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Questions

- 1. Do Kalingas and Isnegs intermarry as part of an ongoing peace pact between the 2 tribes? Do such peace pacts exist? Why and how are these peace pacts established? Can you locate information on peace pacts?**
- 2. Is there any information regarding any peace pacts negotiated between Kalinga and Isneg resulting in marriage between them?**
- 3. What are the marriage customs of tribes of the Northern Philippines?**
- 4. Is there any evidence that betrothal is used as a symbol of peace pact between tribes?**
- 5. Would a woman bring dishonour to her husband and his family by seeking a separation?**
- 6. Whilst earlier research response provided information on state protection for women, is there any information that family matters are resolved through tribal customs? What is the status of the Council of Elders in relation to common law? Is there evidence that one is preferred above the other?**

RESPONSE

Introduction

The Kalinga people are often referred to as ‘Igorots’ or ‘Cordilleras’, terms which are used to collectively describe tribes of the Cordillera region of Northern Luzon, which also include Bontoc, Ibaloy, Ifugao, Apayao/Isneg, and Tinggians. The “Cordillera Administrative Region (CAR)...includes the provinces of Abra, Benguet, Mountain, Ifugao, Kalinga, and Apayao” (Minorities at Risk Project 2003, ‘Assessment for Igorots in the Philippines’, UNHCR Refworld website, 31 December <http://www.unhcr.org/refworld/topic,463af2212,469f2ec42,469f3ac2c,0.html> – Accessed 24 August 2009 – Attachment 1).

An article from the International Work Group for Indigenous Affairs website similarly explains that “[t]he Cordillera peoples, also collectively known as Igorot, refer to the assemblage of indigenous groups living in the highlands, foothills and river valleys of the Cordillera mountain ranges of Northern Luzon”:

Tingguian, Isneg and Northern Kalinga are found in the watershed areas of the Abulag, Tineg, and Chico rivers... Along the slopes of Mount Data and nearby areas are the Bontoc, Sagada, Ifugao, and Southern Kalinga... The Ibaloi and Kankanaey inhabit the southern region of the Cordillera (‘Indigenous Peoples in the Philippines’ (undated), International Work Group for Indigenous Affairs website, sources: Cordillera Peoples Alliance, Minority Rights Group, Asia Development Bank <http://www.iwgia.org/sw16704.asp> – Accessed 20 August 2009 – Attachment 2).

1. Do Kalingas and Isnegs intermarry as part of an ongoing peace pact between the 2 tribes? Do such peace pacts exist? Why and how are these peace pacts established? Can you locate information on peace pacts?

A number of sources describe the Kalinga peace pact system, known as “bodong”, and its use in Kalinga society.

One article explains that the “bodong”, or peace pact, is a system which binds together different tribes in the Kalinga province, and “is usually established when an individual member of a tribe or barrio has a business relationship with another person from the other tribe”. It is stated that “[t]he bodong is similar to the international treaties, in that it has provisions, constitutions, and by-laws, that includes, territory, people and government”:

In the province of Kalinga one of the provinces in the Cordillera Autonomous Region of Northern Luzon, Philippines, the tribes are bound or beholden to each other by a system called the “bodong” (peace pact).

The bodong is similar to the international treaties, in that it has provisions, constitutions, and by-laws, that includes, territory, people and government which are covered by the terms and conditions of the “bodong”.

The provisions also include the following: care, assistance, protection, as well as imposing penalty on cases of violation of these provisions. The “bodong” protects people and visitors from both tribes, especially in emergencies.

The system has an oral constitution and by laws which is called “pagta” (oral statement of the terms and conditions, manner, limitations, ways and means in business, in emergencies in the relationship of all persons within the territories of both agreeing tribes). The penal code is orally given for specific violations. When a problem arises, the leaders of both tribes would convene and would recall the “pagta’s” oral provisions relative to the case at bar; and then and there, solve the existing problem.

The bodong is usually established when an individual member of a tribe or barrio has a business relationship with another person from the other tribe. This is a specific example: Mr. Suma-il of Barrio Taloctoc, Tanudan living on the eastern slope of Mt Patokan bought a carabao from Mr. Dumawig of Tanglag, Lubuagan. Dumawig then will barter goods also – a coconut for a cup of beans, etc. – this is called “abbuyog” (sharing).

From there the relationship intensifies; Suma-il now sends a a [sic] spear or javelin to Dumawig. Dumawig in turn sends a bolo (big knife). This is called “allasio” (the beginning of the peace pact). The People involved may or may not retain the original partners but in most cases, the people retains the original partners out of respect.

During the celebration of the “allasio”, the parties may discuss the arrangement for the “inum” the preliminary celebration of the bodong.

When the “inum” is celebrated the discussion on the permanent pact holders may be brought out for deliberation. This maybe the original people involved or their nearest next of kin.

The final selection will be based on the required qualifications of the peace pact holder.

1. He/she must belong to a big clan, having many relatives, many brothers, sisters, cousins
2. He must be intelligent, a good leader, of good financial standing and must have the respect of the community.

The reason why the size of the clan is important is that violators of any provision will fear vengeance or punishment inflicted by the clan in retaliation for an injury or offense as orally embodied in the “pagta”.

Wealth is likewise important because visitors from the other tribe usually stays at the peace pact holder’s house whenever they travel and would be expecting the generous hospitality of the peace pact holder.

One special feature of the “bodong” is that in order for the holder to be able to protect the members of the other tribe, the holder must be informed whenever one or two people enter the other one’s territory. If the peace pact holder is not informed, any assistance to the visitor may be denied and he will have problems leaving the barrio.

Whether the visitor stays at the peace pact holder’s house or not, the holder must still be informed as a form of courtesy. It is considered a major offense not to.

Today, “bodongs” have written constitutions and by – laws suited to the present needs, likes and dislikes of the people involved in it.

Present day “bodongs” do not have the so called “top-al”, where in very valuable things costing 5-10 carabaos are given as a symbol of agreement. Any visitor committing an offense would pay the same designated value.

The “bodong” in the past were binding in spite of the fact that the constitution and by-laws were done orally.

There was a time in the past when the two barrios of Tinglayan were engaged in a tribal war. The Philippine government sent a battalion of soldiers to stop the fighting but nothing came out of it; the tribal war raged on. It was only after the late Congressman Antonio Ganoa of Lubuagan (being a well, respected native himself) intervened between the warring tribes. that the killing stopped.

The fighting stopped when the congressman stepped in because of the “pagta” which stipulated that both tribes should maintain cordial relationships to enhance prosperity, peace and order between them.

There was a time that politicians tried to abolish the practice and this has resulted to the rise in crimes in the province.

For the “bodong” to be successful, the “bodong” holders and the members of both tribes must cooperate to uphold the ideals that it has -for many years- stood for (Ballug, M. S. 2008, ‘The “Bodong” (Peace Pact)’, The Clamor of Kalinga website, 29 March <http://theclamorofkalinga.blogspot.com/2008/03/bodong-peace-pact.html> – Accessed 17 August 2009 – Attachment 3).

An article on peace and justice among the Kalinga people similarly states that the term “bodong” means “bound together”, and that the bodong system “binds the two peace pact holders together over the collective security of their constituents” and “enables previously warring folks to live together in peace”:

The Kalinga Bodong or peace pact is a socio-cultural and economic institution conceived and painstakingly developed through the centuries out of a need for collective security which is the basis for binding viable communities. It sprung from an ardent desire to live in peace and social security so that advances towards economic prosperity and social stability might be achieved.

From this perspective it becomes clear that the Bodong’s original aims were threefold: to enhance economic stability, promote social security and to promote the development and preservation of a cultural heritage that bespeaks of a distinctive ethnic identity.

“Justice in Bodong is more even-handed than in government laws, because most of the provisions of the latter were made favoring the ‘baknangs’ or the wealthy). In peace pacts, no innocent soul is unjustly punished ... even at the cost of bloodshed.”

These are blue streak words from a Bodong holder who has stood, all his life, within the brace of a conviction as tenacious as time itself. At 66, Mauricio Pitag, a brave of Lubuagan, Kalinga is considered as one of the most revered peace pact holders of his tribe. Like most Bodong holders, he views peacemaking in more puritanical terms, castigating offenders of the law of man and God and ready to lay down his life to attain peace and justice, not only for himself, but for others and the generations to come, as well. Like all Bodong holders, his people chose him because of his respectability, wealth and the fact that he belonged to a large clan. Thus, Lakay Pitag was given the colossal responsibility of protecting his people by resolving all forms of disputes among tribes. He keeps the peace among his people--with his life.

Bodong means “bound together”--it is also called podon in some Kalinga territories. Basically, it was conceived to preserve peace and security among tribes. In the long run, it has greatly contributed to the preservation of a rare cultural heritage and a distinct ethnicity of the Kalingas. And although the tribe may be known for its notoriety and violence--the peace pact has established them as lovers of peace through time (Bayedbed, L. T. 2003, ‘Justice & peace: the Kalinga way’, BNET website, source: Igorota, Oct-Dec http://findarticles.com/p/articles/mi_hb4701/is_4_17/ai_n29056172/ – Accessed 17 August 2009 – Attachment 4).

