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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-fifth session

SUMMARY RECORD OF THE 1956th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 18 August 2009, at 3 p.m.

Chairperson: Ms. DAH

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifteenth to twentieth periodic reports of the Philippines (CERD/C/PHL/20; CERD/C/PHL/Q/20; HRI/CORE/1/Add.37)

1. At the invitation of the Chairperson, the members of the delegation of the Philippines took places at the Committee table.
2. Ms. BASILIO (Philippines), introducing her country's latest periodic report (CERD/C/PHL/20) and expressing her Government's appreciation for the important role of the Commission on Human Rights of the Philippines and civil society in raising awareness of human rights, highlighted her country's rich tradition of unity in diversity, born of a history of contact with other peoples. The Philippines Constitution stipulated that the State recognized and promoted the rights of indigenous cultural communities within the framework of national unity and development, and accorded the highest priority to the enactment of measures to protect and enhance the right of all people to human dignity, to reduce social, economic and political inequalities, and to remove cultural inequities.
3. She outlined various measures taken to implement the Convention since the State party had last appeared before the Committee, including the enactment of the Indigenous Peoples Rights Act of 1997, which had served as one of the models for the United Nations Declaration on the Rights of Indigenous Peoples, and the establishment of the Autonomous Region in Muslim Mindanao. The recent study on the right to education by the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/EMRIP/2009/2) had cited Philippines legislation as containing provisions that recognized pluralistic systems of education and gave equal importance to traditional ways of teaching and learning, and had acknowledged the country's provision of vocational training and retraining for indigenous peoples. In 1987, the Office on Muslim Affairs had been created to preserve and develop the culture, traditions, institutions and well-being of Muslim Filipinos. A number of countries had expressed an interest in replicating the model.
4. She recounted various historical examples of the Philippines' strong commitment to eliminating colonization, repression, racial discrimination and discrimination based on origin, colour, language, belief or religion, and sex. The country had opened its doors to numerous groups of refugees at different times and had actively participated in the international human rights arena since the inception of the United Nations, including recently at the 2009 Durban Review Conference. It was also active in promoting the rights of migrants and members of their families and advocating interfaith dialogue.
5. Ms. LEPATAN (Philippines), responding to the questions in the Country Rapporteur's list of issues (CERD/C/PHL/Q/20) regarding progress in the involvement of indigenous people in national and local governance, emphasized that Government officials at all levels were elected by the people and that indigenous groups had participated in local governance and nation-building from a very early stage in the country's history. Moreover, the Government pursued a policy of promoting participation in development activities, primarily through local, community-based projects.

6. She provided details of a number of people of indigenous origin who had served in legislative and executive positions since the United States Congress had passed the Philippine Autonomy Act in 1916, creating a bicameral legislature and granting the Philippines some measure of autonomy in local governance in preparation for full independence. Ensuring the satisfaction, well-being and economic security of all ethnic and other groups within the country had been a central aim in drafting the 1935 Constitution, which had been negotiated by representatives of all provinces and had remained in force until 1973. Subsequently, representatives of minority groups had been involved in drafting the 1987 Constitution, still in force.

7. She outlined various activities of the Commission on National Integration, created in 1958, which had mainly been concerned with granting scholarships to indigenous students, and its successor, the National Commission on Indigenous Peoples, established under the Indigenous Peoples Rights Act to oversee its implementation and headed, since its creation, by individuals of indigenous origin. A key feature of the Act, which was an affirmative measure granting indigenous cultural communities and indigenous peoples rights not enjoyed by majority groups, was the concept of ancestral domains. Indigenous rights holders had been involved in three-dimensional mapping of their ancestral domains to help them in understanding the best possible use of their land and water resources. Indigenous groups were also provided with assistance to increase their income and improve their standard of living through livelihood programmes appropriate to their local circumstances.

