human rights and with laws and standards that prohibit unfettered surveillance power and arbitrary deprivation of the right to liberty and protect the rights to privacy, information, redress, and freedom of opinion and expression. (International Commission of Jurists, 2018).

For Indigenous Peoples, human security starts with addressing ancestral land and domain rights. Their inherent right to own, manage, and control their lands must be respected. However from the very start, the policy of the State has been inconsistent with indigenous customs and the traditional understanding of land ownership. The Philippines adopted colonial laws regarding land ownership, all of which echo the assertion that the State owns all public lands. As such, this has put the State in conflict with indigenous communities.

Moreover, the policy on economic development and national security has worsened this conflict, aggravating further an already-embittered relationship. Transnational corporations and foreign interests such as mining and agro-industrial companies have invaded ancestral lands and domains. Driven by liberalization and profit, the State has become complicit in the dispossession of Indigenous Peoples of their ancestral territories.

Resistance from indigenous communities have been met with militarization and rights violations. Instead of prioritizing IPs rights, they are tagged as rebels or insurgents. Particularly in Mindanao, where notwithstanding the lifting of Martial Law, its mechanisms remain felt, the labels “terrorist” or “insurgents” have become the catch-all pretext to legitimize the criminalization and attack on lumads and other indigenous peoples defending their land and rights. The consequence of being pushed to the wall by the same government implementing aggressive development backed by national security operations in the guise of human security is that members of IP communities feel they have no choice but to resist however way they can. Though the State is duty-bound to secure peace and protect its citizens, the implementation of national security measures should be within the framework of respecting rights and prioritizing the welfare of the people. Genuine implementation of the rights of indigenous peoples, ensuring the free, prior, and informed consent (FPIC) of IPs on all activities within their ancestral domain and land, and the adoption of a national development framework that puts IP rights over sheer destructive profit ensures their security over their lands and persons.

Despite attempts to reflect human security in state policies, the Philippines has largely relied on traditional militaristic approaches. The human security framework of the government adopts war framing as a response, and thus remains counter-insurgency-centered and repressive. Aggressive military operations have led to thousands of EJKs and other serious human rights violations. Moreover, the source of conflict as regards indigenous peoples has not been addressed, thus, further aggravated by the weak implementation of the IPRA and the prioritization of mining interests and other extractive activities. With the “anti-terrorism” rhetoric being advanced to broaden the state’s police power, it bears asking who is terrorizing whom. Though remedies are provided to address rights violations, Indigenous Peoples are confronted with difficult barriers to access the same.

Notably, this same state-centric conception of security has been adopted by the Philippine government in its Covid19 crisis response strategy through its war framing of a public health issue. Unfortunately, it does not solve the real problems which cause the spread of the disease. Far from curbing the spread of the disease, the state-centric approach only legitimizes an oppressive regime under the pretext of extreme emergency.

It is thus vital for the Philippine government to reorient its understanding and appreciation of human security, reflecting its true holistic sense that genuinely works towards human development, in contrast with a narrow militaristic approach. It is equally vital for the people to safeguard and assert Constitutionally protected and morally vested rights. Cooperation among the state, corporations, and civil society will help ensure that the growth and development of the Philippines occurs alongside the protection of the rights of individuals, particularly marginalized sectors such as indigenous peoples. The State must embrace a people-centered human security development framework in crafting and implementing its various policies, and assure that the resources of the State are channeled towards securing people welfare and development over profit.