A 2006 report on indigenous governance practices in the Philippines describes the peace pact system as “a political institution that enables the resolution of inter-village or interregion conflict” which “is still in current use among the Bontoks and Kalingas”. The report explains that the peace pact governs the behaviour of villagers while visiting the territory of co-pact tribes, and that pact holders are “responsible for policing the boundaries so no one is killed within their territory” (Buendia, R. G., Brillantes, A. B., Mendoza, L. C., Guiam, R. and

Sambeli, L. 2006, 'Mapping and Analysis of Indigenous Governance Practices in the Philippines and Proposal for Establishing an Indicative Framework for Indigenous People's Governance: Towards a Broader and Inclusive Process of Governance in the Philippines', Technical Report, Bangkok: United Nations Development Programme, School of Oriental and African Studies, University of London website, pp. 11, 32
https://eprints.soas.ac.uk/4465/1/Mapping_and_Analysis_of_Indigenous_Governance-Philippines_Participatory_Governance_Case_Study.pdf – Accessed 17 August 2009 – Attachment 5).

Similarly, a PhD thesis written in 1977 describes the Kalinga peace pact system “as a means of guaranteeing one's personal safety during interregional travel” (McArthur, H. J. 1977, 'Adolescent Peer Groups and Socialization in the Rural Philippines : A Socio-Ecological Perspective', ScholarSpace at University of Hawaii at Manoa website, p. 127
http://scholarspace.manoa.hawaii.edu/bitstream/10125/9310/1/uhm_phd_7810255_r.pdf - Accessed 25 August 2009 – Attachment 6).

An article on Kalinga heritage cites a local from the village of Sagada in Luzon who makes the following observations about Kalinga peace pacts:

“These budongs between enemy tribes are agreed to in various degrees of strength. The first budong agreement is to allow each to enter the other's territory undisturbed. The second budong is to allow undisturbed entry and also to offer food and protection to the visitor of another tribe, and the third is to offer food and protection to everybody. So now if a villager enters the territory of another village with which his village has a first budong, he will visit one home and, for example, ask for a drink of water. The host will respond with that and move. He makes the others aware that a visitor is on their ground and [sic] that he must be provided safety” (Singleton, B. C. 1990, 'Kalingas Preserve their Heritage in the Philippines', *Focus*, American Geographical Society, Fall, Vol. 40, Issue 3, pp. 24-26 –
<http://web.ebscohost.com.ezproxy.lib.rmit.edu.au/ehost/detail?vid=2&hid=5&sid=9c2bb7a7-aff6-4daa-96d7-4b1eb7fa3a6a%40sessionmgr10&bdata=JmxvZ2lucGFnZT1Mb2dpbi5hc3Ame2l0ZT1laG9zdC1saXZlJnNjb3B1PjNpdGU%3d#db=buh&AN=9101141056> – Accessed 21 August 2009 – Attachment 7).

The following essay on conflict in the Philippines describes the customs and traditions related to the peace pact system and the role of the pact-holder:

A pact between two hostile communities is usually initiated by a person related to both. With the consent of his home village he goes to the enemy village carrying a spear, head-ax or bolo as peace offering. The enemies hold a village meeting to discuss the peace proposal. If it is approved, the enemy chief tells the mediator “I accept this head-ax (or bolo, or spear) so we will all live in peace with the people who sent this weapon I now hold. Let there be peace now and forever! Whoever disturbs it, on him shall I use this weapon I am holding!”

Each community then elects a pact-holder whose duty is to safeguard the peace and implement its provisions, especially the provision for a safety zone common to both communities. Other villages with whom they have similar treaties become part of the peace area that must be respected. The pact-holders also adjudicate individual offenses like injury, insult or theft by a member of one community against a member of another. A system of fines helps to prevent the escalation of such incidents into inter-village feuds.

Every year, or every three or five years, depending on the need for it, a communal feast is celebrated by the pact-holding villages to reaffirm the peace between them and to impress on the younger generation that such a peace pact exists and commands their allegiance too.

Fines for breaking the peace-pact provisions range from a basket of rice to ten carabaos. These fines go into a fund administered by the pact-holders. Offended parties are not allowed to partake of these fines as that would be tantamount to “eating one’s own self”. Often it is the pact-holders who shoulder all the expenses for maintaining the pact. They are thus chosen because they are competent in settling disputes, they command authority as heads of large extended family groups and they are wealthy.

If one village decides to terminate a peace pact, it is the pact-holder who is sent to the other village to declare the outbreak of hostilities. If the other village does not want conflict, it sends back the pact-holder with a roll of tobacco or some gifts to signify its desire to continue the peace. But a killing followed by immediate retaliation is regarded as an automatic dissolution of the pact. No formal declaration of conflict is then necessary (Casal, G. S. (undated), ‘Conflict and Consonance’, The Filipiniana Archives, Filipinas Heritage Library website

http://www.filipinaslibrary.org.ph/filipiniana/viewessay.asp?aid=17&art_id=17&pg=1 – Accessed 20 August 2009 – Attachment 8).

In addition, an historical account of Kalinga and Isneg cultures written in 1988 explains that the Kalinga-Apayao Province was established in 1966, as “Congress...found the sub-province of Apayao not economically viable to stand as a separate province”. In describing the cultures of the tribes native to this region, the article in particular notes that the peace pact system is “not strictly observed” by the Isnogs of Apayao; “[h]owever, their tribal laws on vengeance and amicable settlement of disputes still prevail over the government laws in the settlement of petty tribal differences”. In terms of the Kalinga tribes, it is noted that the peace pact system “governs the lives of all Kalinga ethno-linguistic groups, even up to this day”. In addition, “many of the Kalinga elders still religiously cling to the Bodong precepts”:

The Isnogs of Apayao

The Isnogs are the original inhabitants of Apayao. At the start of the American regime, the Isnogs were thinly scattered in what is now known as the municipalities of Calanasan, Kabugao, Conner, and Pudtol. They are still the predominant ethnic group in these municipalities today.

The Isnogs of Apayao also shared the wave of acculturation which had slowly transformed the life and culture of the cultural communities throughout the country. The entry of lowland immigrants into the Isnogs’ ethnic domain have contributed to a large measure the changes in this indigenous group’s manners, eating habits, and farming techniques. The Ilocanos have also influenced the Isnogs in trade and commerce.

Other strong influences which have made the Isnogs shed off their indigenous practices are the Church, the school and the government.

The customs and traditions of the Isnogs, however, have not been erased entirely by the outside influences of modern culture. Their superstitious beliefs, songs and dances, and their swidden farming still color the life of an Isnog today.

...Head-hunting which was once a part of the life of the pre-Spanish Isnog is unknown today in the Isnog nation. Even the peace pact system among tribal groups are not strictly observed.

However, their tribal laws on vengeance and amicable settlement of disputes still prevail over the government laws in the settlement of petty tribal differences.

Always a hospitable ethnic community the Isnags are traditionally known for their lavish entertainment of guests, especially prominent visitors and relatives. Above all, the Isnags are a peace-loving people who are proud of their dialect, their culture and their history.

The Kalingas

The term “Kalinga” has no derivative from any of the Kalinga dialects spoken in the Kalinga area. The name has simply been given to the people living in the mountains by outsiders. Some Ibanag writers claim that Kalinga is a term for warlike people in the mountains. Since the Ibanags of Cagayan have long been engaged in trade intercourse with their neighbors in the western highland region of the province, it is safe to say that the Ibanags own the word Kalinga.” Besides, Kalingas were also known to have been head-hunting in the lowland areas along the western river banks of the Cagayan river now known as Kalinga.

...The Kalingas are spread over the present eight Kalinga municipalities of Rizal, Tabuk, Pinukpuk, Balbalan, Tanudan, Pasil, Lubuagan, and Tinglayan. A Kalinga tribal group also inhabits the southernmost area of the Apayao region. Recent statistics reveal that the Kalingas constitute about 85 percent of the total population of the former sub-province of Kalinga.

The Kalingas as a tribal nation have 17 known sub-tribes each having its own dialect and customs. It is in their multilingual diversity that the Kalinga tribal community is often referred to as the “Babel of the Philippines.” In spite of the number of dialects spoken by each of the sub-tribes, the Kalingas can understand each other even if they speak or communicate with other Kalingas in their own distinct dialect.

The Kalinga “Bodong” institution governs the lives of all Kalinga ethno-linguistic groups, even up to this day. Bodong is a Kalinga word for peace pact, and a peace pact is a bilateral non-aggressive pact between the two communities” (Scott, 87). Strictly speaking, Bodong (Northern Kalinga dialect) or Podon (Southern Kalinga dialect) means “bind together.” The Bodong refers to an agreement between two parties to make peace and to bind themselves with the maintenance of peace between the communities they represent.

In the early days, Kalingas made head-hunting as part of their lifestyle. They would launch massive raids on their enemy’s villages and take home heads of their victims as trophies. The jaws of the heads of their victims were used as gong handles. These head-hunting sorties were called “Kayaw.” Kayaws were resorted to by Kalingas because of revenge, to get even with the enemy. They were not launched against their tribal enemies for territorial expansion but purely to redeem their pride lost to a pillaging enemy.

As had been stated earlier, the Kalingas are grouped into many sub-tribes, each having its own dialect, customs and traditions. These differences in culture and dialects often cause trial misunderstanding that lead to inter-tribal armed warfare. It is this lex talionis principle that gave birth to the Bodong.

Today, the Bodong is still an inseparable part of the socio-economic life of the Kalingas because it governs not only the security relations between two tribes or among tribal groups, but also the trade and commerce of bodong parties. Its “Pagta” or Code covers all criminal and civil offenses committed against another tribe. Among the provisions of the Pagta which is still observed among Bodong parties is the “automatic retaliation” provision, which allows an aggrieved tribe to avenge the killing or wounding of a fellow tribesman on the aggressor tribe.