8. May 2009 had seen the publication of the Philippine Human Development Report 2008/2009, funded by the New Zealand Government and the United Nations Development Programme (UNDP) and focusing on three basic indicators: health, education and income levels. Education and health had been devolved to local government, although most funding was still provided from the national budget. The highest-ranked of the country's 77 provinces in the Report was Benguet, where indigenous peoples comprised 75 per cent of the population. The province had three major economic assets: three of the country's biggest mining operations; three major hydroelectric dams; and an agricultural industry based on monoculture cultivation of temperate vegetables, strawberries, cut flowers and coffee.

9. Mr. QUILAMAN (Philippines), briefly outlining the Philippines' pre-colonial and colonial history, said that the native title of indigenous peoples to their ancestral domains had been recognized by the Government during the United States' occupation in a landmark decision of the United States Supreme Court, based on the fact that the territories of those groups had never been subjugated to form part of the public domains under Spanish rule. The lands were therefore deemed to be privately owned by indigenous peoples. Nevertheless, it had taken some time for the legal change to become a reality, with Government-backed encroachment on indigenous lands by migrants, multinational corporations and large domestic businesses, particularly under United States rule. Until the Indigenous Peoples Rights Act had been passed, many developments had been introduced that ran contrary to the traditional beliefs and customs of indigenous peoples, who held on to their knowledge systems, practices and concepts of governance.

10. There were currently 110 groups of indigenous peoples, accounting for about 16 per cent of the total population of the Philippines. The Constitution recognized and promoted their rights and had laid the basis for the Indigenous Peoples Rights Act, creating the National Commission on Indigenous Peoples. The Act recognized four clusters of rights: rights to ancestral domains; rights to self-governance and empowerment; rights to social justice and human rights; and rights to cultural integrity.

11. The ancestral domains comprised forests, pastures, residential and agricultural land, hunting grounds, places of worship, bodies of water, minerals and other natural resources. Under the Constitution, all natural resources were owned by the State, but the indigenous communities had priority rights with respect to their harvesting, extraction and use. The concept of native title referred to rights to lands and domains held before the Spanish conquest. The ancestral domains, which were recognized as the source of the communities' cultural integrity, could not be sold, disposed of or destroyed.

12. The rights to self-governance and empowerment ensured that indigenous socio-political, cultural and economic rights were respected. The rights to social justice and human rights ensured non-discrimination and the enjoyment of basic human rights. The rights to cultural integrity ensured the preservation and promotion of historical and archaeological artefacts of indigenous peoples and included intellectual rights, indigenous knowledge systems and practices, and biological and genetic resources.

13. The National Commission on Indigenous Peoples formulated and implemented policies, plans and programmes based on the foregoing clusters of rights. It was a quasi-judicial, quasi-legislative and executive body. In its quasi-judicial role, it approved and awarded certificates of ancestral domain and land titles; decided cases arising from the Indigenous Peoples Rights Act; promoted the primacy of customary law; and maintained regional hearing offices. As a quasi-legislative body, it promulgated operational guidelines and other instruments to facilitate implementation of the Act. As an executive body, it implemented programmes focusing on advocacy and coordination services; adjudication and legal services; ancestral domain and land delineation and titling services; and indigenous peoples' development services.

14. The National Commission was composed of seven commissioners, each representing an ethnographic region. Two commissioners represented women and another two were lawyers. In addition to the central office, there were 12 regional offices, 46 provisional offices and 108 community service centres. The current blueprint for the Commission's action was known as the Organizational Performance Indicator Framework.

15. A challenge to the constitutionality of the Indigenous Peoples Rights Act had been filed with the Supreme Court immediately after its enactment in 1997 by forces with vested interests in the exploitation of indigenous natural resources. In December 2000 the Supreme Court had upheld the Act's constitutionality.

16. The National Commission formalized the ownership of ancestral domains and lands on the basis of the native title concept. An application filed by the indigenous community concerned was submitted to the Commission. It described traditional landmarks, customs, political structures and agreements concerning boundaries, and provided other data such as place

names derived from the community's native dialect. The Commission had already issued 130 certificates of title to ancestral domains and 215 certificates of title to ancestral land. By the end of 2009 it would have delineated and issued titles to 90 per cent of all ancestral domains and lands, corresponding to an area of over 8 million hectares.

