Globalization and the Indigenous Peoples: Focus on Malaysia, the Philippines and Mexico

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Since the dawn of colonization, man has searched for new frontiers at the expense of the indigenous peoples (IPs). In the name of conquest, the indigenous communities, as exemplified by those in Malaysia, the Philippines and Mexico, lost their humanity through assimilation and their homelands by virtue of the Regalian doctrine. Some IPs were given token recognition while the colonizers exploited and destroyed the former's ancestral lands. Others were acculturated through mainstream education, pacified through foreign religions or annihilated through brute force. Development is usually invoked by the state to justify the subjugation and disenfranchisement of the indigenes whose plight has been aggravated by globalization. Because of these events, their common clamor in protest actions or armed resistance is their right to self-determination. Nowadays, more IPs' organizations with the aid of other sectors are pursuing this cause by neutralizing discrimination, political marginalization and cultural suffocation. Elsewhere, governments are forced to listen but they respond slowly and with little impact. Most responses fall into the too-little-too-late syndrome, leaving the IPs deeply disillusioned. However, no matter if the struggle has a long way to go, it has also come a long way as the IPs have become more aggressive and creative in their collective action to defend their rights and advance their causes.

Introduction

The struggles of the indigenous peoples (IPs)[1] of the world have come a long way. This is not surprising since these struggles have been waged for almost five centuries since the dawn of colonization.

In the contemporary period, these took center stage when the North American Aborigines (who would rather not be called Indians) in the 1950s-60s took on a more aggressive stance including storming the sessions of the United Nations General Assemblies. This brought the International Labor Organization's (ILO) Convention No. 107 of 1957 to codify the rights of the IPs in the document concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries. In another decade, the United Nations (UN) would address IPs' concerns when its Economic and Social Council worked

towards making a comprehensive study on the discrimination suffered by the IPs and how this could be eliminated. This study was made from 1973 to 1985 and its findings helped to advance the IPs' cause, especially those linked to land and territorial concerns.[2]

The IPs increasingly pressed their claims at the UN and ILO. The former was pressured towards setting up a Working Group on Indigenous Populations (WGIP) in 1982. IPs who came to the WGIP sessions tackled IPs' concerns such as land rights, control of their homelands, autonomy and self-determination. The latter was forced to acknowledge that their 1957 Convention position on the IPs had become irrelevant. Thus, they convened a new Indigenous and Tribal Peoples Convention and adopted a new position in June 1989. In 1992, the UN finally came up with a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.[3]

In order to provide a strong solidarity support for the IPs, the UN declared 1993 *The Year of the Indigenous Peoples* which began the *Decade of the IPs*. Later, the Nobel Peace Prize was awarded to an indigenous person from Guatemala, Rigoberta Menchu, who was designated by the UN as its Goodwill Ambassador for Indigenous People. She convened the Second Summit Meeting of Indigenous People, held in Oaxtepec, Mexico in October 1993.

Among other things, the statement that came out of this conference stated:

> [O]ur condition as indigenous people has steadily deteriorated over the International Year. Evictions continue, as does lack of recognition and the failure to effectively enforce fundamental laws; there is greater environmental degradation and the abuse of our natural resources is worsening. Our human rights are still flagrantly abused on a massive scale, particularly as regards racism and the persecution of our women. The enforcement of structural adjustment policies, the payment of the foreign debt and, in general, the neoliberal policies applied by the governments of the countries in which we live are having a tremendously negative impact on the health, employment, education and standard of living of our peoples. This makes us the *chief victims of these policies* (emphasis supplied).[4]

Globalization and everything connected to it -- from free trade to privatization, NAFTA to GATT -- are bad news for the IPs. They have, indeed, become the chief victims of the policies that have been pushed by governments and global conglomerates whose vision of paradise (read: limitless profits and sustained high-growth economies) is framed by the globalization strategy. This is especially true for the IPs among the countries of the Asia-Pacific Economic Cooperation (APEC). In the member countries of APEC that enjoy some level of press freedom, there has been a continuing coverage of IP issues that exposes their worsening situation. The IPs themselves have continued to voice out their concerns regarding their continuing disenfranchisement. Various NGOs and their networks supported their stance even as they called for more dynamic solidarity support.