The Bodong has been criticized by non-Kalinga ethnolinguistic groups as “anachronistic.” Present-day Kalinga leaders, especially those educated and acknowledged religious leaders, frown at the Bodong as an active agent of tribal killing. There are Kalinga intellectuals who view the Bodong institution as an unnecessary and counter-productive practice. Some advocate the total scrapping of Bodong as a bilateral rule of inter-tribal relationship. But the fact remains that many of the Kalinga elders still religiously cling to the Bodong precepts, reminding their youngsters that the Bodong has been an influential institution in the promotion of government programs in the Kalinga “nation.”

The Kalingas are a hospitable people and in spite of the frequent tribal violence that erupt between and among Kalinga tribal groups, they still live up to their time-honored practice of guaranteeing the safety and comfort of their guests. In tribal wars, warring parties do not harm any of the tribe or non-Kalinga tribe who has no involvement and participation in the cause of the tribal conflict.

As with other cultural communities who have been modernized in their way of life through the process of acculturation, the Kalingas are slowly leaving behind their old practices in favor of western culture brought in through education and intermarriage as well as association with the cultural majority (Saboy, S. M. 1988, ‘The Kalinga & Isneg Way of Life’, Call of Nature website, 18 August <http://magkachi.wordpress.com/aus-files/aus-articles/the-kalinga-isneg-way-of-life/> – Accessed 17 August 2009 – Attachment 9).

2. Is there any information regarding any peace pacts negotiated between Kalinga and Isneg resulting in marriage between them?

No specific information could be located regarding peace pacts which have resulted in marriage between Kalinga and Isneg peoples.

However, a 1941 article on culture change among tribes of the Northern Philippines describes the use of peace pacts which relate to marriage arrangements and the resulting ability to travel over a certain region. Although referring specifically to the Tinguian people, it is noted that other tribes in Northern Luzon have “similar basic cultures” to the Tinguian, including the Igorot people:

There are, in Northern Luzon, a series of tribes with similar basic cultures- Ilocano, Tinguian, Apayao, Bontoc, Ifugao, and Igorot, among others. These people are organized in villages and their economic activities center around the cultivation of rice. Each participates in a common set of institutions to a certain extent, but there is considerable variation from one group to another. When this variation is examined more closely, it is found not to be haphazard, nor is it organized concentrically. As one goes from the interior down to the coast, from Ifugao through Bontoc, Tinguian, and Ilocano, a regular series of changes takes place in social, political, economic, and religious institutions, a series of changes which has a definite direction.

...The Spanish, for example, have usually received credit for stopping the “vicious circle” of headhunting in the Tinguian region, thus enabling trade and other contacts to develop over a wider area. A closer examination of the situation among the Tinguian and their neighbors, however, suggests that the Tinguian had themselves developed an effective mechanism for stopping headhunting. **They had long since made peace between neighboring villages and maintained it through intermarriage;** being at a disadvantage in conflicts with villages over the mountains to the east **they had developed “peace pacts” with them, based on the same principles as the marriage agreements between two families, and called by the same term. These were rigidly enforced by the headmen and made trade and travel possible over a wide area.** The relative ease with which head hunting was stopped in the Tinguian

region, compared with the difficulties encountered in the Ifugao and Bontoc areas, seems as much a result of the shift in type of social integration as of the efforts of the Spanish authorities (Researcher's emphases) (Eggan, F. 1941, 'Some Aspects of Culture Change in the Northern Philippines', *American Anthropologist*, New Series, Vol. 43, No. 1, January-March, pp. 12-13, 17 <http://www.jstor.org.ezproxy.lib.rmit.edu.au/stable/pdfplus/662983.pdf> – Accessed 17 August 2009 – Attachment 10).

It may be relevant to note that some general information on Kalinga Province provided by the Philippines' National Statistical Coordination Board states that following the creation of the independent Kalinga-Apayao Province in 1966, the first appointed Provincial Governor was Cefereino B. Ramirez:

The name Kalinga is derived from the Ibang and Gaddang "Kalinga" which means "headhunters". In the past, headhunting was considered noble and it symbolizes bravery. Tatoos, a status symbol which men respect and which women admire are given to warriors as reward. Thus a "mingol" or warrior enjoys a high status in Kalinga society.

The "Bodong" to the Kalingas or peace pact is an indiginous [sic] socio-political system that defines intertribal relationships. This was developed to minimize traditional warfare and headhunting and serves as an institution renewal, maintenance and reinforcement of social ties. Recently, the "bodong" was expanded into a multi-lateral peace pact providing a means of strengthening unity in the Cordilleras.

...On June 18, 1966, Republic Act No. 4695 was enacted creating from the old Mountain Province four separate and independent provinces: Benguet, Ifugao, Mt. Province (Bonito) and Kalinga-Apayao. On March 26, 1967, President Ferdinand E. Marcos administered the oath of office to the new officials of the four newly born provinces.

The first appointed provincial officials of Kalinga-Apayao province were: Cefereino B. Ramirez, Provincial Governor; Amadao B. Almazan, Vice Governor; and Board Members Castro B. Lamawin and Carlos Deguiom ('Facts and Figures: Kalinga Province At a Glance' 2005, Republic of the Philippines National Statistical Coordination Board (NSCB) Cordillera Administrative Region website, 3 August http://www.nscb.gov.ph/rucar/fnf_kalinga.htm – Accessed 24 August 2009 – Attachment 11).

In addition, an article dated September 1979 stated that "[i]n May 1974 the Provincial Board of Kalinga-Apayao [was] led by then Gov. Rolando T. Puzon" ('Is A Giant Stomping Out the Hill-Tribes?' 1979, *Praxis*, Volume V, Number 1, January-April, Ibiblio website, source: *WHO Magazine*, Manila Philippines, 15 September <http://www.ibiblio.org/ahkitj/wscfap/arms1974/PRAXIS/1980/1/1980-1.htm> - Accessed 25 August 2009 – Attachment 12).

3. What are the marriage customs of tribes of the Northern Philippines?

An article from *Current Anthropology* dated October 1963 explains that arranged marriages do feature in Kalinga culture, although they "usually involve the union of distant cousins". However, it is noted that "relations with outside regions have been facilitated by the extension of the peace pact system...and modern conditions are...bringing about increased interaction and intermarriage":

Arranged marriages are utilized in Kalinga society, not only for purposes of family alliance, but to preserve and enhance inherited wealth, both in rice lands and heirlooms. It is probable that the wealthier families in the south tend to arrange marriages with closer kin – more

marriages with second cousins may occur than in the north, though this is not yet demonstrable.

...[T]he relations with outside regions have been facilitated by the extension of the peace pact system and trade; and modern conditions are affecting regional isolation and bringing about increased interaction and intermarriage.

...In Kalinga marriages are characteristically arranged by the parents concerned and usually involve the union of distant cousins. Where inherited property is of concern, the arrangements may be between second cousins, thus compounding the property within the kinship group (Eggan, F. 1963, 'Cultural Drift and Social Change', *Current Anthropology*, Vol. 4, No. 4, October, pp. 351-353,

<http://www.jstor.org.ezproxy.lib.rmit.edu.au/stable/pdfplus/2739890.pdf> – Accessed 20 August 2009 – Attachment 13).

Similarly, the following article describes the betrothal practices in some parts of Kalinga Province (specifically in Taloctoc), which involve “having a contract between parents for the marriage of their children” which “is binding among the natives”:

It starts off when a family decides to have its son or daughter be betrothed to another by sending an emissary who should be a respected and influential member of the community. This emissary must at least know how to sing the “ullalim” as it is through this that he would make the initial proposal. In most cases, the proposal is accepted by the other family.

When the proposal is accepted, the emissary would go back to the proposing family and everyone would be informed about the acceptance. An announcer from each family would go around and inform all of their relatives and the community, and everyone would be invited to the celebration. The date of the celebration should have been previously approved by both concerned parties, this is to officially inform everyone in the community about the contract.

During the day of the celebration, the emissary from the girl's family would go to the house of the boy as early as 6 AM to officially announce the celebration. All the relatives of the boy should be there to receive the emissary. As soon as the emissary arrives, the father of the boy would instruct any of his relatives to slaughter a pig in order to entertain the emissary with “ullalim” until such time that the breakfast is ready.

After breakfast, all the male relatives of the boy would line up and one of them would carry the head of the butchered pig; this is called the “lungos”. This is then taken then to the house of the girl to signify the start of the celebration and to manifest acceptance of the marriage proposal.

The emissary would then lead the march followed by the boy, who must carry a bundle of firewood. All of the male relatives would also carry bundles of wood or one of the 6 musical instrument called “patonggok”. This 6 musical instrument would produce rhythmic sounds. The “patonggok” is made from bamboo and are whittled to regularly, decreasing sizes, from 1 & 1/2 foot to 6 inches in length. The alternate beating of the “patonggok”, which would produce a melodious sound that would accompany the group to the girl's house. The sounds are loud enough for the whole village to hear, thereby prompting them to go to the celebration.

All the relatives of the girl will gather at the girl's house and wait for the marching men. As soon as the marching group arrives at the girl's house, an important, influential and respected “ullalim” singer would officially present the boy to the girl's family.