17. The indigenous cultural communities prepared their own Ancestral Domains Sustainable Development and Protection Plan in accordance with their customary practices, laws and traditions. The Commission had assisted indigenous peoples in drawing up 70 such plans to date, and 34 plans were still being formulated.

18. Mr. WANDAG (Philippines) said that the National Commission on Indigenous Peoples had been uncompromising in its compliance with the principle of free and prior informed consent. The views of indigenous cultural communities on proposed activities were determined in a manner that was free from any external manipulation, interference or coercion. A memorandum of agreement stating the terms and conditions and the penalties for non-compliance was signed by the communities concerned.

19. The Commission had also documented customary laws, indigenous knowledge systems and practices, including health-care practices and traditional medicines. It had supported 163 cultural festivals and issued 14,802 certificates of confirmation of tribal membership for various purposes, including employment, scholarships and travel abroad. Culture-specific curricula and learning materials had been developed with the Department of Education. A National Indigenous Peoples Education Policy Framework was currently being tested in the field.

20. The Commission had documented cases of involvement by indigenous children in armed conflict perpetrated by non-State actors.

21. Provincial consultative bodies composed of traditional leaders and representatives of women and young people had been constituted nationwide with a view to the establishment of regional ethnographic consultative bodies and a national consultative body. The National Commission had facilitated representation of indigenous peoples in 2 provincial legislative councils, 3 city legislative councils, 19 municipal legislative councils and 98 Barangay legislative councils. The indigenous peoples' civil registration system guaranteed the right to a name and identity and to nationality.

22. The Commission had entered into partnerships with international funding institutions, including UNDP, the Japan Social Development Fund, the International Fund for Agricultural Development, the World Bank, the International Labour Organization (ILO) and the United Nations Children's Fund.

23. With a view to coordinating policies, it engaged in a continuous dialogue with the Department of Environment and Natural Resources, the Department of Agriculture, the Department of Agrarian Reform, local government units and other entities.

24. In February 2009 the Commission had been invited by the Government and UNDP to become the implementing partner for the Strategic Framework to Strengthen Indigenous Peoples' Rights and Development in the Philippines. The programme would be implemented in

close cooperation with civil society, including NGOs, church organizations, the academic community and indigenous peoples' organizations. It focused on ancestral domains and natural resources; indigenous peoples' governance and access to justice; and indigenous peacebuilding.

25. Mr. THORNBERRY (Country Rapporteur) said that the Committee had received a wealth of information both from the State party and from NGOs. A great deal had changed in the Philippines since the submission of the last periodic report 12 years previously. He hoped that the Committee would have the opportunity to engage in a more regular dialogue with the State party in the future.

26. The Philippines had an excellent record of ratification of United Nations instruments, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization. He noted, however, that some instruments on statelessness had not been ratified. ILO Convention concerning Discrimination in respect of Employment and Occupation (No. 111) had been ratified, but not the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169). In its written response to question 25 of the list of issues concerning ILO Convention No. 169 (document without a symbol, English only), the State party had drawn attention to the fact that only 20 States had ratified it. That approach underestimated the Convention's significance as a contemporary benchmark of indigenous rights. Although the State party argued that in many respects the Indigenous Peoples Rights Act was more advanced than ILO Convention No. 169, he was pleased to note that it was still prepared to undertake further studies of some aspects of the instrument. Subscription to international standards might also be perceived as a welcome act of international solidarity with the groups concerned and a commitment to engage with relevant international mechanisms.

27. According to the report, about 17 per cent of the population fell within the definition of indigenous peoples. While the delegation had mentioned 110 ethnic groups and 86 languages, the core document submitted in 1994 (HRI/CORE/1/Add.37) had referred to 70 recorded languages. He wondered whether the increase since then was due to further research. Pilipino was the national language and Tagalog the lingua franca.