In the past two APEC Summit meetings, the NGOs also held their own summit and came up with statements calling for:

[G]overnments who are members of APEC to . . . take steps to protect farmers and the land rights and tenure of women and *indigenous peoples* . . . .

[W]e call on the peoples of the region to assert and defend their rights, including the right to basic food security and livelihood, to independent economic, social, political and environmental policies and programs; to self-determination to manage, protect, develop, and *defend ancestral domains of indigenous people*; to gender equality, and to the rule of law in respect to human rights.[5]

In their various statements during the Manila APEC Summit, the various leaders of the member countries "endorsed the Manila Action Plan for APEC 1996, [with] its four main themes . . . [namely] strengthening, developing and broadening a spirit of community among Asia-Pacific countries; globalization as an 'irreversible process'; maintaining the dynamism of APEC by moving in a steady pace forward with increasing momentum; and upgrading infrastructure in the APEC region."[6]

Clearly, the positions between the governments (who take their cue from the corporate elite of their respective countries) and the IPs (backed up by their supporters in civil society) are in conflict with one another. One can assume that the former will take on far more aggressive moves to assert their rights as the latter could also respond accordingly. One can be

assured that the future will provide very interesting scenarios as to how these conflicts could deepen unless resolved.

Meanwhile, it is important to find out why the IPs struggles are significant, especially from the perspective of civil society.

Social Movement and Civil Society

Stern's conquest theory stood by the assertion that conquest has no single meaning to those who promoted its cause; instead, there are but multiple paradigms, fantasies and utopias. Each of these raised the question of politics in various senses: politics as sovereignty (rule of law), governance (public policy and decision), authority (jurisdiction) and contestation (social alignment and struggle). This had its roots in the *conquistadores'* struggles to define the terms of coexistence, collaboration and contradiction with the Church, the Crown and the colonies. (1992: 1-34).

Lynch (1987) echoed the conquest theory that gave birth to the legal fiction of the Regalian doctrine. Magoon (1902) and Root (1902) provided the theoretical basis of U.S. conquest indicating that the basis for subjugating the natives was because they were protected by the laws of American civilization. The colonizers, consequently stigmatized IPs as "bloodthirsty barbarians." (Friedman 1994). They assumed legitimate right over the land they discovered even if there were prior Aboriginal inhabitants and eventually, wielded the power to declare ownership over tracts of land. Harin's (1968) tragedy of the commons theory reinforced the idea of such private ownership.

Opposed to the conquest paradigm is the theory of communal ownership in the context of territoriality. Feeny, Berkes, McCay and Acheson (1990) opposed the Hardin thesis, stating the advantages of common property. Broomley (1989) brought out the idea of a common property regime which he stated was a well-defined group of authorized users, a well-defined resource that the group uses and manages, and a set of institutional arrangements that defined each of the above as well as the rules of use for the resource in question. Both the relationship of individuals to one another and the object of the value especially when it was useful to people were interlinked with the structure of the rights. In this context,

the notion of territoriality demanded a new regime of property that recognized patrimonial land reserves (Fernandez: undated).

Once conquest took place, the powers-that-be legitimized the subjugation of indigenous peoples by asserting that this, in the end, was for their own good. Operating within what was ultimately the assimilation theory, they set up institutions facilitating (read: forcing) the integration of the IPs into mainstream society. What used to be sovereign nations (and they counted in the hundreds in North America alone) had to give way to nation-states. What were functioning customary native land laws had to be subsumed into the Western land law system that went back to the origins of Roman law. (Abelardo:1993, Lynch:1981/1983, Aranal-Sereno and Libarios:1983).

The IPs resisted assimilation even as many of them could not avoid acculturation to the colonial ways in various aspects of society and culture. Lee Van Cott (1994) indicated that even as there are legal issues that make the IPs' claims to self-determination problematique, nonetheless, there are also several international legal arguments that protect a set of "customary norms" that legitimize their sovereignty, including the ILO 169 and a stance made by the Inter-American Commission of Human Rights of the Organization of American States. Paust (1980) related the right of self-determination to human rights: that all peoples have the right to participate freely and fully in the sharing of values, to pursue their political demands, and share power equally and fully in the political process.