References

- Agamben, G. (2005). *State of Exception*. (Trans.) Kevin Attell. The University of Chicago Press.
- Ambay III, M. (2016, December 23). Stalked by death: Indigenous Lumad killings continue in the Philippines. *Mindanews*. Retrieved from <http://www.mindanews.com/mindaviews/2016/12/commentary-stalked-by-death-indigenous-lumad-killings-continue-in-the-philippines/>
- Arcalas, J. E. & Mayuga J. L. (2018, September 21). GMA, who opened up mining in 2004, backs tax on sector. *Business Mirror*. Retrieved from <https://businessmirror.com.ph/2018/09/21/gma-who-opened-up-mining-in-2004-backs-tax-on-sector/>
- Atienza, M. E. L. (2015) Human security in practice: The Philippine experience(s) from the perspective of different stakeholders. *Human Security in Practice: East Asian Experiences* series, Working Paper No. 98. Japan International Cooperation Agency – Research Institute (JICA-RI).
- Ayroso, D. (2016, August 4). Indigenous peoples law violated our collective rights. *Bulatlat*. Retrieved from <http://bulatlat.com/main/2016/08/04/indigenous-peoples-law-violated-our-collective-rights/>
- Basa, M. (2018, February 1). Duterte to find investors for ancestral domains. *Rappler*. Retrieved from <https://www.rappler.com/nation/195043-duterte-find-investors-ancestral-domains>
- Bravante, M. A. & Holden, W. N. (2009). Going through the motions: The environmental impact assessment of nonferrous metals mining projects in the Philippines. *The Pacific Review*, 22(4), 523-547.
- Bridge, G. (2004). Mapping the bonanza: Geographies of mining investment in an era of neoliberal reform. *Professional Geographer*, 56(3), 406-420.
- Bialostozky, N. (2008). The misuse of terrorism prosecution in Chile: The need for discrete consideration of minority and indigenous group treatment in rule of law analysis. *Northwestern Journal of International Human Rights*, 6(1). Retrieved from <http://scholarlycommons.law.northwestern.edu/njihr/vol6/iss1/3>
- Caballero-Anthony, M. (2004). Revisioning human security in Southeast Asia. *Asian Perspective: The Changing Face of Chinese Politics and International Relations*, 28 (3). <http://www.jstor.org/stable/42704471>
- Cabico, G. K. (2018, February 7). Duterte's plan on use of Lumad's ancestral lands a 'total sell-out' — group. *The Philippine Star*. Retrieved from <https://www.philstar.com/headlines/2018/02/07/1785480/dutertes-plan-use-lumads-ancestral-lands-total-sell-out-group>
- Cabico, G. K. (2018, August 22). UN experts welcome decision on special rapporteur. *The Philippine Star*. Retrieved from <https://www.philstar.com/headlines/2018/08/22/1844874/un-experts-welcome-decision-special-rapporteur>

- Cabilo, Z. M. D., & Baviera, M. Y. (2010). Defining and debating human security: A review of literature. Maria Ela L. Atienza et al. (Eds.), *Developing a Human Security Index: An Exploratory Study in Selected Conflict Areas* (pp. 23-87). Quezon City: Third World Studies Center.
- Calonzo, A (12 May 2020) Philippines to gradually ease lockdown to revive economy. *South Jakarta Post*. Retrieved from <https://www.thejakartapost.com/seasia/2020/05/12/philippines-to-gradually-ease-lockdown-to-revive-economy.html>
- Capuyan, N. (2009). Resisting development aggression: Mining and militarization in Mindanao, Philippines. Yocogan-diano, V., Kashiwazaki, T., Llanza, M. and Advani, H. (Eds), *Mining and Women in Asia: Experiences of Women Protecting their Communities and Human Rights against Corporate Mining* (pp. 112–115). Chiang Mai: Asia Pacific Forum on Women, Law and Development.
- Carreon, E. B. (2009). Indigenous women and mining. Yocogan-diano, V., Kashiwazaki, T., Llanza, M. and Advani, H. (Eds), *Mining and Women in Asia: Experiences of Women Protecting their Communities and Human Rights against Corporate Mining* (pp. 104–109). Chiang Mai: Asia Pacific Forum on Women, Law and Development.
- Chavez, C. (2019). Ano Call for the revival of the anti-subversion law. *Manila Bulletin*. Retrieved from <https://news.mb.com.ph/2019/08/13/ano-calls-for-the-revival-of-the-anti-subversion-law/>
- Clapano, J. R. (2018, September 22). Duterte sabotaged peace talks. *Philippine Star Global*. Retrieved from <https://www.philstar.com/headlines/2018/09/22/1853614/duterte-sabotaged-peace-talks#IffXE1wDEIf1qvYw.99>.
- Clavite, H. A. (NA). Whole of Nation. *Philippine Information Agency*. Retrieved from <https://pia.gov.ph/features/articles/1018946>.
- Colcol, E. (2018, July 23). Arroyo installed as new House Speaker. *GMA News*. Retrieved from <http://www.gmanetwork.com/news/news/nation/661523/arroyo-installed-as-new-house-speaker/story/>
- Commission on Human Security. (2003). *Human security now*. Commission on Human Security.
- Conde, C. H. (2018, March 8). Philippines terrorist petition virtual hit list. *Human Rights Watch*. Retrieved from <https://www.hrw.org/news/2018/03/08/philippines-terrorist-petition-virtual-hit-list>
- Congress of the Philippines. (1902). *The Philippine Bill of July 1, 1902 - Act of Congress of July First, Nineteen Hundred And Two, "The Philippine Bill." An Act Temporarily to Provide for the Administration of the Affairs Of Civil Government in the Philippine Islands, and for Other Purposes*. Retrieved from <http://www.chanrobles.com/philippinebillof1902.htm>
- Constantino, R. (1975). *The Philippines: A Past Revisited*. Quezon City: Tala Publications.
- Corpuz, O. D. (2001). An economic history of the Philippines. *Indigenous Peoples, Ethnic Minorities and Poverty Reduction*. Metro Manila: Asian Development Bank.
- Cuffe, S. (2018). Anti-terrorism laws increasingly used to target indigenous activists. *Truthout*. Retrieved from <https://truthout.org/articles/anti-terrorism-laws-increasingly-used-to-target-indigenous-activists/>