CELEBRATION PROPER:

A man from the girl's family who should also be a good "ullalim" singer, would sing the acceptance of the boy into the girl's family. This will signal the start of the celebrations. A program would follow with "ullalims", "salidsids" (courtship dance), "salip" (wedding dance) and the "tadok" (dance for all).

Other activities may be initiated, like games for children and adults, while "basi" (native wine from sugar cane) is available for the men, and cakes for the women. More pigs, cows or carabaos are slaughtered and everyone in the village would be invited to take part in the festivities. The meat is boiled in one big cauldron without any salt or condiment and that is it. The feast usually lasts a whole day and is considered a holiday in the village, that means everyone is expected to be there. It is considered improper and impolite to be away working on such an occasion. The old folk from both parties would be discussing the future security of their betrothed children.

During the enforcement of the contract, the betrothed children must not pronounce or state the names of each other's close relatives (father, mother, siblings and first cousins) as it is believed that this would cause the persons to get ill with boils. This practice is called "paniyao". The parents are expected to share with each other whatever things they have like vegetables, sugar, clothes, salt, bread, etc.

When the betrothed children become grown-ups, they are expected to help their respective father and mother-in-law in any way they could. The boy would gather firewood, fish and fetch water for the girl, while the girl is also expected to cook, wash and clean the house. In some instances when the father-in-law is too old to work, the boy is required to live with him to help out with work. The parent's boy, on the other hand are expected to take care of the girl as their own, through financial assistance and the like.

In rare cases where the "contract" is broken, especially on the part of the boy, he would be required to replace the animals which were slaughtered during the celebration, or he would have to pay in cash. This is a unique contract in which the whole village is a witness (Ballug, M. and Isle, J. 2009, 'The Taloctoc, Kalinga Betrothal System', The Clamor of Kalinga website, 12 June <http://theclamorofkalinga.blogspot.com/2008/03/betrothal-system.html> – Accessed 20 August 2009 – Attachment 14).

An article on the annulment of marriages among the Indigenous Peoples (IPs) of the Philippines explains that "[d]issolution of marriages among IPs refers to the termination of marriage as declared in a ruling or decision of the council of elders or other tribunal/body authorized under the indigenous political structure of the ICC/IP [Indigenous Cultural Communities/Indigenous Peoples] – for causes sanctioned by established customary law or practice after exhausting all possible means of reconciliation between the couple". The article claims that the annulment or dissolution of marriages between IPs is possible as long as both the matrimony and the dissolution were "made in accordance with the customary laws and practices of the ICC/IP group concerned":

There are some practices of the Indigenous Peoples (IPs) of the Philippines which could be considered sophisticated in comparison to that of the practices and concerns of first world countries such as the United States. One of these practices is the consideration and acceptance of legal separation between married couples due to some unavoidable situations such as insanity on the part of a partner. The annulment of marriage among IPs is not only easy to perform upon accepted reasons, but also quite cheap.

Annulment of a marriage solemnized under Administrative Order No. 1 (AO1) is so expensive that couples who are no longer compatible with each other could not easily separate ways. However, annulment of marriages among the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) is much easier if only this information were disseminated to them. If the ICCs/IPs were informed about the ICCs/IPs Civil Registration System, they would have enjoyed their rights and privileges as IPs. Indigenous Peoples can be married in accordance to customary laws, rites, traditions and practices which is recognized by the Philippine Government as valid. This is under Administrative Order No. 3 (AO3), Series of 2004; culled from Rule VI, Section 8 of Republic Act 8371 (Indigenous Peoples Rights Act of 1997) where it is stated that marriages among ICCs/IPs shall be reported by the person authorized to solemnize marriage within thirty (30) days after the date of marriage.

The person authorized to solemnize marriage here refers to community elders, tribal leaders or authorities of traditional socio-political structures certified by the National Commission on Indigenous Peoples (NCIP). In other words, the persons authorized to perform such responsibility are individuals who are duly acclaimed and respected in the tribal communities and registered in accordance with the guidelines of the Office of the Civil Registrar General (OCRG) on Solemnizing Officers. They perform and solemnize marriages in accordance with the customs, traditions and practices of their community.

The registration of the marriage shall be at the City/Municipal Registrar's Office where the marriage should be performed. The City/Municipal Civil Registrar shall indicate on the remarks portion of the Certificate of Marriage (Municipal Form 97, Revised January 1993) that the marriage was solemnized in accordance with ICCs/IPs customary laws of either party.

Annulment of marriages among IPs is less expensive because as stipulated in AO3, Series of 2004, IPs can annul marriages if the matrimony was performed in accordance with customary laws and practices.

Dissolution of marriages among IPs refers to the termination of marriage as declared in a ruling or decision of the council of elders or other tribunal/body authorized under the indigenous political structure of the ICC/IP – for causes sanctioned by established customary law or practice after exhausting all possible means of reconciliation between the couple.

...The annulment or dissolution of marriages of IPs shall be registered at the City/Municipal Civil Registry Office upon the issuance of a certification from the NCIP Provincial Office that the marriage was celebrated in accordance with customary laws and practices – and that the parties are members of a particular ICC or indigenous group. It should also be stipulated that the marriage dissolution was made in accordance with the customary laws and practices of the ICC/IP group concerned. The testimonies of community elders, solemnizing officers or authorities of traditional socio-political structures of specific ICC/IP group will serve as admissible evidences of the marriage dissolution. Such certifications/testimonies shall constitute the Certificate of Dissolution of Marriage (IP Form No.4).

Five copies of the Certificate of Dissolution of Marriage shall be submitted by the interested party within thirty days (30 days) after the date of the dissolution of marriage. The copies shall be submitted to the City/Municipal Civil Registrar (C/MCR) for registration in the city or municipality where the marriage was dissolved. For the purposes of this rule, the interested party may either be the husband, the wife or the immediate relatives.

After registration, the C/MCR shall then distribute the five copies of the Certificate of Dissolution of Marriage as follows: first copy to the husband, second copy to the wife, the third copy shall be given to the Civil Registrar General, the fourth copy will serve as a file copy and the fifth copy will be given to the NCIP.

The C/MCR of the city or municipality where the marriage was dissolved shall record the Certificate of Dissolution of Marriage for members of ICCs/IPs and shall forward a copy for proper annotation to the C/MCR where the marriage was registered.

If we compare the annulment of marriage between marriages performed under the Civil Registry Law or Act 3753 and the Administrative Order No. 3, S. 2004, the marriage conducted under AO 3 is less expensive. IPs need not hire lawyers who charge exorbitant professional fees. The IPs only concern is to feed the community leaders who will facilitate the dissolution of their marriage but this will not entail a huge amount of money, particularly in comparison to paying lawyers.

This is one of the benefits and privileges of Indigenous Peoples if only they were aware of it. The Indigenous Peoples Rights Act or the Republic Act 8371 took effect on December 1997. However, only few of the IPs were able to take advantage of this because information was not properly disseminated to them, and thus, many are not aware of this law (Pitlongay, V. P. 2007, 'Indigenous Peoples' Annulment of Marriage Less Expensive', Republic of the Philippines National Statistics Office website, 7 June <http://sois.census.gov.ph/node/46222> – Accessed 24 August 2009 – Attachment 15).

4. Is there any evidence that betrothal is used as a symbol of peace pact between tribes?

The following article quotes a local volunteer, Manuel “Manny” Onalan, executive director of the Upland Development Institute in Luzon, which is “working with the national government of the Philippines to recognize the bodong system of conflict resolution”. Onalan describes the peace pact system, and explains that intermarriage is used as a last resort in traditional conflict resolution:

In traditional conflict resolution in the Philippines, “we have intermarriage as a last resort. For example, if we had a severe conflict—say, one from my family killed your brother—then your son or one of your brother’s sons would have the right to marry a daughter from my family. So this is a way of continuously healing the pain. The victim’s family is not only being healed, but the offender must also heal his remorse. So the two families or clans would heal together—especially if the new marriage has children. They will be the healers of the prior rift.”

Onalan described such a marriage that had happened in his region about two years ago. “They have no children yet, but **this marriage actually binds the rift between the clans**. The new home that was built by this couple is becoming a melting pot for these two families. It has now become a healing place for what happened in the past.”

He went on to describe the bodong or “peace pact” system that allows tribes to establish promises of good relations between them. He drew on paper a network showing a number of tribes, each with a peace pact between it and all the other tribes. The result is a web of good relationships that can encompass an entire region.

“I am of the Chananaw tribe. My tribe has more or less seventy-eight peace pacts, as there are seventy-eight tribes in the region. And these others also have their peace pacts. When there is a dispute between two tribes in the bodong system, a third nearby tribe will come in immediately and say, ‘Stop!’ Then they will work with the two other tribes, first the one and then the other, to understand the dispute and work toward a solution” (‘Making peace in the Indigenous way in the Philippines’ 2000, *Worldwide Peacebuilders Mennonites*, Vol. 30, No. 1, January-March, Mennonite Central Committee website http://mcc.org/peace/pon/PON_2000-01.html#8 – Accessed 17 August 2009 – Attachment 16).

Although referring to Mindanao Province in the Southern Philippines, the following paper describes inter-tribal marriages which occurred as a symbol of a peace pact negotiation between two warring groups, the Teduray and the Dulangan Manobo:

The negotiation took place in the war zone area called Binusugan, a Dulangan Manobo term for a battle field using bow and arrow but the name was corrupted by the present settlers and called it Villamonte, a barangay located east of Lebak.