Anaya (1996) echoed the same theory and added that self-determination could help neutralize discrimination, suppression of democratic participation and cultural suffocation precisely because the very concept was identified as a universe of human rights precepts interlinked with peoples who are all seen as equally entitled to have a control of their own destinies. Johnson and Singh (1980) considered self-determination as an extension of popular sovereignty, thus, it was territorial; it allowed people of a given territory to have self-governance. They also claimed that self-determination would relate to the continued opportunity for people within their own homeland to remain in control of their lives, not only relative to other peoples but even with other groups within their own state.

The organized struggles of the IPs were tackled from the perspectives of the theories on social movements and civil society. The former included those of Covar (1974) indicating that a social movement was a conscious organized attempt by a group to create a new order of life. To analyze a social movement, he claimed that one needed to do this synchronically and diachronically, relating the social movement as a sub-whole within society as the whole. In Foweraker (1995), the theories of the following authors were those included: Habermas (who saw social movements as a reaction to the increasing rationalization of modern life, and are usually seen as reactive, defensive and particularistic in outlook), Touraine (who gave the social actor an important role to play in such movements and who stated that the meaning of social movements can only be understood through normatively-oriented actions), Cohen and Arato (who echoed the need to understand the passion of the actors, otherwise there was no way to explain why such movements moved, and that social movements should also be seen in terms of how they interacted with their institutional environment), Moufee and Hirshman (who saw social movements as projecting a plurality of struggles which displayed a broad diversity of aims and ideologies and that their political practices constructed the interests they represented; consequently, no social movement was more real or central than any other), and Tilly (who believed that social movements were sustained interactions between a specific set of authorities and various spokespersons for a given challenge to authorities).

A number of theories on civil society include those of Hall (1995) who considered it as a particular form of society that acknowledged the fact that there was social diversity where various social groups could exist, move and help to put brakes to the political powers-that-be; and it took a position that living with a difference was as important as the control of despotism. Mouzelis (1995) referred to civil society, in terms of the issues of autonomy and freedom, as associations or groups independent of the state that relate to each other within the processes of modernization. Civil society was strong when modernity brought forth greater spread of civic and political rights down to the lower classes; it was weak when the opposite reality persisted.

Giner (1995) pointed out that as the associational texture became richer, civil society subsequently got revitalized. He also referred to what made for dynamic innovations in civil society: these included those that were no longer new (e.g., citizens' movements, cooperatives, rise in desire

for participatory democracy, consumers groups, environmental and feminist groups, etc.) but also the small, altruistic ones that were emerging. Falk (1992) also referred to these groups and named them as the new social movements, creating the ascendant popular sovereignty, challenging the secular supremacy, reclaiming law, and asserting cultural activism. Among these were powerful, transnational societal initiatives in opposing nuclear power plants, fighting for ecological balance, gender sensitivity, rights of IPs; that employed new modes of action including nonviolent practices, democratizing politics, feminizing leadership and tactics, participatory organizations and the like. Pearce (1996) spoke of civil society as all the social relationships that involved the voluntary association and participation of persons who act in their private capacities within the milieu of private contractual relationships and in the process helped to reconcile three areas of tensions: state from the rest of society, individual pursuit of self interest from that of the common good, and civil-political rights vis-a-vis socioeconomic inequality.

