**Militarization under the Mantle of Anti-terrorist Mania: The Case of Indigenous Peoples in the Philippines**

*Submission to the United Nations Expert Mechanism on the Rights of Indigenous Peoples by Jacqueline K. Cariño, Cordillera Peoples Alliance Vice-Chairperson for External Affairs*

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**Background**

The Philippines has long been a hotspot of militarization in indigenous peoples territories. Militarization started during the 1970s, under the Martial Law administration of then President Ferdinand Marcos. Military troops were deployed in the rural areas to quell the opposition of indigenous communities particularly in the Cordillera region against unwanted infrastructure projects that would displace them from their ancestral domains. Since then until today, there has not been a time when indigenous communities have been free of military presence in their midst.

The main reason given by authorities for military presence in specific areas is the government’s counter-insurgency program that aims to eliminate the communist-led armed conflict, which has been going on in the country for more than 50 years. Indigenous communities have been marked by the military as support bases of the armed revolutionary movement to justify their presence in these areas. Militarization in indigenous communities hides behind the mantle of anti-terrorism hysteria, which is initiated by the state to sow fear and justify its practice.

There has been a series of Military Operation Plans of various names and strategies under successive political regimes (e.g. Oplans *Bayanihan*, *Bantay Laya*, *Lambat Bitag*, among others). The latest is the Whole-of Nation strategy led by the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), which started in December 2018 and is continuing until the present. So far, the NTF-ELCAC has been the most aggressive, comprehensive and encompassing in its approach, involving not only the military, but also the civilian bureaucracy from the national level down to the barangay level, including the police and the judicial system. Also assisting the NTF-ELCAC is an army of netizens spreading disinformation and red-tagging groups and individuals through anonymous statements or fake identities in military-backed social media sites.

**Forms of Militarization**

We have seen militarization happening through the years in multiple forms, with our own eyes, from our direct experience, as well as from reports of indigenous communities. These forms of militarization include:

1. Direct military troop deployment in indigenous communities through the setting up of detachments, encampment and occupation of public spaces, such as schools, classrooms, day care centers, health centers and traditional gathering spaces.
2. Armed military operations that conduct searches of houses, rounding up of community people, indiscriminate strafing along trails and forests, using civilians as guides in pursuit operations against rebels, and confiscation or appropriation of crops and property for military use.
3. Recruitment and deployment of civilian informants and military intelligence agents for surveillance and intelligence gathering in indigenous communities.
4. Appointment of active or retired military officials to high-level positions in the civilian bureaucracy. For instance, the Chairperson of the National Commission on Indigenous Peoples (NCIP) is a retired military general, who is at the same time the Executive Director of the NTF-ELCAC. Other government agencies are also headed by former military officers. The budgets of these government agencies are used to conduct red-tagging and dis-information sessions against civil society organizations.
5. Filing by the military of trumped-up criminal charges against activists and development workers, such as murder, illegal possession of firearms, arson, robbery and libel. The latest case is the conviction of Sarah Dekdeken, Secretary General of Cordillera Peoples Alliance, of cyber-libel charges filed against her by the Regional Police Director.
6. Extra-judicial killings, abduction, enforced disappearance of known indigenous activists and human rights defenders by assumed state agents. The most recent case is the illegal abduction of my husband Steve Tauli, an organizer of a CPA-affiliated peasant organization, Timpuyog dagiti Mannalon ti Kalinga.
7. Conduct of illegal surveillance, searches, arrest and detention of activists by military agents.
8. Fake surrender campaign to force suspected supporters of armed groups to clear their names and sign statements withdrawing their support or membership from targeted organizations.
9. Militarization of welfare services by using soldiers to do civic action such as distribution of relief goods, setting up waterworks systems, construction of toilets, repair of roads, clearing of pathways, medical missions, etc. accompanied by anti-terrorist propaganda sessions given by the military.
10. Widespread and sustained campaign to red-tag and label legal people’s organizations and NGOs as terrorists or communist front organizations through the conduct of disinformation sessions by the military in schools, communities, government offices, media outfits.
11. Resolutions passed by local government units declaring legal people’s organizations as persona non grata in their own communities.
12. Closing down of schools set up by indigenous communities, organizations and church organizations on suspicion that these are training grounds for recruitment of communist elements.
13. Posting of posters, tarpaulins, placards and social media posts with pictures naming certain individuals and organizations as terrorists or communists and maligning their reputation.
14. Formation of armed paramilitary groups supported by the military to protect investments of private companies such as mining and monocrop plantations.
15. Pitting indigenous peoples against each other in a propaganda war, presenting them during press conferences and disinformation sessions to counter reports by indigenous leaders of human rights violations
16. Operation *Tokhang* or *Dumanon Makitungtung*, which are targeted visits by the police or military to the houses of known activists and journalists, and inviting them to appear before the military or police for the purpose of convincing them to stop their activities that are seen as anti-government.