28. Paragraph 20 of the report described the Indigenous Peoples Rights Act as an affirmative action measure. That term was not used in the Convention, which referred instead to special measures. It might be preferable, however, to view the Act as an expression of indigenous rights, since special measures were deemed to be temporary.

29. Noting that ethnicity would be included as a variable in the 2010 national population census, he welcomed the fact that the sample census question appeared to operate on the basis of self-definition.

30. Armed insurgencies were mentioned in the report alongside national disasters as factors inhibiting development. The long-running conflicts included those which pitted the State against the Communist Party of the Philippines and the New People's Army (NPA). According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, the peace process with those groups was largely inactive. A number of groups seeking either secession or greater autonomy, including the Moro National Liberation Front and the Moro Islamic Liberation Front,

were also operating in Western Mindanao and the islands extending towards Borneo. The Special Rapporteur had referred in those two cases to ongoing negotiations. In that connection, he would welcome an update of the information supplied in the State party's response to question 17 of the list of issues. He would also be interested in hearing more about the work of the Melo Commission and the Task Force Usig.

31. In recent years Muslims and indigenous peoples in Mindanao had reportedly lost a great deal of land. During the twentieth century the Muslim population of Mindanao had declined from 77 to 19 per cent owing to immigration from elsewhere in the Philippines. He had references in his file to a Memorandum of Agreement on the issue of the Moro ancestral domain and to a 2009 plebiscite in which villages would decide whether they wished to become part of the Autonomous Region in Muslim Mindanao. He would welcome any information that the delegation could provide on those developments.

32. He commended the many initiatives taken with a view to protecting indigenous peoples, including children, in zones of armed conflict. However, the Secretary-General's report to the Security Council on children and armed conflict in the Philippines (S/2008/272) documented very serious cases. The Committee would be particularly interested in hearing about the ethnic dimensions of such cases and about the proposed monitoring and reporting mechanism.

33. When reviewing the implementation of its Optional Protocol on the involvement of children in armed conflict, the Committee on the Rights of the Child had recommended the enforcement of the Indigenous Peoples Rights Act to ensure that indigenous children were not recruited by armed forces. He assumed that the Government was doing its utmost to distinguish between civilians and rebel groups in conflict situations.

34. An NGO called the Internal Displacement Monitoring Centre estimated that some 3 million people had been displaced by armed conflicts in the Philippines since 2000. The Autonomous Region in Muslim Mindanao had reportedly been particularly badly hit. The same source referred to displacement due to development projects. He invited the delegation to comment on those reports and to clarify the role of the Investment Defence Force.

35. He had been interested to hear from the delegation about the reception of Jewish refugees. The Committee devoted a great deal of attention to the rights of non-nationals as well as citizens. He drew attention in that connection to general recommendation No. XXX concerning discrimination against non-citizens.

36. Referring to the sweeping denial of the existence of racial discrimination in paragraph 13 of the report, he said that, while formal discrimination might be "non-existent", it was highly unlikely that there were no cases of informal discrimination in the Philippines. Indirect discrimination might arise even on the basis of well-intentioned or neutral policies if they had a disproportionately adverse impact on certain groups.

37. He asked whether the Convention prevailed over domestic legislation or had the same status as ordinary domestic law. In the latter case, would its provisions be susceptible to implied repeal by later legislation?

38. There did not seem to be a general anti-discrimination law, but paragraphs 10 and 11 of the report referred to Presidential Decree No. 1350-A of 1978, which provided for specific penalties for offences constituting violations of the Convention. He wished to hear more about the Decree, the types of discrimination it covered and its legal effects. Reference had also been made to a number of bills that were designed to address discrimination in a comprehensive manner. How soon were they likely to be enacted and what legal gaps would they fill?

39. He invited the delegation to comment on the case of La Bugal-b'laan Tribal Association, Inc., et. al. v. Victor Ramos, which was currently before the Supreme Court. In the context of the proceedings, the rights of the indigenous community concerned had been characterized as "parochial interests". The Court, in its conclusions, had applied the utilitarian principle of the greatest good of the greatest number, which by its very nature worked against the interests of ethnic minorities and raised questions about the relationship between rights and the interests of development projects.