The Plight of Indigenous Peoples in Malaysia

Historical background

The indigenous peoples of Malaysia whose plight has attracted international attention owing to the logging issue that erupted in 1987 are known as the Dayak forest-dwellers in Sarawak. The Dayaks (also known as Orang Ulu or "peoples of the interior") are made up of various tribal peoples including the Penan, Kenyah, Kayan, and Kelabit.[7]

For hundreds of years before the dawn of colonization, the Dayak peoples had their own customary laws determining land ownership and control. This was called the native *adat* system which defined their own legal concept and system. Various aspects of this system asserted that:

> [T]he land belongs to the first person who comes along and creates rights over it and she/he accordingly acquires property over the land ... native communities in Sarawak say, "The land belongs to the countless number of people who are dead, the few who are living, and the multitudes of those yet to be born," .... For them, no one owns the land; it belongs to the gods. The land is on loan and as such it has to be properly taken cared of. When they practice the native customary right over a communally held territory, this is called Menoa. This territory covers one or more longhouses and includes primary forest, secondary vegetation,

farming land, rivers and streams which are used for fishing and other activities.[8]

The coming of James Brooke to Sarawak in 1841, who subsequently became a white Rajah, would drastically change the Dayaks' practice of their native customary rights (NCR) over the land. Numerous laws were passed to change the legal system, making it illegal for the Dayaks to practice their NCR. Those who opposed the laws were brutally annihilated. This worsened with the 1920 Land Order which declared that all lands leased, forfeited or granted were under the state's jurisdiction. [9]

The forest land laws also changed, affecting the Dayaks' NCR. The 1953 Forest Ordinance reserved the forests as permanent source of timber and other forest products. Unless a license was issued which indicated the specific purpose, any person was forbidden to enter the forest reserve. This technically ended the Dayaks' customary rights over the forests for purposes of swidden farming, hunting or collecting forest produce. They, too, had to apply for permission from the Forest Conservator. Not used to this system, they became disenfranchised.

But the ones who benefited were the logging companies who had no problem applying for licenses to allow them to operate within the protected forests and forest reserves. Many loggers enriched themselves in the process; there was no limit to the number of trees they could cut down and there was no reforestation requirement. Amendments to the Forest Ordinance made in 1979 provided for stricter control over the forests which further marginalized the Dayaks but protected the interests of the loggers. Anyone who trespassed, cut trees and collected forests products in the Forest Reserve, Permanent Forest or Statement Forest were liable to be punished. If anyone protested the logging operations e.g., by erecting blockade to stop the logging, they were bound to be arrested and punished.

The irony is that, the indigenous peoples of Sarawak and Sabah, like the country's other main ethnic group, namely, the Malay peoples, enjoy special status under law. Their status is constitutionally recognized; there are special provisions that cover their rights over their homeland. The Sarawak Land Code (c/o Sarawak Cap. 81) recognized the IP's customary right to their land. Political power, however, has been dominated by the Malays since the end of colonization. They have enacted laws to protect their lands through the declaration of Malay reserve land.[10] Technically,

because land rights and forest management are under the individual state's jurisdiction -- owing to Malaysia's federal system of government -- the Dayaks should have some say regarding their land and forests. But this has remained on paper; actual flow of events manifests their powerlessness.

The problems go back to 1958 when the government came up with a land classification involving five categories, namely: the mixed zone land (7.9% of total land area), interior area land (68.9%), the reserved land (15.7%) and the native area land (7.4%) and native customary land (1%). The native area land is designated for the exclusive use of the Dayaks. However, in reality, only a few communities lived in the native area land; the vast majority live in the interior land area land where logging concessions have acquired licenses to operate. In the middle of the 1980s, logging concessions covered 60 per cent of the forests within the interior area.

For many generations, the Dayaks hunted and practiced shifting agriculture in many parts of the interior land area; these were bases for claiming NCR over such lands. But the state would not recognize their NCR in this area because of inconsistencies within the 1958 Land Classification Law.

The 1958 Sarawak Land Code (Part I Section 5) recognized all rights over the land created before 1958 even those acquired following customary laws. But traditional patterns of land use, including hunting and shifting cultivation were not covered. The only methods covered included felling of jungles and the occupation of the land thereby cleared, the planting of land with fruit trees, the occupation or cultivation of land and the use of land for burial ground or shrine. Such inconsistencies were unacceptable to the Dayaks. Thus, their protests against the massive logging that compromised their NCRs erupted.