**Impacts on Indigenous Peoples Rights**

These various forms of militarization have long-lasting impacts on the rights of indigenous peoples:

1. Militarization has disrupted peaceful and harmonious community life with the disturbing presence of military soldiers in their midst. It fosters fear among the people and causes separation from families due to illegal arrest and detention, leading to the loss of life, liberty, security and peaceful family life.
2. The presence of military soldiers during the conduct of FPIC processes gives way to coercion, threat, intimidation, forgery and bribery. This has forced or deceived communities into signing memorandum of agreements that allow certain projects or investors to proceed despite opposition. This is a clear manipulation of free, prior and informed consent of indigenous communities, and a violation of the right to self-determination. This is seen in the cases of the Gened Dam affecting the Isnag people in Apayao province and the Kaliwa-Kanan Dam affecting the Dumagat and Remontado in the provinces of Quezon and Rizal.
3. Militarization facilitates exploitation of land and water resources by allowing the entry of extractive industries and destructive projects, which cause displacement from lands and traditional sources of livelihood, thereby depriving communities of the right to land and natural resources.

Some case studies on anomalous FPIC:

* Isnag residents in Apayao are strongly opposed to the Pan Pacific Dams, which threaten to submerge the communities of Bulu, Magabta, Poblacion Kabugao, and parts of Lt. Balag and Waga. The construction will force residents to relocate their ancestors' graves, and displace fishermen and farmers. Residents said that Pan Pacific manipulated the FPIC procedure. The Isnag indigenous people rejected the proposal in February 2019 during a consensus-building meeting in Poblacion, Kabugao, and signed a Resolution of Non-consent. Then, on March 19, 2019, the corporation hand-picked a number of elders, lured them to a hotel in Tuguegarao City, and conducted another negotiation that resulted in a dubious "Yes for negotiating only" decision. A new round of negotiations followed in Poblacion, Kabugao, on January 15, 2021, with around 300 elders and leaders in attendance. Isnag people reversed the "Yes for negotiation only" vote and restated their opposition to the Gened Dam 1 by signing "A Resolution Strongly Expressing Our Opposition and Banning of Pan Pacific Renewable Power Philippine Corporation's (PPRPPC) Proposed 150 MW Generated 1 HEPP and Withdrawing Our Yes to Negotiation Only Consent from Continuing the FPIC Process at Any Stage." Pan Pacific questioned the resolution and resumed negotiations. Surprisingly, on April 20, 2021, a Memorandum of Agreement (MOA) was signed without the knowledge of Isnag authorized representatives. The MOA contains numerous dubious statements, as well as bogus signatures including those of deceased community representatives.[[1]](#footnote-1)
* The Upper Tabuk Hydropower Project was first proposed in 2016 for construction along the Chico River in Barangay Dupag, Kalinga province by the DPJ Construction Company. The project proponent created the Minanga tribe in the project site to make it appear that the project was community- initiated. However, the project was rejected in the first FPIC process. The company re-applied for another FPIC process, which was supposed to involve the 5 affected tribes of Naneng, Malbong, Dallac, Taloctoc and Minanga. However, when 2 of the tribes (Taloctoc and Malbong) again rejected the project, the NCIP in collusion with the DPJ maneuvered to exclude the 2 tribes from the FPIC process because of their opposition. The FPIC process was marked by extravagant spending and butchering of animals and offering of community projects and scholarships by the company, with the involvement of local politicians, to influence the community. A council of elders was formed without consensus and without the knowledge of the whole community, in violation of the traditional way of selecting their leaders. Some local elders were influenced to sign the Memorandum of Agreement without going through proper dissemination and consultation and despite opposition by members of the affected tribes. This has caused internal conflict, disagreement and division within the community and among the tribes.[[2]](#footnote-2)