- Cruz v. Secretary of Environment and Resources. (2000). G.R. No. 135385. Retrieved from https://lawphil.net/judjuris/juri2000/dec2000/gr_135385_2000.html
- Department of the Interior and Local Government. (2020). *DILG says Anti-Terrorism Bill is not anti-human rights; only terrorists should be afraid of it*. Retrieved from <https://dilg.gov.ph/news/-DILG-says-Anti-Terrorism-Bill-is-not-anti-human-rights-only-terrorists-should-be-afraid-of-it/NC-2020-1186?fbclid=IwAR329zbUNZ1p50U1XHpWqL86nLRZKhShwINrnuuPmjBzSG7yHsxiDds89I>
- Duterte, R. (2020). Public Address of President Rodrigo Roa Duterte on the Coronavirus Disease 2019 (COVID-19). Heroes Hall, Malacañan Palace. 12 March. Retrieved from <https://pcoo.gov.ph/presidential-speech/public-address-of-president-rodrigo-roa-duterte-on-the-coronavirus-disease-2019-covid-19/>
- Esmaguell II, P. (2015, September 11). CBCP dares Aquino admin: Probe Lumad killings. *Rappler*. Retrieved from <https://www.rappler.com/nation/105536-cbcp-lumad-killings-aquino-admin>
- Gatmaytan, A. B. (2007) Forthcoming: Philippine Indigenous Peoples and the Quest for Autonomy: Negotiated or Compromised?. In A. B. Gatmaytan (Ed) *Negotiating Autonomy: Case Studies on Philippine Indigenous Peoples' Land Rights*. Quezon City and Copenhagen: IWGIA and LRC-KsK/FOE-Phils.
- Global Witness. (2014, April 15). Deadly Environment. *Global Witness* (p. 20). Retrieved from <https://www.globalwitness.org/en/campaigns/environmental-activists/deadly-environment/>
- Global Witness. (2016a, June 20). At What Cost?. *Global Witness* (p. 10). Retrieved from <https://www.globalwitness.org/en/campaigns/environmental-activists/at-what-cost/>
- Global Witness. (2016b, June 20). On Dangerous Ground. *Global Witness* (p. 12). Retrieved from <https://www.globalwitness.org/en/campaigns/environmental-activists/dangerous-ground/>
- Global Witness (2017). *At What Cost*. *Global Witness*. Retrieved from <https://www.globalwitness.org/en/campaigns/environmental-activists/at-what-cost/>
- GMA News Online. (2018, June 30). Duterte's Oplan Kapayapaan vs. NPA is doomed to fail —CPP. *GMA News Online*. Retrieved from <http://www.gmanetwork.com/news/news/nation/658750/duterte-s-oplan-kapayapaan-vs-npa-is-doomed-to-fail-cpp/story/>
- Gorospe, P. (2018, March 28). Human security as the Philippines' national security strategy. *The Asia Dialogue*. Retrieved from <http://theasiadialogue.com/2018/03/28/a-grand-strategy-for-the-philippines-human-security-as-the-national-security-strategy/>
- Gotinga, J (28 March 2020). In this order: Lorenzana, Año, Galvez to lead task force vs coronavirus. *Rappler*. Retrieved from <https://www.rappler.com/newsbreak/iq/256136-lorenzana-ano-galvez-lead-task-force-coronavirus>
- Guiang, A. J. B. (2017). Jurisdiction of the National Commission on Indigenous Peoples Under the IPRA and Related Jurisprudence, 62 Ateneo L.J. 639, 666-667.