In the negotiation, both parties agreed to stop the conflict and swear not to do it again and instead maintain a friendly relationship. The agreement was sealed with inter-marriage of four (young men and women) from both the Teduray and Dulangan Manobo as a symbol of unity and oneness of the Teduray and Dulangan Manobo.

This was finally concluded with a ritual and prayer calling the coming off-springs of the newly wed men and women as LAMBANGIAN, a cross breed of the Teduray and Dulangan Manobo and should there any violation thereof of the peace pact, the Lambangian shall be cut into pieces signifying that the agreement is null and void ('Position Paper of the Teduray, Lambangian & Dulangan Manobo' 2006, The AKMK [Alyansa ng Kabataang Mindanao para sa Kapayapaan] Forum website, February <http://www.freewebs.com/akmkforum/opinion/POSITION PAPER OF THE TEDURAY.doc> – Accessed 25 August 2009 – Attachment 17).

However, the 1963 article in *Current Anthropology* cited above indicates that intermarriage between the Northern Kalinga and neighbouring tribes “was relatively rare”:

The Northern Kalinga are shifting dry rice cultivators who live in small hamlets organized into endogamous “regions.” Each region considers itself to be a group of kinsmen and treats outsiders as potential enemies, though they may spread a common dialect and participate in similar cultural activities.

...The major interaction with neighbouring regions in the past centered around warfare and feuding, except for trading relations and more recently peace pacts. Along with trading relationships there was a system of concubinage, and prominent men frequently had mistresses in one or more communities. But intermarriage was relatively rare, and generally with refugees from neighbouring regions.

...With the decline of feuding, influential headmen, the *lakay*, have come to the fore, and are responsible for adjusting disputes within the region. They usually act as pact-holders in the peace pacts that have spread rapidly during the American period, as well.

...Among the Kalinga the coalescence of kinship circles within a territorial unit makes it easy to generalize this relationship and utilize the region as a convenient reference point, particularly from the outside. But peace pacts provide the test. Particular kinship circles may remain outside the regional peace pact if they feel that vengeance has not been sufficiently satisfied (Eggan, F. 1963, 'Cultural Drift and Social Change', *Current Anthropology*, Vol. 4, No. 4, October, pp. 350-351 <http://www.jstor.org.ezproxy.lib.rmit.edu.au/stable/pdfplus/2739890.pdf> – Accessed 20 August 2009 – Attachment 13).

In addition, the essay outlining conflict in the Philippines cited earlier explains that although Tinggian and Ifugao people use intermarriage as a method of maintaining peace pacts, “the Kalinga believe that a peace pact between two families turns them into kin, and consider inter-marriage between them as incestuous”. However, a peace pact among the Kalinga can be established based on the marriage between members of warring tribes:

A budong among the Kalinga may be entered into simply because a boy from one community at war has married a daughter of the enemy or because families from warring villages have joined in a trading partnership. The real reason would be that, after months of wearisome fighting, the antagonists just have to have time to pursue their livelihood. So just before the rains, arms are laid down; a budong is declared and the antagonists spend three days feasting together. They draw up the rules of the pagta and await the fall of rain and the start of planting. Kalinga peace pacts can be inherited and are passed on from one leader to the next in line.

The Tinggian have a congenial method for maintaining a peace pact between two communities: inter-marriage. The Ifugao also have this custom of ending a feud by arranging the marriage of sons and daughters of antagonists. But the Kalinga believe that a peace pact between two families turns them into kin, and consider inter-marriage between them as incestuous (Casal, G. S. (undated), 'Conflict and Consonance', The Filipiniana Archives, Filipinas Heritage Library website http://www.filipinaslibrary.org.ph/filipiniana/viewessay.asp?aid=17&art_id=17&pg=1 – Accessed 20 August 2009 – Attachment 8).

Similarly, an article from *Indigenous Affairs* which discusses the role of women activists in tribal conflicts states that “[i]n some cases of inter-ethnic wars resulting from increasing land pressure in the Cordillera region of the Philippines, women who have married into the clan of a warring tribe are asked to initiate the mediation through the bodong or peace pact, a traditional conflict-resolution mechanism” (Lasimbang, J. 2004, 'Indigenous Women and Activism in Asia: Women Taking the Challenge in Their Stride', *Indigenous Affairs*, No. 1-2/04, p. 44 <http://pro169.org/res/materials/en/discrimination/IWGIA,%20Indigenous%20Women.pdf> – Accessed 17 August 2009 – Attachment 18).

5. Would a woman bring dishonour to her husband and his family by seeking a separation?

No specific information was found regarding the consequences of the separation of a marriage which was arranged as a symbol of a peace pact.

Advice provided to the Department of Immigration and Citizenship (DIAC) by the Department of Foreign Affairs and Trade (DFAT) indicates that marriages between Kalinga and Isneg tribal members are not unheard of, and that the breakup of a marriage could cause shame to the husband. It also implies, however, that an Isneg husband would have more to fear from the wife's Kalinga relatives as a result of the domestic abuse:

According to customary practices, it would usually be the tribe of a Kalinga woman who had been the victim of physical abuse that would carry out any vendetta, and not the other way round. Our contacts believed that an Isneg husband would have more reason to be concerned for his personal safety because of the potential for reprisals from a Kalinga family in which one of its members had been the victim of abuse. However, the possibility cannot be ruled out of a husband taking matters into his own hands if it were the case that he had been shamed, undermined or had 'lost face' in his community (DIAC Country Information Service 2009, *Country Information Report No. 09/34 – CIS Request No. PHL9650 Conflict between Kalinga and Isneg tribes*, (sourced from DFAT advice of 8 April 2009), 14 April – Attachment 19).

In addition, the article describing the Kalinga betrothal practices as cited above explains that in terms of arranged marriages, “[i]n rare cases where the “contract” is broken, especially on the part of the boy, he would be required to replace the animals which were slaughtered during the celebration, or he would have to pay in cash” (Ballug, M. and Isle, J. 2009, ‘The Taloctoc, Kalinga Betrothal System’, The Clamor of Kalinga website, 12 June <http://theclamorofkalinga.blogspot.com/2008/03/betrothal-system.html> – Accessed 20 August 2009 – Attachment 14).

6. Whilst earlier research response provided information on state protection for women, is there any information that family matters are resolved through tribal customs? What is the status of the Council of Elders in relation to common law? Is there evidence that one is preferred above the other?

The following article discusses traditional forms of government in tribes of the Cordillera mountain region, including Councils of Elders, whose role involves initiating peace and resolving conflicts:

The form of government in these traditional communities was basically a rule of elders who by virtue of their age had accumulated enough experience and wisdom, and had proven integrity and courage to be able to command respect and confidence among their village constituents. Such council of elders bore the important role of peacekeeping within and outside of the community. At an era where headhunting and tribal wars were the order of the day it was important that the council of elders initiated peace through peace pacts (peden or bodong) even with distance communities to ensure the safety of travel to far flung communities. Within the community, a vital role of the council of elders was to prevent, manage and resolve conflicts between individuals, families and clans. This is to ensure a united and strong tribal community at all times for its very survival. In those days it would be correct to say that governance was synonymous to peacekeeping and peacebuilding (Killip, T. 2006, ‘The Sagada Experience’, in ‘Waging Peace in the Philippines: Strengthening Peace Movements and Instituting the politics of a Just Peace’, *Collective*, Gaston Z. Ortigas Peace Institute, Europe Solidaire Sans Frontieres website, 1 January <http://www.europe-solidaire.org/spip.php?article7134> – Accessed 21 August 2009 – Attachment 20).

The DFAT advice provided to DIAC in April 2009 as cited earlier states that “[i]t is still customary among the Kalinga to approach a Council of Elders – who exercise considerable authority in the sub-group – to resolve intra-clan conflicts, including interpersonal conflicts, [and] intra-family conflicts... Oftentimes issues involving family disputes, such as domestic violence, are addressed by the Council of Elders”:

The Kalinga have a well-established and functional informal dispute settlement mechanism known as bodong which is not recognised under Philippine law. Bodong is marked by an extensive consultative dialogue with the Councils of Elders followed by the establishment of either a peace pact or new ‘laws’ governing inter-group relations. A peace pact ‘holder’ may be designated to ensure that the pact’s tenets are observed and sanctions carried out. Government authorities only become involved in situations where the elders cannot settle the dispute.

... Notwithstanding the above, not all matters of tribal conflict are automatically referred to a Council of Elders. Individual tribe members retain the right to choose which mechanisms – either governmental or customary interventions – would best serve their interests. The Council of Elders cannot impose bodong if the aggrieved party does not want the Council to intervene, or if an individual opts for restitution by government intervention (such as police

intervention). Moreover, the Council cannot impose a settlement that is unacceptable to either the aggrieved party or the accused.

Despite the indigenous dispute settlement mechanisms being practised widely, the Kalinga may resort to government institutions to obtain State protection and to resolve family issues, such as in cases of physical abuse (DIAC Country Information Service 2009, *Country Information Report No. 09/34 – CIS Request No. PHL9650 Conflict between Kalinga and Isneg tribes*, (sourced from DFAT advice of 8 April 2009), 14 April – Attachment 19).