The protest can only be understood from the context of the importance of forests to the Dayaks:

> [Their] existence is intricately linked to the forest ecosystem. They depend entirely on the forest and its resources for their daily subsistence. They obtain wood for their homes, boats, farm implements and tools; they obtain food and medicines from the wildlife and plant life in the forests and sell jungle produce to traders in exchange for cloth, salt and

cash. Thus, the viability and sustainability of the forest ecosystem is destroyed and they are deprived of their lands and forest resources, so is their survival threatened. Destruction of the forest habitat means death for them.[11]

Logging operations began in Sarawak in 1963. In the next 23 years, a total of 2.8 million hectares or 28,217 sq. km. of forest was logged. This constituted 30 per cent of 95,232 sq. km., Sarawak's total forest area. At the rate they were logging the forests, 20 per cent of the total forests would be gone by 1995. The cutting of trees was not only because of the logging operations per se. Infrastructure, especially the building of roads and bridges made possible the transport of logs from the forests to the ports. But this also caused deforestation and soil erosion as hundreds of miles of logging roads were built across the forests.

The logging operations caused ecological disaster, as well as the economy and health of the Dayaks. In the hilly terrain, logging reduced the water-holding capacity of the land, affecting many plant and animal species and destroying the food web. The IP's major source of protein, namely the wildlife and fish life in the forests and its waters, was severely depleted.

The billion-dollar logging industry has been owned and controlled by prominent politicians and individuals in the state. The first ones were given to relatives and friends of the former Chief Minister, Tun Rahman, as political favors, as well as the relatives and associates connected to Datuk Taib. No wonder, those in government could easily abrogate their constitutional obligations to the natives of Sarawak by ignoring their rights to customary land while giving preferential treatment to the loggers.

Present moves of the government
Since Mahathir Mohamad became Malaysia's Prime Minister, the country has steadily moved towards becoming a tiger economy. In the last decade, its economy has averaged an eight per cent annual growth. In the early 1990s, his government launched the Sixth Malaysian Plan (1991-1995) and the Second Outline Perspective Plan (1991-2000) which were instruments towards its NIC-hood. Lately, the catch phrase has been Vision 2020; by that year, Malaysia aims to transform its economy into full development.[12]

The economy's impressive growth rate has been mainly to "state-assisted capitalism."[13] It came up with limited liberal reforms, aggressively attracted investments especially from Japan while setting up strong controls on these through joint ventures, manipulated trade policy, and initiated an ultramodern manufacturing sector. However, there are indicators that its economic growth has weak foundations: its earnings are still dependent on export of natural resources, there has been no major change in income distribution patterns, wages of labor have not increased dramatically, technology transfer has not taken place despite the surge of investments, and its trade deficit with Japan continue to increase.

Since the first APEC Summit in 1993, Malaysia has not been supportive of the idea of a free-trade area. Mahathir boycotted the meeting, accusing Canberra and Washington of pushing the agenda of a "community of free-trading nations." Since then, Malaysia has been known for its outspoken stance against the idea of an APEC free trade area. In his own words:

> While liberalization has been a major factor in the rapid growth of Asia-Pacific countries, it must be pursued with flexibility and close attention to the particular conditions of each nation. APEC comprises a very wide spectrum of economies in terms of size, advancement, and per capita income . . . . Accordingly, it would be unrealistic to expect a standard rate of liberalization by all member countries, regardless of the stages of their development. An approach premised on progressive liberalization and flexibility will help assure the sustained growth of these economies and thus enable them to positively contribute towards the liberalization process. Furthermore, programs and projects to enhance development and redress economic disparities between the least and most advanced economies in the region are crucial.[14]

Despite his misgivings about APEC, nonetheless, he sees APEC as being able to contribute to the economic well-being of its members. He also has no doubt that there could be "social and political spin-offs from the APEC process . . . which should be regarded as a bonus."[15] In order to achieve the main goal and its bonus, his government would continue to give priority to its push for development, at the expense of the IPs and the environment.

Malaysia's logging companies continue to export raw hardwood and cut timber, leading to destructive deforestation not only in Sarawak but also in Solomon Islands and Surinam. The IPs have been most affected by the disappearance of the forests in areas where their NCR are supposed to be constitutionally guaranteed.