- Haddad, A (13 May 2020). Metaphorical militarisation: Covid-19 and the language of war. *The Strategist*. Retrieved from <https://www.aspistrategist.org.au/metaphorical-militarisation-covid-19-and-the-language-of-war/>
- Holden, W. N. (2005). Indigenous peoples and non-ferrous metals mining in the Philippines. *Pacific Review*, 18(3), 417-438.
- Holden, W. N. (2009). Ashes from the phoenix: State terrorism and the party-list groups in the Philippines. *Contemporary Politics*, 15(4), 377-393. DOI:10.1080/13569770903416422
- Holden, W. N. & Jacobsen, D. (2007). Mining amid armed conflict: Nonferrous metals mining in the Philippines, *Canadian Geographer/Le Géographe Canadien*, 51(4), 475-500.
- Holden, W., Nadeau, K., & Jacobson, D. (2011). Exemplifying accumulation by dispossession: mining and indigenous peoples in the Philippines. *Geografiska Annaler: Series B, Human Geography*, 93(2), 141–161.
- Holmes, O. (2017, August 17). Human rights group slams Philippines President Duterte's threat to kill them. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2017/aug/17/human-rights-watch-philippines-president-duterte-threat>
- Human Rights Watch. (2004). *Undue process: Terrorism trials, military courts and the Mapuche. Southern Chile*. Retrieved from <https://www.hrw.org/report/2004/10/27/undue-process/terrorism-trials-military-courts-and-mapuche-southern-chile>
- Human Rights Council. (2018). *Report of the Special Rapporteur on the Rights of Indigenous peoples: Attacks against and criminalization of indigenous peoples defending their rights*. Retrieved from <http://unsr.vtaulicorpuz.org/site/index.php/en/documents/annual-reports/251-report-hrc2018>
- Human Rights Now. (2008). *Report on Extrajudicial Killings and Enforced Disappearances in the Philippines: Fact Finding Mission of Human Rights Now to Philippines*. Retrieved from http://hrn.or.jp/eng/news/2008/04/07/report_report_on_extrajudicial_killingsand_enforced_disappearances_in_the_philippines/
- Ilagan, L. (2009). Legislative actions on the mining issue in the Philippines. Yocogan-diano, V., Kashiwazaki, T., Llanza, M. and Advani, H. (Eds), *Mining and Women in Asia: Experiences of Women Protecting their Communities and Human Rights against Corporate Mining* (pp. 115–123). Chiang Mai: Asia Pacific Forum on Women, Law and Development.
- Ingelson, A., Holden, A., & Bravante, M. (2009). Philippine environmental impact assessment, mining and genuine development. *Law, Environment and Development Journal*, 5(1).
- Institute of Bangsamoro Studies & Centre for Humanitarian Dialogue. (2011). *Armed violence in Mindanao: Militia and private armies*. Geneva: Centre for Humanitarian Dialogue.
- Interaksyon Online. (2017, July 14). 2,500 Manobos displaced again in Diatagon by military operation. *Interaksyon Online*. Retrieved from <http://www.interaksyon.com/breaking-news/2017/07/14/84699/look-2500-manobos-displaced-again-in-diatagon-by-military-operation/>
- International Civil Liberties Monitoring Group. (2016). 15 Years of problematic national security and anti-terrorism policies and their consequences. *Report Submitted to the*