The 2006 report on Indigenous Governance Practices in the Philippines outlined earlier identifies “an accepted distribution of areas of responsibility between customary law and national law”; claiming that “[t]he courts encourage the settlement of conflicts between individuals through customary law”:

Noticeably, customary law and adjudication persist to this day in many Cordillera IP [indigenous peoples] groups even if the state’s judicial system is also operative. There seems to be an accepted distribution of areas of responsibility between customary law and national law. The courts encourage the settlement of conflicts between individuals through customary law or through the barangay. However, it is the consensus that the attitude of a preferred use of customary law is changing. There are those who claim that the adjudication process of the courts with its rules of evidence is taken advantage of by the accused or the guilty especially when he is rich and/or educated. Even conflicts over land claims are brought to the courts for settlement instead of the council of elders when the claimant is rich and/or educated (Buendia, R. G., Brillantes, A. B., Mendoza, L. C., Guiam, R. and Sambeli, L. 2006, ‘Mapping and Analysis of Indigenous Governance Practices in the Philippines and Proposal for Establishing an Indicative Framework for Indigenous People’s Governance: Towards a Broader and Inclusive Process of Governance in the Philippines’, Technical Report, Bangkok: United Nations Development Programme, School of Oriental and African Studies, University of London website, p. 55 https://eprints.soas.ac.uk/4465/1/Mapping_and_Analysis_of_Indigenous_Governance-Philippines_Participatory_Governance_Case_Study.pdf – Accessed 17 August 2009 – Attachment 5).

The following article addresses the strength of traditional institutions in the Northern Cordillera region of the Philippines, including peace pacts and Councils of Elders, which “still serve as the foundation for responsive and accountable local administration”:

Traditional institutions in the Cordillera Administrative Region (CAR) of the Philippines have for generations served the indigenous people of this area in their struggle against a predatory state. For decades, as local residents have organized to resist the depredation of their forest and mineral resources at the hands of outsiders, their traditional institutions have stood at the forefront of this struggle. Pillage of natural resources – first by Spanish and then by American colonizers, and later, after national independence, by cronies of the Marcos regime – was held in check only because traditional institutions were strong. Local institutions, such as the *ator*, *dap-ay*, and *ob-bfo* (indigenous cooperative groups), the councils of elders, and the *bodong* (peace pact systems between adjacent communities), served the Cordillerans well in their contest against a distant and unsympathetic state. Would they work as well, however, when conflict turned to cooperation?

Democratizing reforms initiated after 1986 put an end to the gruesome zero-sum game between local residents and outside interests. **A new dialectic of cooperation between the state and local communities was introduced with the passage of new laws. Provisions of law included within the 1987 Philippines Constitution, the Local Government Code of**

1991, and the Indigenous Peoples Rights Act of 1997 recognized indigenous residents' rights to all resources available within their ancestral domains (p. 59)

...In the barangay or village communities, traditional institutions still serve as the foundation for responsive and accountable local administration. Their strength and coherence has been challenged in the past with the introduction of formal structures of local governance. However, the new Local Government Code of 1991 marks an attempt to combine the strength of tradition with the benefits of modernity. It provides for strengthening and revitalizing these institutions and at the same time it aims adapting their purposes toward resource management and development (p. 63) (Researcher's emphasis) (Foy-Os, M. (ed), Gamio, C., Camte-Bahni, R., Belardo, A. and Nanglihan, A. 2000, 'Women as Catalysts of Change: Revitalizing Traditional Institutions in the Cordillera, Philippines', Chapter 6 in Krishna, A., Wiesen, C., Prewitt, G. and Sobhan, B. (eds), 'Changing Policy and Practice from Below: Community Experiences in Poverty Reduction', Civil Society Team of the United Nations Development Programme (UNDP), UNDP website, pp. 59, 63 http://content.undp.org/go/cms-service/report/asset/?asset_id=1942980 – Accessed 21 August 2009 – Attachment 21).

The Indigenous Peoples Rights Act (IPRA) of 1997 mentioned in the above article “recognizes the inherent right of ICCs/IPs [Indigenous Cultural Communities/Indigenous Peoples] to self-governance and self-determination and respects the integrity of their values, practices and institutions”; and identifies Councils of Elders and bodong holders as indigenous “institutions...and processes for decision-making”. In terms of conflict resolution, the IPRA states that “[w]hen disputes involve ICCs/IPs, customary laws and practices shall be used to resolve the dispute”. In addition, “no such dispute shall be brought to the NCIP [National Commission on Indigenous Peoples] unless the parties have exhausted all remedies provided under their customary laws. For this purpose, a certification shall be issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved”:

CHAPTER II

DEFINITION OF TERMS

SEC. 3. – Definition of Terms. – For purposes of this Act, the following terms shall mean:

... h) Indigenous Cultural Communities/Indigenous Peoples. – refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

i) Indigenous Political Structures. – refer to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified by ICCs/IPs such as, but not limited to, Council of Elders, Council of Timuays, Bodong Holders, or any other tribunal or body of similar nature;

... CHAPTER IV

RIGHT TO SELF-GOVERNANCE AND EMPOWERMENT

SEC. 13. Self Governance. – The state recognizes the inherent right of ICCs/IPs to self-governance and self-determination and respects the integrity of their values, practices and institutions. Consequently, the State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development.

...SEC. 15. Justice System, Conflict Resolution Institutions, and Peace Building Processes. – The ICCs/IPs shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights.

...SEC. 18. Tribal Barangays [villages]. – The ICCs/IPs living in continuous areas or communities where they form the predominant population but which are located in municipalities, provinces or cities where they do not constitute the majority of the population, may form or constitute a separate barangay in accordance with the Local Government Code on the creation of tribal barangays.

SEC. 19. Role of Peoples Organizations. – The State shall recognize and respect the role of independent ICCs/IPs organizations to enable the ICCs/IPs to pursue and protect their legitimate and collective interests and aspirations through peaceful and lawful means.

...CHAPTER VI

CULTURAL INTEGRITY

SEC. 29. Protection of Indigenous Culture, Traditions and Institutions. – The State shall respect, recognize and protect the right of ICCs/IPs to preserve and protect their culture, traditions and institutions. It shall consider these rights in the formulation and application of national plans and policies.

...CHAPTER VIII

DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS

...SEC. 62. Resolution of Conflicts. – In cases of conflicting interest, where there are adverse claims within the ancestral domains as delineated in the survey plan, and which cannot be resolved, the NCIP shall hear and decide, after notice to the proper parties, the disputes arising from the delineation of such ancestral domains: Provided, That if the dispute is between and/or among ICCs/IPs regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed. The NCIP shall promulgate the necessary rules and regulations to carry out its adjudicatory functions: Provided further, That any decision, order, award or ruling of the NCIP on any ancestral domain dispute or on any matter pertaining to the application, implementation, enforcement and interpretation of this Act may be brought for Petition for Review to the Court of Appeals within fifteen (15) days from receipt of a copy thereof.

SEC. 63. Applicable Laws. – Customary laws, traditions and practices of the ICCs/IPs of the land where the conflict arises shall be applied first with respect to property rights, claims and ownerships, hereditary succession and settlement of land disputes. Any doubt or ambiguity in the application and interpretation of laws shall be resolved in favor of the ICCs/IPs.

SEC. 64. Remedial Measures. – Expropriation may be resorted to in the resolution of conflicts of interest, following the principle of the “common good.” The NCIP shall take appropriate legal action for the cancellation of officially documented titles which were acquired illegally: Provided, That such procedure shall ensure that the rights of possessors in good faith shall be respected: Provided, further, That the action for the cancellation shall be initiated within two (2) years from the effectivity of this Act: Provided, finally, that the action for reconveyance shall be within a period of ten (10) years in accordance with existing laws.

CHAPTER IX

JURISDICTION AND PROCEDURES FOR ENFORCEMENT OF RIGHTS

SEC. 65. Primacy of Customary Laws and Practices. – When disputes involve ICCs/IPs, customary laws and practices shall be used to resolve the dispute.

SEC. 66. Jurisdiction of the NCIP. – The NCIP, through its regional offices, shall have jurisdiction over all claims and disputes involving rights of ICCs/IPs: Provided, however, That no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws. For this purpose, a certification shall be issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved, which certification shall be a condition precedent to the filing of a petition with the NCIP (Government of the Republic of the Philippines 1997, ‘Indigenous Peoples Rights Act of 1997 (Republic Act No. 8371)’, Food and Agriculture Organization of the United Nations Legal Office (FAOLEX) website <http://faolex.fao.org/docs/texts/phi13930.doc> – Accessed 21 August 2009 – Attachment 22).

In addition, the Local Government Code (LGC) of 1991 as mentioned above states that “[i]n barangays [villages] where majority of the inhabitants are members of indigenous cultural communities, local systems of settling disputes through their councils of datos or elders shall be recognized without prejudice to the applicable provisions of this Code”:

CHAPTER I

Role and Creation of the Barangay

Section 384. *Role of the Barangay.* – As the basic political unit, the barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community, and as a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled.

...**Section 386. *Requisites for Creation.*** –

(a) A barangay may be created out of a contiguous territory which has a population of at least two thousand (2,000) inhabitants as certified by the National Statistics Office except in cities and municipalities within Metro Manila and other metropolitan political subdivisions or in highly urbanized cities where such territory shall have a certified population of at least five thousand (5,000) inhabitants: Provided, That the creation thereof shall not reduce the population of the original barangay or barangays to less than the minimum requirement prescribed herein.

To enhance the delivery of basic services in the indigenous cultural communities, barangays may be created in such communities by an Act of Congress, notwithstanding the above requirement.