In the late 1980s, the idea of building the Bakun Dam hydroelectric project in East Malaysia was first brought up. But this monumental project was put aside for a while until it was revived. This time, the grandiose infrastructure project plans to transmit electricity by underwater cables not only within Malaysia, but also to a few of their neighboring Southeast Asian countries. This project, like the logging operations, is projected to impoverish the IPs who have protested against the project. Once more, the government ignores the resistance of IPs and the environmentalists.

Indigenous people's response

Since the late 1960s when they saw the impact of logging operations on their lives, the IPs of Sarawak have appealed to the timber companies and the state. They have done the following:

1. Written numerous letters to the Chief Minister, the Forest Department, the State Secretary, the President, the District Office, their elected representatives (even attempting to meet the President) to articulate their demands which included the following:
    a. Forest ecosystem made up of resources and watershed be protected and preserved.
    b. Logging operations in and around their areas be stopped immediately.
    c. All timber companies which had not started operating be cancelled.
    d. Their legal rights to the land, forests, waters and resources be publicly declared, guaranteed by the law and strictly enforced.
    e. Timber concessionaires be prosecuted for their wanton destruction of lands, water catchment areas, river systems, farmlands, communal farms and the forests.
    f. Adequate compensation for the loss of their lands be provided.
    g. Communal forests for their use be increased.
    h. Consultations with them be made before any development takes place in and around their areas and territories.

2. Lodging reports with the police regarding damages on their property and claiming payment for damages inflicted.
3. Applied for Communal Forest Reserves, provided for in the Sarawak Forest Ordinance, so that they have control over forests -- their only source of survival.
4. Filed cases in the High Court in Miri against logging companies that have encroached into their forests and lands.

But government officials ignored their pleas, their appeals went unheeded by those in authority, their applications for communal forests were rejected, and their attempts to seek justice from the courts were frustrated owing to the backlog of cases. In December 1986, a group of Penan tribal leaders informed the state government officials that if the logging operations did not cease in the Ulu Baram district, they would resort to taking appropriate action to defend their communities. But this warning fell on deaf ears. All these frustrations with the legal system left them with no other option but to engage in metalegal tactics: they put up blockades made of logs and frail wooden structures and their own human bodies and staged barricades on the logging roads.

The blockades hit the roads in Maram and Limbang, the districts where logging was heaviest in March 1987. As many as 25 blockades went up. Trucks carrying the logs could not pass through; logging stopped. Kuala Lumpur finally listened to their pleas; state officials invited the tribal leaders of the Penan, Kayan, Keyah, Kelabit, Lun Bawang and Iban communities for a meeting in the capital city attended by various Federal Ministers. But after this historic visit, things only worsened, revealing the Federal and state government's indifference to the plight of the IPs.

Instead of finally recognizing their sad plight and responding to their demands, the government sent army and police forces to crush their barricades. The repressive actions followed in quick succession:[16]

August 1987. In two separate incidents, seven Penans were arrested and charged with burning bridges belonging to the logging companies.
October 1987. In simultaneous operation, police arrested 42 Kayans in Uma Bawang when they refused to dismantle their blockades. (They were consequently discharged in April 1989 when prosecution withdrew charges against them. In their statement, the Kayans asserted that they were subjected to unjust interrogation while under

detention, their cell conditions were unhygienic, they were in overcrowded cells, food was insufficient, and that they suffered mental anguish and distress.)

November 1987. The Legislative Assembly amended the State Forest Ordinance which considered the setting up of any structure on any road constructed by a timber licensee as punishable by a two-year jail term and a fine of $6,000.

December 1987. 41 members of the Penan and Kayan peoples and two members of Friends of the Earth Malaysia were imprisoned.

February 1988. A meeting of Penan representatives declared this amendment unjust and reiterated their right to blockade on their own land to protect it. But they were, nonetheless, forced to give up their blockades and logging resumed at full speed. In some places, logging proceeded at 24 hours a day in 3 shifts.

July 1989. Drought struck Baram and Rejang districts resulting in decreased water supply. Contaminated drinking water led to the illness of children. Drought, caused by logging operations near the watersheds of the Baram river basin, affected their agricultural production, resulting in starvation. This led to an upsurge of new blockades, which, in turn, provoked more repression and police brutality.