- Standing Committee On Public Safety and National Security*. Retrieved from <https://www.ourcommons.ca/Content/Committee/421/SECU/Brief/BR8601764/br-external/InternationalCivilLibertiesMonitoringGroup-e.pdf>
- International Commission of Jurists. (2018). *Philippines: Proposed amendments to the Human Security Act of 2007: A license for human rights violations*. Retrieved from <https://www.icj.org/philippines-proposed-amendments-to-the-human-security-act-of-2007-a-license-for-human-rights-violations/>
- IWGIA (2020) *Indigenous Peoples at increased risk due to coronavirus*. Retrieved from <https://www.iwgia.org/en/news/3547-iphrd-health-covid-19.html>, [Accessed 13 May 2020]
- Labog, P. (2017). *Sharpening Swords Assessment of Human Rights Writs: Habeas Corpus, Amparo, and Habeas Data*. Paper submitted to the Supreme Court Technical Working Group on Human Rights.
- Legal Rights and Natural Resources Center - Kasama sa Kalikasan / Friends of the Earth Philippines (LRC-KsK/FOE-Phils). (2018, August 9). *Sustainable development, not big business, will lift Indigenous peoples out of poverty*. Retrieved from <https://www.lrcksk.org/single-post/2018/08/09/Sustainable-development-not-big-business-will-lift-indigenous-peoples-out-of-poverty>
- Legal Rights and Natural Resources Center – Kasama sa Kalikasan / Friends of the Earth Philippines (LRC-KsK/FOE-Phils). *Alternative Minerals Mining Bill (AMMB) Primer*.
- Leonen, Marvic Victor F. (2007). Seeking the norm: Reflections on land rights policy and Indigenous peoples' rights. In A. B. Gatmaytan (Ed.), *Negotiating Autonomy Case Studies on Philippines Indigenous Land Rights* (pp. 37-66). Quezon City and Copenhagen: IWGIA and LRCKSK/FOE-Phils.
- Lingao, A. (2017, November 17). Duterte threatens to bomb Lumad schools. *CNN Philippines*. Retrieved from <http://cnnphilippines.com/news/2017/07/25/Duterte-threatens-to-bomb-Lumad-schools.html>
- Lumibao, R. (2017, December 12). Yearender 2017: Reminiscent of Arroyo's | Duterte's counterinsurgency program. *Bulatlat*. Retrieved from <http://bulatlat.com/main/2017/12/12/reminiscent-arroyo-dutertes-counterinsurgency-program/>
- Lusterio-Rico R.R. (2009). *Promoting peace, development and human security: The Mining Act of 1995 and the Indigenous peoples' rights act*. Quezon City: United Nations Development Programme and Philippine Social Science Council.
- Mayuga, J. L. (2017, May 3). Aquino allowed mining areas to expand by 6% despite moratorium. *Business Mirror*. Retrieved from <https://businessmirror.com.ph/2017/05/03/aquino-allowed-mining-areas-to-expand-by-6-despite-moratorium/>
- Mindanews (2007, November 7). *Chief Justice says writ of amparo may be filed any time, any day*. Retrieved from <https://www.mindanews.com/human-rights/2007/11/chief-justice-says-writ-of-amparo-may-be-filed-any-time-any-day/>
- McCoy, A. W. (1999). *Closer than Brothers: Manhood at the Philippine Military Academy*. Manila: Philippines.