...**Section 399. *Lupong Tagapamayapa.*** -

...(f) In barangays where majority of the inhabitants are members of indigenous cultural communities, local systems of settling disputes through their councils of datos or elders shall be recognized without prejudice to the applicable provisions of this Code.

...**Section 412.**

...(c) Conciliation among members of indigenous cultural communities. – The customs and traditions of indigenous cultural communities shall be applied in settling disputes between members of the cultural communities (Government of the Republic of the Philippines 1991, ‘Local Government Code of 1991 (Republic Act No. 7160)’, 10 October, The LAWPHiL Project website http://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html – Accessed 24 August 2009 – Attachment 23).

The following report states that the IPRA “defines more precisely the concept of customary law...[and] provides not only for the law to be used to adjudicate the dispute but also gives the choice of dispute settlement process to the community”:

The law also recognizes the right of indigenous peoples to “self governance” to wit:

“Self governance. – The State recognizes the inherent right of ICCs/IPs to self governance and self determination and respects the integrity of their values, practices and institutions. Consequently, the State shall guarantee the right of ICCs/IPs to their economic, social and cultural development.”

Taken in relation to provisions that recognize the limited use of customary law, it constitutes a significant departure from the unbridled use of national laws which are colonially inspired or are of western or hispanic origins.

This is not the first time that the use of custom is recognized in some way by law. Under the Civil Code, customary laws were only accepted as fact. The Local Government Code also requires the use of indigenous processes in order to facilitate an amicable settlement as a condition precedent for filing actions in court. Under the old system however, tribal courts were distinctly not recognized.

The new law defines more precisely the concept of customary law. Customary law will be used not only to arrive at an amicable settlement but also to process it in an acceptable manner. Thus in Section 65,

“When disputes involved ICCs/IPs, customary law will be used to resolve the dispute.”

This provision provides not only for the law to be used to adjudicate the dispute but also gives the choice of dispute settlement process to the community.

In accordance with the provisions of the Constitution, customary law will also be the set of norms that would be used in case of conflict about the boundaries and the tenurial rights with respect to ancestral domains. Doubt as to its application or interpretation will be resolved in favor of the ICCs/IPs.

Finally, the offended party for offenses described under the law may opt to use the customary processes rather have the offender prosecuted in courts of law. The penalty can be more than what the law provides for so long as it does not amount to cruel, degrading or human punishment. Also, customary norms cannot legitimately impose the death penalty or grant excessive fines.

Some provisions on governance in the new law simply recognizes existing rights and powers. Among these are provisions which define support for autonomous regions, their right to “determine and decide priorities for development, the creation of tribal barangays, the role of peoples organizations and “the means for the development/empowerment of ICCs/Ips” (Leonen, M. M.V.F. 2007, ‘The Irony of Social Legislation: Reflections on Formal and Informal Justice Interfaces and Indigenous Peoples in the Philippines’, United Nations

Development Programme Regional Centre in Bangkok website, pp. 18-20
<http://regionalcentrebangkok.undp.or.th/practices/governance/a2j/docs/CaseStudy-09-Philippines-SocialLegislation.pdf> – Accessed 24 August 2009 – Attachment 24).

However, the Philippines Indigenous Peoples' shadow report submitted to the Committee on the Elimination of all forms of Racial Discrimination in August 2009 explains that the provisions of the LGC are too narrow, limiting "the applicability of customary law only to disputes between members of the cultural communities. In addition...[t]erritorial jurisdiction is based on barangays, which are based on state imposed political boundaries". The report also criticizes the scope of the IPRA, highlighting "aspects of the IPRA's provisions that appear to limit the application of customary law to property and land disputes". However, it is also noted that "[t]he IPRA nevertheless provides for the primacy of customary law in disputes involving Indigenous Peoples...It also is clear that customary law is the basis for engagement and negotiations with third parties wishing to enter into indigenous lands". Despite these provisions, the report indicates that a lack of political will to uphold customary law rulings is "a major obstacle to the realization of the right of Indigenous Peoples to practice it as recognized under the IPRA":

Indigenous Peoples have long been resolving conflicts in accordance with their respective customs and traditions and indigenous legal processes. They continue to do so. This fact was recognized in the 1987 Constitution and in the 1997 IPRA.

... The Barangay Justice System (BJS) was introduced in 1978 under Presidential Decree No.1508. This was 'repealed' by R.A. 7160, known as the Local Government Code (LGC), in 1991. The LGC recognized customary law as part of the BJS. However, the recognition afforded is of little practical use to Indigenous Peoples. It is narrower than that provided by the IPRA with the law limiting the applicability of customary law only to disputes between members of the cultural communities. In addition to being limited in scope the law is also confusing in terms of the applicability of customary law. Territorial jurisdiction is based on barangays, which are based on state imposed political boundaries. This is restrictive and generally not compatible with customary law as ancestral domain(s) which can span multiple barangays. Limitations are also placed on the sanctions that can be imposed and the offenses that can be addressed.

A study conducted by the Justice Reform Initiatives Support Project (JURIS) in line with the Action Program for Justice Reform (APJR) of the Supreme Court of the Philippines and the Alternative Law Groups on Indigenous Dispute Resolution Mechanisms and Indigenous Justice Systems found that customary dispute resolution systems were preferable to the BJS as they were faster, cheaper, less partial and restored harmonious relations.

... The aspects of the IPRA's provisions that appear to limit the application of customary law to property and land disputes, require it be compatible with the national legal system and limit the authority to impose fines and criminal sanctions and cognizability of serious offenses are controversial. As a result of these many view it as inadequate in terms of the State's commitment under the 1987 Constitution to recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions.

The IPRA nevertheless provides for the primacy of customary law in disputes involving Indigenous Peoples. It mandates the NCIP to uphold this primacy, stating that no dispute 'shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws' and that 'any doubt or ambiguity in the application of laws shall be resolved in favor of the ICCs/IPs'. It also is clear that customary law is the basis for engagement and negotiations with third parties wishing to enter into indigenous lands.

However, respect for customary law in practice is hindered by inherent contradictions within official legal systems and discriminatory attitude towards customary law that allow little if any space for its recognition in judicial proceedings. The lack of political will on the part of the NCIP and other Government agencies to uphold rulings made under customary law is also a major obstacle to the realization of the right of Indigenous Peoples to practice it as recognized under the IPRA. This failure to respect customary law and uphold rulings made under it is particularly evident in cases where indigenous communities have invoked their customary law in the context of development projects in their ancestral domains.

Communities such as the Subanen of Bayog and the Subanon of Mount Canatuan have asserted their right to use their customary laws and their commonly accepted indigenous justice systems. They have made rulings in relation to issues of access to their lands, representation of the community, NCIP responsibility and corporate behavior in their ancestral domains. In both of these cases the rulings taken under their customary laws were submitted to the NCIP for action, however, in neither case did the NCIP enforce the rulings, the specific actions requested of it or the penalties imposed. Other communities such as the Subanen of Midsalip, the Inseg of Conner Apayao, the Binongan tribe of Baay Licuan stated in their resolutions and petitions that the behavior of the NCIP and other Government agencies and corporate entities was in violation of their customary practices. No action was taken by the responsible Government agencies to address this.

... Access to justice is also denied to Indigenous Peoples due to disputes between Government agencies in relation to overlapping jurisdictions. Despite the fact that the IPRA provides the NCIP with jurisdiction on matters involving Indigenous Peoples, immeasurable time is still lost in administrative processes in questions regarding jurisdiction over some cases involving Indigenous Peoples ('Submission to the Committee on the Elimination of all forms of Racial Discrimination: Philippines Indigenous Peoples ICERD Shadow Report for the consolidated fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth Philippine ICERD periodic reports' 2009, Committee on the Elimination of all forms of Racial Discrimination, 73rd Session, 3rd to 28th of August, Office of the High Commissioner for Human Rights (OHCHR) website, pp. 67-68, 71 http://www2.ohchr.org/english/bodies/cerd/docs/ngos/PIP_Philippines75.pdf – Accessed 24 August 2009 – Attachment 25).

In addition, the article on indigenous conflict resolution in the Philippines cited earlier expresses the concern of a local volunteer that traditional methods of addressing conflict are being replaced by Western-style court systems:

Onalan speaks with concern about the fact that the Philippine government, dominated as it has been for the past century by the United States, has largely bought into Western ways of addressing conflict through courts and the legal system, at the expense of effective ways of addressing conflict that are embedded in the cultures of the peoples of the Philippines.

"You see most of our tribal youngsters go to school and they learn this lawyering, this Western way of lawyering. They also bring home this kind of thinking. So local ways of resolving conflict are being eroded. It's important to reaffirm the experience of hundreds and hundreds of years of settling our own conflicts rather than importing this lawyering that is so commercialized" ('Making peace in the Indigenous way in the Philippines' 2000, *Worldwide Peacebuilders Mennonites*, Vol. 30, No. 1, January-March, Mennonite Central Committee website http://mcc.org/peace/pon/PON_2000-01.html#8 – Accessed 17 August 2009 – Attachment 16).