* The New Clark City (NCC), a 9,450-hectare smart city in the hills of Capas town in Tarlac province developed by the Bases Conversion and Development Authority (BCDA) commenced construction of the first phase in 2018 without the FPIC of affected Ayta indigenous communities. The Ayta communities were kept away from consultations on the project’s extent even as bulldozers proceeded to level their crops. The multibillion-dollar project, one of President Rodrigo Duterte's Build Build Build program's showpiece infrastructure projects, is designed to attract foreign investors to establish enterprises in the NCC. However, the project threatens to displace at least 65,000 people from 12 villages, including 18,000 indigenous Ayta people. The sports complex that hosted the 2019 Southeast Asian Games built in Phase 1-A of NCC evicted 300 families. On December 2, 2019, at least 500 Ayta households in Aranguren village in Capas, Tarlac were issued a seven-day notice to leave their lands to construct an access road from NCC to Clark International Airport.[[3]](#footnote-3)
* The Kaliwa Dam project, funded through an onerous loan agreement with China, is now pushing through affecting thousands of Remontado-Dumagats in the provinces of Quezon and Rizal. Despite the project’s rejection by 5 out of 6 community clusters, the Department of Environment and Natural Resources (DENR) issued an Environmental Compliance Certificate to the contractors. At least 5 other dam projects in other parts of the country are bound to affect more than 100,000 indigenous peoples from at least 106 villages. [[4]](#footnote-4) These include the Abulug River and Gened dams in Apayao, Jalaur and Pan-ay dams in Panay Island and the Pulangi Dam in Bukidnon.
1. Closing down of indigenous community-initiated schools because they are perceived as training grounds for rebels, as in the case of the Lumad schools in Mindanao. Military checkpoints that embargo and confiscate the limited food supplies of families on suspicion that these are going to feed the rebels; preventing NGOs from implementing their community development programs on the pre-text that these will go to support the revolutionary movement. All these deprive indigenous communities of access to much-needed education, health and welfare services and projects.
2. Identified activist parents, children and their families or those observed to be attending rallies or protests are denied social welfare subsidies under the Pantawid Pamilyang Pilipino Program (4Ps) conditional cash transfer program, as proven in the case of beneficiaries of 4Ps and Modified Conditional Cash Transfer (MCCT) in Cordillera. Even the COVID-19 pandemic was used to impose community lockdowns and militaristic restrictions on people’s movements outside or across communities.
3. Women were subjected to sexual harassment by soldiers encamped in communities, including cases of rape and abuse of female minors. During the 1980s, there were cases of courtship by soldiers of local indigenous women leading to marriage, but which eventually led to their abandonment by their husbands when the soldiers were redeployed elsewhere. These are all violations of the right of Indigenous women and Indigenous children to be free from all forms of violence and discrimination.
4. Traditional farmers and hunters are unable to work and tend to their rice fields, gardens, farms, or hunt and forage in forests aside from other economic activities, due to the imposition of curfew hours, checkpoints and arrest of innocent hunters as suspected rebels.
5. Formation of paramilitary groups and intelligence network within indigenous communities causes internal division and social conflict by pitting indigenous peoples against each other.

All these impacts represent a violation of the right to land and natural resources and a

denial of social, economic and cultural rights of Indigenous Peoples, including the right to health and education.

**Effective mechanisms and remedies**

• ***Role of national courts on violations of Indigenous Peoples rights caused by militarization***

National courts are supposed to protect indigenous peoples rights from violations caused by militarization. However, instead, laws such as the Anti-Terrorism Law of 2020 are being weaponized to go after human rights defenders. Certain judges are also using their powers to facilitate militarization. For instance, some judges have issued search and arrest warrants based on false charges filed against individuals not even within their areas of jurisdiction. These warrants have been used by the military to crackdown on militant organizations, plant evidence and arrest red-tagged indigenous leaders. The attacks against Windel Bolinget, Chairperson of Cordillera Peoples Alliance, and Betty Belen, a local woman leader of Innabuyog-Gabriela, are clear cases of red-tagging, which subsequently led to the filing of trumped-up charges, imprisonment and eventual release after dismissal of their cases.