- Molintas, J. M. (2004). The Philippine Indigenous peoples' struggle for land and life: Challenging legal texts. *Arizona Journal of International and Comparative Law*, 21(1), 269-306.
- Mora, L. (2009). The case of Soccsksargen region, Mindanao. Yocogan-diano, V., Kashiwazaki, T., Llanza, M. and Advani, H. (Eds), *Mining and Women in Asia: Experiences of Women Protecting their Communities and Human Rights against Corporate Mining* (pp. 110–111). Chiang Mai: Asia Pacific Forum on Women, Law and Development.
- Morada, N. M. (2003). *Philippine–American security relations after 11 September: Exploring the mutuality of interests in the fight against international terrorism* (pp. 228-238).
- Morada, N. M. (2004). *The Philippines: Security context and challenges*. Third Europe-Southeast Asia Forum, Berlin, 6.
- Mordeno, H.M.C. (2018). Group says mining interests behind military presence in Lumad lands. *MindaNews*. Retrieved from <https://www.mindanews.com/top-stories/2018/07/group-says-mining-interests-behind-military-presence-in-lumad-lands/>
- Muhi, A. R. T. & Lucas, R. F. S. (2007). *The Human Security Act of 2007: A clear and present danger on human security*. Quezon City: The Legal Rights and Natural Resources Center – Kasama sa Kalikasan / Friends of the Earth – Philippines. Retrieved from https://docs.wixstatic.com/ugd/dc2292_3f62c492542a46608362b681b530d316.pdf
- Muhi, A. R. T. & Pasimio, J. P. A. (2009, October 22). *The continuing struggle for the right to self-determination: Going beyond IPRA*. Retrieved from <https://customarylandrightssea.wordpress.com/2009/10/22/going-beyond-the-indigenous-peoples-rights-act-ipra-in-the-philippines-ana-rhia-muhi-legal-rights-and-natural-resources-center-friends-of-the-earth-philippines>
- Navera, G. S. (2011). War on terror is a curative: Recontextualization and political myth-making in Gloria Macapagal-Arroyo's 2002-2004 state of the nation addresses. *Critical Inquiry in Language Studies*, 8(4), 313-343.
- Oberleitner, G. (2005). Human security: A challenge to international law?. *Global Governance*, 11(2). Retrieved from <http://www.jstor.org/stable/27800564>
- Office of the High Commissioner for Human Rights. (2018). *Legally binding instrument to regulate, in International Human Rights law, the activities of transnational corporations and other business enterprises*. Retrieved from <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/DraftLBI.pdf>
- Ortuoste, J, (20 May 2020), Concepcion apologizes to medical groups for remarks, stands firm on private sector rapid testing initiative. *Manila Bulletin*. Retrieved from <https://news.mb.com.ph/2020/05/20/concepcion-apologizes-to-medical-groups-for-remarks-stands-firm-on-private-sector-rapid-testing-initiative/>
- Pagaduan-Araullo, C. (2015 September 21). Lumad killings and counterinsurgency. *PipLinks*. Retrieved from <http://www.piplinks.org/lumad-killings-and-counterinsurgency.html>
- Palmater, P. (2015). Canada: Anti-terrorist bill C-51 to criminalize thoughts of Indigenous peoples. *Global Research*. Retrived from <https://www.globalresearch.ca/canada-anti-terrorist-bill-c-51-to-criminalize-thoughts-of-indigenous-peoples/5439608>

- Panares, J.P. & Blancafor, M.J. (2019). Duterte renews all-out war vs. reds. *Manilastandard.net*. Retrieved from <https://www.manilastandard.net/index.php/news/top-stories/304657/duterte-renews-call-for-all-out-war-vs-reds.html>
- Parreno, A. A. (2011). *Report on the Philippine extrajudicial killings, 2001-August 2010*. USAID.
- Politiko. (2017, February 8). Dureza: Oplan Kapayapaan a blueprint for achieving peace. *Politiko*. <http://politics.com.ph/dureza-oplan-kapayapaan-blueprint-achieving-peace/>
- Ponsford, M. (2017, October 19). Callamard: Neo-liberalism a factor in EJKs. *ABS-CBN News*. Retrieved from <https://news.abs-cbn.com/focus/10/19/17/callamard-neo-liberalism-a-factor-in-ejks?fbclid=IwAR1DidEOIWtA7sXWVZzwOxA79Yu6g8SgMtceehnhMn0dXxM62C8M70EHjis>
- Roxas, P. A. V. (2018, June 25). Proposed amendments to Human Security Act tantamount to Martial Law — solon. *Inquirer.Net*. Retrieved from <https://newsinfo.inquirer.net/1003845/proposed-amendments-to-human-security-act-tantamount-to-martial-law-solon#ixzz5S0qiWOxs>
- Ranada, P. (2018 October 4). Duterte says army chief Rolando Bautista will be DSWD secretary. *Rappler*. Retrieved from <https://www.rappler.com/nation/213540-duterte-army-chief-rolando-bautista-dswd-secretary>.
- Ranada, P. (2018 December 19). Duterte says he'll 'hamlet' Lumad to keep them from NPA. *Rappler*. Retrieved from <https://www.rappler.com/nation/219211-duterte-says-he-will-hamlet-indigenous-peoples-keep-from-npa>.
- Regencia, T. (2018 February 22). Senator: Rodrigo Duterte's drug war has killed 20,000. *Al Jazeera*. Retrieved from <https://www.aljazeera.com/news/2018/02/senator-rodrigo-duterte-drug-war-killed-20000-180221134139202.html>.
- Reuters. (2008 February 8). *Manila's Arroyo sets up army unit to guard mines*. Retrieved from <https://www.reuters.com/article/idUSMAN119101>.
- Reuters. (2011 October 10). Philippine Army says mining firms need militias. *ABS-CBN News*. Retrieved from <https://news.abs-cbn.com/nation/regions/10/10/11/philippine-army-says-mining-firms-need-militias>.
- Royo, A. G. (1998). Regalian Doctrine: Whither the vested rights?. *Philippine Natural Resources Journal*, 1(2).
- Rovillos, R. D., Ramo, S. B. & Corpuz, C. (2003). Philippine case study when the 'Isles of Gold' turn into 'Isles of Dissent': A case study on the Philippine Mining Act of 1995. A. L. Colchester, T. R. Rovillos & E. Caruso (Eds), *Extracting Promises: Indigenous Peoples, Extractive Industries, and the World Bank*. Baguio City: Tebtebba Foundation.
- Ruiz, J. (2010, December 21). AFP junks 'Bantay Laya' vs rebels, adopts 'Bayanihan'. *ABS-CBN*. Retrieved from <https://news.abs-cbn.com/nation/12/21/10/afp-junks-bantay-laya-vs-rebels-adopts-bayanihan>
- Samaniego, E. L. (2000). *The Indigenous Peoples' Rights Act: A critical policy analysis*. Retrieved from https://www.academia.edu/20023191/The_Indigenous_Peoples_Rights_Act_of_1997_A_Critical_Policy_Analysis

