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“Examining links between land title and optimisation of use of the traditional lands of the Aytas of Pastolan, Philippines: Rights not felt, not seen”

A thesis presented
in partial fulfilment of the requirements for the
Degree of Master of Philosophy in Development Studies
at Massey University, Palmerston North, New Zealand

Melanie Pimentel

2012
Abstract

The fundamental development of indigenous peoples lies in the recognition of their rights to their traditional territories. This thesis seeks to examine the experiences of indigenous communities after the formal recognition of their land rights by their respective States. It explores whether this recognition has enabled indigenous communities to achieve optimum use of their lands, whether the land is used for traditional and/or other purposes.

The land rights of indigenous peoples are inextricably connected to their political, economic, and cultural rights. Thus, a framework embodying the political, economic, and cultural factors that influence the use of indigenous territories was used for data collection and analysis. Specifically, a case study was conducted on the Aytas of Pastolan, Philippines, involving six weeks of qualitative field research.

The results reveal a contradiction in the outcomes of the supposed ideals and intents of the formal title for the Aytas of Pastolan. While it guaranteed them the right to live within their territories, the title has not allowed the realisation of other rights emanating from their title, including the rights to fully access their lands and resources. Essentially, the positive gains of the title are lessened by the inadequate implementation of their land rights by the government, resulting to a continued denial of the exercise of the rights of the Aytas.

In conclusion, this study suggests looking beyond the indigenous land title, espousing varying ways to address the void which may emerge after the grant of the formal title, by dealing with each indigenous community distinctively in the enforcement of their rights under the title. It also calls for an assessment of the existing governing institutions of the community, that is, indigenous leadership and traditional decision-making regarding community affairs, as the community faces new challenges brought by the land title. Hence, these challenges demand institutional support, and this study joins other studies that argue a follow-up policy must be instituted, to make meaningful the land rights of indigenous communities.
Acknowledgments

I wish to thank NZAID, for giving me this scholarship; to my superiors at the OSG (then OSG Chief Agnes DV and ASG Ellaine) for allowing me to pursue further studies, and the people at CHED for facilitating this scholarship. Heartfelt thanks to my mind-grinders for sharing their expertise and interest in the topic, and for always challenging my limited (and often legal!) mind: Professor Regina Scheyvens and Senior Lecturer Janet Reid. Special thanks to Janet who crossed over the Development Studies department to help me unravel the complexities of this thesis. Double thanks to Regina for her wisdom and encouragement through my two-year of studies; same gratitude extends to the rest of the Development Studies Faculty and Staff. Special thanks to the people at the International Support Office, who all live up to what their office stands for; Julia from the Student Learning Services; and the Library staff for their adept assistance.

Thank you for the great camaraderie in the Department: Gloria, Joy, One, and Roni, and to my other friends here at NZ, your friendship and support has lightened the load of this tough journey—you all have given me a sense of balance, allowing me to enjoy life here, amidst the difficulties of living away from home. To all my friends in the Philippines and elsewhere, thank you for your prayers and for cheering me from a distance, special mention goes to those who have helped me out in this thesis and coping with student life, Ms. Che and Melogen, your advice and guidance are part of my survival kits. To my co-Filipino scholars and other Filipinos here at NZ, maraming salamat for extending your support, Co, for being like my family here, Ola for being there, and to the Fergusons, for making me feel like I am home. To my colleagues at the OSG, thank you for taking over my work-load while I am here. Special thanks to Alan Moscoso for preparing the maps.

To all those who participated in this study, most especially, the Ayta-Arawok (means friend in Ayta language), ang pagbabaghagi ng inyong buhay at mga hangad ay nag-iwan ng marka sa aking puso, diang halamat kayung laat! To Ka PS, thank you for being a source of inspiration and wisdom over the years. Sister Vic, your selflessness is a reminder that our life is not ours but His; thank you for your loving support over the years and for encouraging me to pursue my
sacred contract. To all the other indigenous communities in the Philippines, your struggles have given me both courage and hope.

Most importantly, thank you, Pa & Ma, you have been a source of strength and love throughout my life. My siblings, Chel, Ian & Mia, your belief in me has given me courage to pursue my dreams; and to our little angels, Gaby, Shawie, Lian, & Gelo, your smiles have made me endure the pangs of loneliness from being away from home.
Dedication

Buong pusong iniaalay kay Hesus.

Para sa lahat ng Katutubong Pilipino na inilaan at patuloy na ibinahagi ang
buhay para sa Lupaing Ninuno,
at mula sa Ayta ng Pastolan - kay Apo Leonardo Abraham
na hindi na nasilayan makamit
ang hangad ng komunidad para sa kanilang Lupaing Ninuno.

“Ut In Omnibus Glorificetur Dei”
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### Acronyms and Abbreviations

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<tr>
<td>AD</td>
<td>Ancestral Domains</td>
</tr>
<tr>
<td>ADSDPP</td>
<td>Ancestral Domain Sustainable Development and Protection Plan</td>
</tr>
<tr>
<td>CADC</td>
<td>Certificate of Ancestral Domains Claim</td>
</tr>
<tr>
<td>CADT</td>
<td>Certificate of Ancestral Domains Title</td>
</tr>
<tr>
<td>CALT</td>
<td>Certificate of Ancestral Land Title</td>
</tr>
<tr>
<td>DAR</td>
<td>Department of Agrarian Reform</td>
</tr>
<tr>
<td>DENR</td>
<td>Department of Environment and Natural Resources</td>
</tr>
<tr>
<td>FPIC</td>
<td>Free and Prior Informed Consent</td>
</tr>
<tr>
<td>IFAD</td>
<td>International Fund for Agricultural Development</td>
</tr>
<tr>
<td>IP/ICC</td>
<td>Indigenous Peoples/Indigenous Cultural Communities</td>
</tr>
<tr>
<td>IPDP</td>
<td>Indigenous Peoples Development Plan</td>
</tr>
<tr>
<td>IPRA/RA No. 8371</td>
<td>Indigenous Peoples Rights Act or Republic Act Number 8371</td>
</tr>
<tr>
<td>LGU</td>
<td>Local Government Unit</td>
</tr>
<tr>
<td>JMA</td>
<td>Joint Management Agreement</td>
</tr>
<tr>
<td>NCIP</td>
<td>National Commission on Indigenous Peoples</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-government organisation</td>
</tr>
<tr>
<td>SBMA</td>
<td>Subic Bay Metropolitan Authority</td>
</tr>
<tr>
<td>SKAP</td>
<td>Samahan ng Katutubong Aytas ng Pastolan (community organisation of the Aytas)</td>
</tr>
<tr>
<td>Subic II</td>
<td>World Bank Subic Freeport Project</td>
</tr>
<tr>
<td>UNWGIP</td>
<td>United Nations Working Group on Indigenous Populations</td>
</tr>
<tr>
<td>WAMSIP</td>
<td>Welfare and Management Services for Indigenous Peoples</td>
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