*•* ***Positive examples of conflict prevention processes to avoid increased militarization on indigenous lands****.*

There are some legal remedies available to victims or persons at risk or under threat. These include the Writ of Amparo and the Writ of Habeas Data, which offer some protection to individuals who continue to experience harassment and threats to their life. However, filing petitions to obtain such protection orders is a tedious process that requires sustained legal assistance and persistent motions by a lawyer in the court. It has proven difficult for indigenous persons to obtain protection through these legal remedies. There is one positive case in the Mountain Province wherein a Writ of Amparo was partially approved by a local court for the protection of 2 indigenous leaders being threatened by the military. Another petition for Writ of Amparo filed by 24 leaders of the Cordillera Peoples Alliance who were victims of militarization, however, was denied.

People’s organizations who are being red-tagged have also engaged in dialogues with local government units to try to gain their support and protection. There are a few positive cases wherein local government officials came out with resolutions upholding the legitimacy of known residents of their place, such as in the Petition for proscription case filed by the Department of Justice against 600 civilians suspected as members of the CPP-NPA. Another positive example is when the Baguio City mayor held a dialogue with youth activists whose names and pictures were posted in prominent public spaces and tagged as terrorists. The mayor assured them that they are safe in the city and ordered the police to avoid red-tagging.

*•* ***Extent to which conflict resolution strategies could reduce militarization on indigenous lands****.*

However, such moves are not always effective in reducing militarization, especially when local government officials are unsympathetic to human rights defenders. Talking to military officials could sometimes result in agreements being reached. However, these verbal promises are not always followed, perhaps due to the absolute adherence to the line of command within the military establishment. These moves can help draw public attention to the problem, but do not really prevent the intensification of militarization.

*•* ***How Indigenous Peoples’ own laws and customs, as well as national and international law, can be used to facilitate mediation as well as peaceful resolution of conflicts****.*

Indigenous communities have been innovative in drawing upon their indigenous values and practices to resolve conflicts arising from militarization. In the 1970s, the Kalinga people innovated on their traditionally bilateral peace pact or *bodong* system by forging multi-lateral peace pacts among dam-affected communities in order to build a broader unity against militarization and the dam.

Indigenous practices of protecting community members, providing sanctuary and mobilizing the community to confront the military have also been done. Having respected traditional elders speak out on behalf of their communities has also proven to be more credible and carry more weight when facing military and local government authorities. In Mountain Province, indigenous women were instrumental in mediating conflicts between the military and the community.

Invoking existing national laws, such as the Indigenous Peoples Rights Act (IPRA) has also been done to assert free prior and informed consent (FPIC) before militarization or development programs are implemented in communities. The IPRA contains provisions requiring that FPIC be obtained through a process of community consultations and consent. However, companies are still able to manipulate the FPIC process through the facilitation of the NCIP, despite protests and non-consent by community members.

International conventions and mechanisms have also been effectively used by indigenous organizations to call for the protection of indigenous peoples rights. For instance, in 2009, a broad coalition of indigenous and advocate organizations submitted a shadow report to the UN Committee on the Elimination of Racial Discrimination (CERD) detailing how racial discrimination was happening through the violation of indigenous peoples rights. Complaints, urgent alerts, shadow reports and interventions have also been submitted to other UN human rights mechanisms such as the Universal Periodic Review (UPR), OHCHR investigation on the Philippines, Special Rapporteurs, EMRIP and UNPFII so that international pressure could be exerted on Philippine authorities to respect indigenous peoples rights.

*•* ***Types of problem-solving approaches that facilitate constructive dialogue between States and Indigenous Peoples.***

Still, indigenous peoples are vulnerable and at a clear disadvantage when faced with militarization. They need to be empowered to assert their rights and should be assisted when confronting powerful state authorities and corporations. This can be done, for instance, by holding case conferences with lawyers when filing legal cases in court, to ensure thorough discussion, analysis of the problem and strategizing by indigenous leaders with their legal counsels.