40. He requested additional information about local legislation relevant to Muslims living in the Autonomous Region in Muslim Mindanao and the Cordillera Administrative Region supplementing the Indigenous Peoples' Rights Act.

41. Paragraph 48 of the report stated that the special attention given to indigenous communities should not be taken as an indication that they were being treated separately. He pointed out that special treatment of indigenous peoples was precisely what the Convention required.

42. He asked whether the mandate of the Commission on Human Rights of the Philippines had been extended to include the promotion and protection of economic, social and cultural rights.

43. Much had been said about gender and disability in the section relating to article 2, but the information bore little apparent relation to the Convention.

44. The Indigenous Peoples' Rights Act was a remarkable contribution to indigenous rights in Asia and carried into law the constitutional recognition of ancestral land rights of indigenous peoples, among others. The Act recognized the inherent rights of indigenous peoples, but it was unclear how those inherent rights fitted in with the existing legal culture, in particular the Regalian Doctrine described by the delegation. He wished to know how the Doctrine affected native title rights.

45. The Indigenous Peoples' Rights Act required indigenous peoples to obtain a Certificate of Ancestral Domain Title to prove ownership of land. Was it true that, 12 years after the entry into force of the Act, only 8 per cent of estimated ancestral land had been registered? He asked whether the certificates, once obtained, must be registered, and requested information about the relationship between the ancestral domain process and prior existing rights. He would also like to hear the delegation's comments on allegations that development projects undermined indigenous land tenure.

46. Information before the Committee suggested that the city of Baguio was exempted from the application of the Indigenous Peoples' Rights Act, although the State party had rejected that claim, and he would welcome an explanation.

47. He requested additional information on the capacity, status and location of the National Commission on Indigenous Peoples and invited the delegation to comment on allegations relating to accountability and transparency within the National Commission.

48. Although the Philippines had been among the originators of the concept of free, prior and informed consent, NGO reports suggested that current guidelines on consent did not always set appropriate timelines and he would welcome further information. He also wished to know whether free, prior and informed consent to development projects was sought if ancestral land title had not been formally registered. With regard to the State party's affirmation that no complaints of violation of the principle of free, prior and informed consent had been received, he requested information on relevant complaints mechanisms.

49. He enquired about the way in which the Indigenous Peoples' Consultative Body (IPCB) would complement the work of the provincial consultative bodies and the National Commission on Indigenous Peoples.

50. Information before the Committee suggested that displaced members of ethnic groups were affected disproportionately by violations of their economic, social and cultural rights and he invited the delegation to comment. With regard to education, he asked the delegation to elaborate on the Indigenous Peoples Core Curriculum for Alternative Learning System.

51. The State party's assertion that the issues relating to the protection of rights of the Subanon people of Mount Canatuan emanated from a leadership conflict within the tribe had been strongly disputed by NGOs. He requested an update on the latest developments in that regard and reminded the State party of its commitment under the Indigenous Peoples' Rights Act to protect indigenous peoples' sacred sites.

52. Mr. de GOUTTES welcomed the resumption of the dialogue with the State party after 12 years. While the report provided extensive information on legislative measures and institution-building in the field of indigenous rights, it offered little insight into practical application on the ground. NGO reports stood in stark contrast with official information relating to the situation of indigenous peoples and the implementation of the Indigenous Peoples' Rights Act. The delegation should provide additional evidence to substantiate the Government's assertions in that regard.

53. As in its previous report, the State party maintained that discrimination based on race, colour or ethnic origin was non-existent in the Philippines because Filipinos had essentially the same racial and ethnic origins. However, even in the purported absence of racial discrimination, the State party had a positive obligation under the Convention to adopt legislative, judicial, administrative and other measures to give effect to its provisions, including as a preventive measure. The absence of complaints of racial discrimination was often due to victims being ill-informed about their rights, fear of retaliation, the inability to provide evidence, or distrust of law enforcement. He would therefore welcome information on mechanisms of redress for violations of the Convention.

