

Intervention: On the Marginalization of Indigenous Peoples in Urban Areas and the Cariño Doctrine of Native Title

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**Endorsed by: Asia Pacific Indigenous Youth Network
Asia Indigenous Peoples Pact**

I would like to draw attention to the plight of indigenous peoples in urban areas, who have been marginalized, minoritized and threatened by extinction in places that once solely belonged to their ancestors.

I speak of the particular case of my people, the Ibaloy in Baguio City, Philippines, who, were dislocated when the colonizers, through legislation, grabbed Ibaloy lands and rapidly developed the place into a colonial hill station, a rest and recreation site for colonial soldiers. Declaration of vast lands as government reservations and rapid urbanization displaced the Ibaloy from their ancestral lands and opened the gates for migrant settlers. Today, the Ibaloy are a marginalized minority in Baguio City, who are struggling to keep their land and cultural identity amidst a metropolitan urban jungle.

The case of the Ibaloy people of Baguio is internationally significant as it was they who worked for the establishment of the Cariño Doctrine of native title, which came about because of the courage of an Ibaloy, Mateo Carino, who dared to challenge the powerful American colonizers. He asserted that the land the Americans had taken belonged to him and he filed a case that reached the US Supreme Court, which eventually decided in favor of the Ibaloy in 1909. The Cariño Doctrine is an established legal doctrine that Filipinos can be proud of. It is, in fact, the foundation of the Philippine Indigenous People's Rights Act (IPRA), passed in 1997, which recognizes "ancestral domain," or ownership of land established through collective memories and custom law, and that for indigenous peoples, land ownership is not given by formal titles, but is claimed by use and inheritance since time immemorial.

The Cariño Doctrine has since been used in cases filed by indigenous communities in other countries, notably the Maori of New Zealand, native Americans in the United States and "First Peoples" in Canada. Sadly, in Baguio City itself in the Philippines, the Cariño decision has never been implemented. And while the IPRA is considered another landmark achievement for the Philippines, progress on the issuance of ancestral land and domain titles is extremely slow.

Worse, there are conspicuous irregularities and anomalies in the processing of ancestral land and domain claims by the National Commission on Indigenous Peoples (NCIP) in the Philippines. One clear example is the recent issuance by the NCIP of a Certificate of Ancestral Land Title over a 69 hectare lot in Baguio City to bogus claimants. This lot is now being targeted as a garbage dump of Baguio City. This act of the NCIP is a shame and grave injustice to the Ibaloy of Baguio, a serious violation of the Carino doctrine of

native title, a sacrilege to the memory of Mateo Carino, a mockery of the IPRA and a breach of the UN Declaration on the Rights of Indigenous Peoples.

I wish to formally submit the case of the Ibaloy of Baguio – their dislocation from their ancestral lands, the disenfranchisement as rightful land owners, their extreme marginalization in the process of urbanization leading to their threatened extinction – as a case for the Special Rapporteur on Fundamental Freedoms and Rights of Indigenous Peoples, Atty. James Anaya, to look into. We call on the UNSR to investigate and recommend corrective measures to recognize the rights of the indigenous Ibaloy people, and other threatened indigenous peoples in urban areas around the world.

Thank you for your kind attention. #