- Stavenhagen, R. (2003). *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people*. New York: United Nations Commission on Human Rights.
- Schmitt, C. and Schwab, G. (2005) *Political Theology - Four Chapters on the Concept of Sovereignty*. Chicago IL. University of Chicago Press.
- Slomp, G. (2009) *Carl Schmitt and the Politics of Hostility, Violence and Terror*. Palgrave and Macmillan.
- Talisayon, S. (n.d.). *The framework of national security*.
- Tauli-Corpuz, V. (2007). Missing targets: An alternative MDG midterm report. *Social Watch Philippines 2007 Report*. Quezon City: Social Watch Philippines.
- Tauli-Corpuz, V. (2016). Human rights, indigenous jurisdiction and access to justice. International Seminar on Investigative Techniques and Indigenous Issues. Retrieved from <http://unsr.vtaulicorpuz.org/site/index.php/statements/116-indigenous-jurisdiction>
- Thompson, M. R. (1995). *The Anti-Marcos struggle: Personalistic rule and democratic transition in the Philippines*. Yale University Press.
- Tolentino, R. B. & Raymundo, S. S (Eds). (2006). *Kontra-gahum : Academics against political killings*. Quezon City: IBON Books.
- Tujan, A. A. J. & Guzman, R. B. (2002). *Globalizing Philippine mining*. Quezon City: IBON Foundation Databank and Research Center.
- UNDP. (1994). *Human Development Report 1994*. Oxford.
- UN-Habitat. (2003). *The Challenge of Slums: The Global Report on Human Settlements 2003*. Retrieved from <https://www.un.org/ruleoflaw/files/Challenge%20of%20Slums.pdf>
- United Nations Development Programme. (2005). *Philippine Human Development Report (2nd edition)*. Retrieved from http://hdr.undp.org/sites/default/files/philippines_2005_en.pdf
- United States Geological Survey. (1998). *Minerals Yearbook 1996, Vol. III*. Washington: US Department of Interior.
- United States Geological Survey. (1999). *Minerals Yearbook 1997, Vol. III*. Washington: US Department of Interior.
- United States Government Accountability Office. (2005). *Southeast Asia: Better human rights reviews and strategic planning needed for U.S. assistance to foreign security forces*. Washington, DC: United States Government Accountability Office.
- Wailan, A. (2007, May 31). Personal interview.
- Watts, J. (2018, July 21). 'I tended to the bodies': attacked by the Philippine army. *The Guardian*. Retrieved from <https://www.theguardian.com/environment/2018/jul/21/philippines-lives-land-lost-coffee-empire-militarised-politics>.
- Watts, J. (2019, July 30). Philippines is deadliest country for defenders of environment. *The Guardian*. Retrieved from <https://www.theguardian.com/environment/2019/jul/30/philippines-deadliest-country-defenders-environment-global-witness>.