54. He asked the delegation to elaborate on the alternative dispute mechanisms for indigenous peoples based on traditional practices mentioned in paragraph 54 of the report. He also wished to know which categories of rights came under the sharia.

55. He noted the absence of legislation criminalizing acts of racial discrimination within the meaning of article 4 of the Convention. Existing legislation merely criminalized violations of the rights established in the Indigenous Peoples' Rights Act. In that connection, he asked what progress had been made towards the adoption of the anti-discrimination bill mentioned in paragraph 119 of the report and the draft act creating the National Commission on Muslim Filipinos.

56. He requested detailed information on the application and impact of Republic Act 9372, also known as the Anti-Terrorism Act.

57. He called upon the delegation to explain the provisions relating to additional consideration given to indigenous peoples who had failed the examination administered by the National Police Commission, and on the special measures provided under article 25 of the Indigenous Peoples' Rights Act aimed at improving the social and economic conditions of indigenous peoples.

58. More complete statistics should be provided in the next periodic report on the number of complaints, prosecutions and judgements handed down in relation to acts of racial discrimination. Reiterating question 17 of the list of issues, he requested the delegation to comment on reports by several United Nations special rapporteurs concerning extrajudicial executions, political killings, enforced disappearance, torture and ill-treatment committed by the Philippine Armed Forces and the Philippine National Police against members of indigenous and ethnic groups. He would also welcome information about the protection of children in situations of armed conflict.

59. Mr. KEMAL, referring to the State party's assertion that there was no racial discrimination in the Philippines, said that no country was entirely free of racial discrimination, especially in the presence of economic interests that might undermine the rights of vulnerable groups.

60. The Indigenous Peoples' Rights Act was reportedly not always implemented, and indigenous community leaders had been subjected to threats by State agents and non-State actors. Such complaints must be investigated and the perpetrators brought to justice. In the context of the universal periodic review of the Philippines in 2008, the country had also been urged to intensify its efforts to investigate and prosecute extrajudicial killings. The task force against extrajudicial and political killings established in response to those requests had submitted several reports to the Special Rapporteur on extrajudicial, summary or arbitrary executions, and he would welcome updated information on the situation.

61. He asked the delegation to elaborate on the existence of racial and religious profiling in connection with the war on terror. He also enquired whether the planned visit of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism had already taken place.

62. Mr. DIACONU said that, while the State party claimed that racial discrimination was foreign to its culture, the Committee did not accept the contention that racial discrimination did not exist from any State party. Moreover, paragraphs 71 and 72 of the periodic report referred to the difficulties indigenous people faced in accessing basic services, being properly represented and enjoying their rights to their ancestral lands. While they might not be the result of Government policy, those difficulties constituted cases of tangible racial discrimination.

63. It would be useful to learn whether the Convention could be invoked directly in domestic courts, and what status it had relative to domestic legislation. None of the domestic legislation mentioned in the report appeared to prohibit racial discrimination against the population as a whole; the State party should take steps to remedy that. Likewise, he asked whether the anti-discrimination bill mentioned in paragraph 119 included provisions on racial profiling of indigenous peoples only; if so, it should be amended to include the entire population. The bill would, in any case, not suffice to harmonize domestic legislation with all the provisions of article 4 of the Convention. He urged the State party to introduce additional legislation in order to fill those gaps.

64. The Committee would appreciate more information on the relationship between the State justice system and alternative indigenous systems. In particular, it would be useful to know whether individuals had recourse to the State party's courts in order to appeal judgements handed down by alternative jurisdictions.

65. He requested clarification on whether government projects, as well as other development projects, required the free, prior and informed consent of indigenous peoples.

66. He would be grateful for additional details of the events that had resulted in the temporary suspension of land acquisition and distribution and the issuing of the 2007 supplementary guidelines on the delineation, titling and registration of Certificates of Ancestral Domain Titles and Ancestral Domain Claim.