List of Sources Consulted

Internet Sources:

United Nations

Refworld <http://www.unhcr.org/refworld/>

United Nations Development Programme <http://www.undp.org/>

Office of the High Commissioner for Human Rights (OHCHR) <http://www.ohchr.org/>

Government Information & Reports

US Department of State <http://www.state.gov/>

UK Home Office <http://www.homeoffice.gov.uk/>

Republic of the Philippines National Statistical Coordination Board (NSCB)
<http://www.nscb.gov.ph/>

Republic of the Philippines National Statistics Office <http://sois.census.gov.ph/>

Non-Government Organisations

International Work Group for Indigenous Affairs <http://www.iwgia.org/>

Minorities at Risk Project <http://www.cidcm.umd.edu/mar/>

Minority Rights Group <http://www.minorityrights.org/>

Center for World Indigenous Studies <http://cwis.org/>

Survival for Tribal Peoples <http://www.survival-international.org/>

Topic Specific Links

The Clamor of Kalinga <http://theclamorofkalinga.blogspot.com/>

Filipinas Heritage Library <http://www.filipinaslibrary.org.ph/>

The LAWPHiL Project <http://www.lawphil.net/>

Search Engines

Google <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. Minorities at Risk Project 2003, 'Assessment for Igorots in the Philippines', UNHCR Refworld website, 31 December
<http://www.unhcr.org/refworld/topic,463af2212,469f2ec42,469f3ac2c,0.html> – Accessed 24 August 2009.
2. 'Indigenous Peoples in the Philippines' (undated), International Work Group for Indigenous Affairs website, sources: Cordillera Peoples Alliance, Minority Rights Group, Asia Development Bank <http://www.iwgia.org/sw16704.asp> – Accessed 20 August 2009.
3. Ballug, M. S. 2008, 'The "Bodong" (Peace Pact)', The Clamor of Kalinga website, 29 March <http://theclamorofkalinga.blogspot.com/2008/03/bodong-peace-pact.html> – Accessed 17 August 2009.

4. Bayedbed, L. T. 2003, 'Justice & peace: the Kalinga way', BNET website, source: Igorota, Oct-Dec http://findarticles.com/p/articles/mi_hb4701/is_4_17/ai_n29056172/ – Accessed 17 August 2009.
5. Buendia, R. G., Brillantes, A. B., Mendoza, L. C., Guiam, R. and Sambeli, L. 2006, 'Mapping and Analysis of Indigenous Governance Practices in the Philippines and Proposal for Establishing an Indicative Framework for Indigenous People's Governance: Towards a Broader and Inclusive Process of Governance in the Philippines', Technical Report, Bangkok: United Nations Development Programme, School of Oriental and African Studies, University of London website https://eprints.soas.ac.uk/4465/1/Mapping_and_Analysis_of_Indigenous_Governance-Philippines_Participatory_Governance_Case_Study.pdf – Accessed 17 August 2009.
6. McArthur, H. J. 1977, 'Adolescent Peer Groups and Socialization in the Rural Philippines: A Socio-Ecological Perspective', ScholarSpace at University of Hawaii at Manoa website http://scholarspace.manoa.hawaii.edu/bitstream/10125/9310/1/uhm_phd_7810255_r.pdf - Accessed 25 August 2009.
7. Singleton, B. C. 1990, 'Kalingas Preserve their Heritage in the Philippines', *Focus*, American Geographical Society, Fall, Vol. 40, Issue 3, pp. 24-26 – <http://web.ebscohost.com.ezproxy.lib.rmit.edu.au/ehost/detail?vid=2&hid=5&sid=9c2bb7a7-aff6-4daa-96d7-4b1eb7fa3a6a%40sessionmgr10&bdata=JmxvZ2lucGFnZT1Mb2dpbi5hc3Amc2l0ZT1laG9zdC1saXZlJnNjb3BIPXNpdGU%3d#db=buh&AN=9101141056> – Accessed 21 August 2009.
8. Casal, G. S. (undated), 'Conflict and Consonance', The Filipiniana Archives, Filipinas Heritage Library website http://www.filipinaslibrary.org.ph/filipiniana/viewessay.asp?aid=17&art_id=17&pg=1 – Accessed 20 August 2009.
9. Saboy, S. M. 1988, 'The Kalinga & Isneg Way of Life', Call of Nature website, 18 August <http://magkachi.wordpress.com/aus-files/aus-articles/the-kalinga-isneg-way-of-life/> – Accessed 17 August 2009.
10. Eggan, F. 1941, 'Some Aspects of Culture Change in the Northern Philippines', *American Anthropologist*, New Series, Vol. 43, No. 1, January-March <http://www.jstor.org.ezproxy.lib.rmit.edu.au/stable/pdfplus/662983.pdf> – Accessed 17 August 2009.
11. 'Facts and Figures: Kalinga Province At a Glance' 2005, Republic of the Philippines National Statistical Coordination Board (NSCB) Cordillera Administrative Region website, 3 August http://www.nscb.gov.ph/rucar/fnf_kalinga.htm – Accessed 24 August 2009.
12. 'Is A Giant Stomping Out the Hill-Tribes?' 1979, *Praxis*, Volume V, Number 1, January-April, Ibiblio website, source: *WHO Magazine*, Manila Philippines, 15 September <http://www.ibiblio.org/ahkitj/wscfap/arms1974/PRAXIS/1980/1/1980-1.htm> - Accessed 25 August 2009.

13. Eggan, F. 1963, 'Cultural Drift and Social Change', *Current Anthropology*, Vol. 4, No. 4, October <http://www.jstor.org.ezproxy.lib.rmit.edu.au/stable/pdfplus/2739890.pdf> – Accessed 20 August 2009.
14. Ballug, M. and Isle, J. 2009, 'The Taloctoc, Kalinga Betrothal System', The Clamor of Kalinga website, 12 June <http://theclamorofkalinga.blogspot.com/2008/03/betrothal-system.html> – Accessed 20 August 2009.
15. Pitlongay, V. P. 2007, 'Indigenous Peoples' Annulment of Marriage Less Expensive', Republic of the Philippines National Statistics Office website, 7 June <http://sois.census.gov.ph/node/46222> – Accessed 24 August 2009.
16. 'Making peace in the Indigenous way in the Philippines' 2000, *Worldwide Peacebuilders Mennonites*, Vol. 30, No. 1, January-March, Mennonite Central Committee website http://mcc.org/peace/pon/PON_2000-01.html#8 – Accessed 17 August 2009.
17. 'Position Paper of the Teduray, Lambangian & Dulangan Manobo' 2006, The AKMK [Alyansa ng Kabataang Mindanao para sa Kapayapaan] Forum website, February http://www.freewebs.com/akmkforum/opinion/POSITION_PAPER_OF_THE_TEDURAY.doc – Accessed 25 August 2009.
18. Lasimbang, J. 2004, 'Indigenous Women and Activism in Asia: Women Taking the Challenge in Their Stride', *Indigenous Affairs*, No. 1-2/04 <http://pro169.org/res/materials/en/discrimination/IWGIA,%20Indigenous%20Women.pdf> – Accessed 17 August 2009.
19. DIAC Country Information Service 2009, *Country Information Report No. 09/34 – CIS Request No. PHL9650 Conflict between Kalinga and Isneg tribes*, (sourced from DFAT advice of 8 April 2009), 14 April. (CISNET Philippines CX224314)
20. Killip, T. 2006, 'The Sagada Experience', in 'Waging Peace in the Philippines: Strengthening Peace Movements and Instituting the politics of a Just Peace', *Collective*, Gaston Z. Ortigas Peace Institute, Europe Solidaire Sans Frontieres website, 1 January <http://www.europe-solidaire.org/spip.php?article7134> – Accessed 21 August 2009.
21. Foy-Os, M. (ed), Gamio, C., Camte-Bahni, R., Belardo, A. and Nanglihan, A. 2000, 'Women as Catalysts of Change: Revitalizing Traditional Institutions in the Cordillera, Philippines', Chapter 6 in Krishna, A., Wiesen, C., Prewitt, G. and Sobhan, B. (eds), 'Changing Policy and Practice from Below: Community Experiences in Poverty Reduction', Civil Society Team of the United Nations Development Programme (UNDP), UNDP website http://content.undp.org/go/cms-service/report/asset/?asset_id=1942980 – Accessed 21 August 2009.
22. Government of the Republic of the Philippines 1997, 'Indigenous Peoples Rights Act of 1997 (Republic Act No. 8371)', Food and Agriculture Organization of the United Nations Legal Office (FAOLEX) website <http://faolex.fao.org/docs/texts/phi13930.doc> – Accessed 21 August 2009.

23. Government of the Republic of the Philippines 1991, 'Local Government Code of 1991 (Republic Act No. 7160)', 10 October, The LAWPHiL Project website
http://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html – Accessed 24 August 2009.
24. Leonen, M. M.V.F. 2007, 'The Irony of Social Legislation: Reflections on Formal and Informal Justice Interfaces and Indigenous Peoples in the Philippines', United Nations Development Programme Regional Centre in Bangkok website
<http://regionalcentrebangkok.undp.or.th/practices/governance/a2j/docs/CaseStudy-09-Philippines-SocialLegislation.pdf> – Accessed 24 August 2009.
25. 'Submission to the Committee on the Elimination of all forms of Racial Discrimination: Philippines Indigenous Peoples ICERD Shadow Report for the consolidated fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth Philippine ICERD periodic reports' 2009, Committee on the Elimination of all forms of Racial Discrimination, 73rd Session, 3rd to 28th of August, Office of the High Commissioner for Human Rights (OHCHR) website
http://www2.ohchr.org/english/bodies/cerd/docs/ngos/PIP_Philippines75.pdf – Accessed 24 August 2009.