The conduct of human rights orientation and information sessions, para-legal skills and documentation trainings for indigenous leaders are also needed to educate them on their legal rights. Facilitation of dialogues between indigenous peoples and state authorities by international bodies or UN agencies has also proven helpful, as it is sometimes difficult for indigenous peoples to seek audience with the state. Meanwhile, the many victims of red-tagging and other human rights violations are still very much in need of sanctuary and psycho-social counseling as well as strengthening their security measures to be able to protect themselves and cope with the trauma resulting from these multiple forms of militarization**.**

**Conclusion:**

This seminar has been meaningful to me on several levels.

First, on a personal level, all the presentations have been very informative and have enriched my knowledge on the particular issues and challenges faced by indigenous peoples in relation to militarization around the world. The topics identified by the EMRIP for this seminar and for the study on militarization have been able to surface various facets and aspects of militarization in diverse contexts and situations that need to be explored to fully understand the whole phenomenon of militarization. I’m sure all the information shared here will contribute much to the EMRIP coming out with a comprehensive, well-grounded and evidence-based report that will be well appreciated by indigenous peoples, academics and advocates alike.

Second, from the perspective of someone involved in the indigenous peoples’ movement locally, nationally and internationally, I think this study on militarization is something that is long overdue. We have been raising the issue of militarization ever since we started the movement for the recognition of indigenous peoples’ rights, since this is happening every day in our communities, especially in Asia. But from the sharing here, clearly, militarization is a global phenomenon in indigenous communities around the world. So I congratulate the Expert Mechanism for deciding to do this study despite expected opposition, I am sure, from states. We could surely use the results of this study to educate our peoples on this broader view of militarization. It could be useful as well for us in raising the issue of militarization with the government, and citing the EMRIP’s recommendations that will come out from the study for consideration by the state.

Third, on the recommendations, I believe that the recommendations contained in the EMRIP Study on treaties, could actually apply as well to the issue of militarization. The recommendations, for instance, on recognizing that indigenous peoples are entitled to self-determination, incorporating an implementation framework of the UNDRIP into domestic law, building partnerships with indigenous peoples, ensuring that indigenous peoples have the resources and capacity to effectively negotiate, etc. These are all very relevant recommendations and if implemented, could be a basis for demilitarization of indigenous territories. But for this study, I think most important is to recommend that the rights of indigenous peoples to land, territories and resources be recognized as the key ingredient for demilitarization. This is, after all, what is at the center of the problem. That outside powers – states and corporations - want to take over the land and resources of the people, and so use militarization under various justifications, to impose their will. It is to the credit of indigenous peoples that they have been able to withstand such pressures since colonization until today’s forces of capitalism. It is a wonder how they continue to defend their land, territories, resources and indigenous knowledge, and to exercise their right to self-determination in spite of the daily threats they face to their lives. \*\*\*

1. Philippine Task Force for Indigenous Peoples' Rights (TFIP). "Stop Pan Pacific Dams in Apayao". May 28, 2021. <https://www.facebook.com/philtfip/posts/2143836152581590> . For more information, see: Lapniten Karlston, 2022. “FPIC Process Railroaded? Collusion, corruption allegations hound dam projects in last nature frontier of the Cordillera”. <https://pcij.org/article/9239/collusion-corruption-allegations-hound-dam-projects-in-last-nature-frontier-of-the-cordillera?fbclid=IwAR2faKRPRCeGLeItALF63CHGwYHXLmHakbrmIJO2lrdv-Qx6PxORW6WCzA0> [↑](#footnote-ref-1)
2. Interview with Timpuyog ti Mannalon ti Kalinga, November 2021 [↑](#footnote-ref-2)
3. Beltran, Bernice. “Philippines’ ‘Smart City’ Threatens Tribal Displacement”. June 8, 2020. The Diplomat. <https://thediplomat.com/2020/01/philippines-smart-city-threatens-tribal-displacement/> [↑](#footnote-ref-3)
4. Katribu, et.al. 2019 [↑](#footnote-ref-4)