67. He asked whether individuals could submit complaints about violations of their economic, social and cultural rights in the private sphere to the Commission on Human Rights of the Philippines or the Office of the Ombudsman. If not, what steps would the Government take to ensure that all violations involving racial discrimination in the private sphere were properly punished?

68. Lastly, he urged the Government to find ways of establishing a more effective dialogue with indigenous peoples.

69. Mr. MURILLO MARTÍNEZ requested additional details on the practical implementation of the requirement that all armed forces personnel should be cleared by the Philippines Commission on Human Rights before they could be promoted.

70. It would be useful to learn to what degree ethnic groups were involved in the efforts of the National Commission on Indigenous Peoples to include ethnicity as a variable in the 2010 population census. He asked whether awareness-raising campaigns were being conducted and whether indigenous groups would play a role in the different stages of the census.

71. Further information would be useful on how the State party implemented the recognition of indigenous peoples' customary registration of birth, marriage, death, dissolution of marriage, and revocation of the dissolution of marriage.

72. He would welcome additional details on the findings of the Metagora Project which had measured the level of awareness and fulfilment of indigenous peoples' rights to their ancestral domains and lands.

73. The Committee would appreciate data on the representation of indigenous peoples in the State party's decision-making bodies at the legislative, executive and judicial levels.

74. He wished to know how indigenous peoples in the State party were affected by the global problem of sexual tourism.

75. Mr. LINDGREN ALVES said that, given the State party's clear recognition of the collective rights of communities, it would be useful to know whether there were any clashes or prejudices between those communities, since they would constitute racial discrimination.

76. He requested additional information on the AFP-PNP Bishop Ulama Conference Forum for Peace, especially on the State party's expectations of its presentation of that initiative to the United Nations.

77. Mr. CALI TZAY drew the State party's attention to paragraph 1 of the Committee's general recommendation XXIII on indigenous peoples. In that connection, he would appreciate more details of the steps taken by the State party to uphold indigenous peoples' rights to self-governance and self-determination.

78. He would welcome the delegation's comments on reports that the NPA had prevented indigenous peoples from gaining access to their lands and cultivating them. Would it be true to say that the NPA had occupied those lands, displacing the indigenous authorities?

79. It would be useful to know how the State party defined the term "indigenous cultural communities".

80. He asked whether the free, prior and informed consent of indigenous communities themselves was required before concessions were granted for development projects, or whether the free, prior and informed consent of the National Commission on Indigenous Peoples was sufficient. It would be useful to know whether such consent by migrant communities was sought before development projects were allowed on their lands, particularly in view of reports that the rights of the Ifugao of Didipio had been violated in that regard.

81. Mr. AVTONOMOV requested further details on the Autonomous Region in Muslim Mindanao. He asked whether the populations there were ethnic or religious minorities and whether indigenous groups living in the Autonomous Region enjoyed the same rights as those living elsewhere in the State party.

82. He wished to know how the independence of the Ombudsman was guaranteed. It would be useful to learn who appointed the Ombudsman, how long the appointment lasted, whether the Ombudsman could be removed from office, and what procedures were in place to handle complaints concerning racial discrimination.

83. Lastly, on the issue of ensuring the free, prior and informed consent of indigenous peoples before allowing development projects on their lands, he asked which body was responsible for granting concessions, how the consent of the communities was attained and whether the decisions of the National Commission on Indigenous Peoples could be challenged.

84. Mr. HUANG Yong'an said that, while the Government had the right and responsibility to conduct development projects on its territory, it was nonetheless necessary to take into consideration the interests and rights of indigenous peoples. The Committee had received many reports of violations of indigenous peoples' rights, especially concerning their lands, on which they depended for survival.

85. He urged the Government to increase the budget allocation for the implementation of the Indigenous Peoples' Rights Act in order to expedite the issuing of ancestral domain titles.

The meeting rose at 6.05 p.m.