1990. The High Court decided against the case of Kayan communities in favor of the logging companies and the Sarawak state government, based on their conclusions that the Kayans took action too late, and that the granting of licenses was not unconstitutional.

July 1991. A hundred Kayans of Belaga District, Kapit Division, set up a human barricade in upper Balui River protesting the encroachment of logging operations in their NCR and for constructing a huge logging bridge across the river which was just above their longhouses.

August 1991. Eight Iban natives were sent to prison. They were arrested in April following a series of protests involving more than 70 men, women and children.

In the course of their struggle, a number of people's organizations have arisen among the IPs including: Uma Bawang Resident's Association in Sarawak, Sarawak Penan Association and the Sahabat Alam Malaysia based in Sarawak.

Civil society's response

Considering the authoritarianism that characterizes the Malaysian political system, there is little space for civil society -- especially the academe, mass media, and NGOs -- to assert itself in support of the IPs. There is the Friends of the Earth Malaysia who have expressed their solidarity with those who put up barricades. In fact, a number of them also were arrested. There are the organizations of the IPs themselves, especially the Sahabat Alam Malaysia which has been able to get its documentations published outside Malaysia, through the IWGIA documents. There were people like a Swiss named Bruno Manser who lived with the Penans in the rainforests and whose documentations on the IP's plight caught world attention.

In February 1992, a conference of the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forests was held in Penang. Thirteen countries were represented, including Indonesia, Thailand, the Philippines, Papua New Guinea, Panama, Argentina, Brazil, Guyana, India, Costa Rica, Bolivia, Rwanda and France; the participants represented IPs from their respective countries. By holding the conference in Malaysia, they were able to express their solidarity for the Dayaks. Among other things, the statement that came out of the Conference called for the following:

Respect for our human, political, social, economic and cultural rights, respect for our right to self-determination, and to pursue our own ways of life. (6)

Where the people so demand, nation states must comply with the different treaties, agreements, covenants, and other forms of legal recognition that have been signed with us indigenous peoples in the past, both in the colonial period and since independence, regarding our rights. (9)

The recognition, definition and demarcation of our territories in accordance with our local and customary systems of ownership and use. (14)

Control of our territories and the resources that we depend on: all development in our areas should only go ahead with the free informed consent of the indigenous people involved or affected. (20)

The right to be informed, consulted, and, above all, to participate in the making of decisions on legislation or policies: and in the formulation, implementation or evaluation of any development project, be it at local, national or international levels, whether private or of the state, that may affect our futures directly. (23)

Halt all new logging concessions and suspend existing ones, that affect our territories. The destruction of forests must be considered a crime against humanity and a halt must be made to the various antisocial consequences. (35)

Logging concessions on lands adjacent to our territories, or which have an impact on our environment, must comply with operating conditions -- ecological, social, of labor, transport, health and others -- laid down by the indigenous peoples . . . . (36)

Environmental policies and legislation should recognize indigenous territories as effective 'protected areas' and give priority to their legal establishment as indigenous territories. (43)

The continuing struggle of the Dayaks continues to generate support from national and international groups concerned with their rights and environmental protection. They have demanded that all existing timber licenses should be suspended while the issue of their NCR is resolved within the areas of conflict. Such conflict resolution demands a review of all laws related to forests and IPs' land. The Sahabat Alam Malaysia has agreed to a proposal from government to conduct a comprehensive plan to delineate boundaries of IP homeland and provide effective protection to their NCRs. (Plant 1992: 25). This could led to the demarcation of boundaries with respect to their settlements, cultivated land and forests. But this plan could only work if the government then issue a document recognizing the IPs' right over customary land and forest and declaring that such land become inalienable, with ownership based on a communal title. Many support groups, however, are skeptical if the government will ever agree to this proposal.

Unless this happens, the struggle of the Dayak peoples remains critical. In the face of the aggressive Vision 2020 of the government which gives prime importance to extractive industries and grand infrastructure projects, on one hand, and the limited impact of Malaysia's civil society, on the other hand, the Dayaks continue to face an uphill struggle for survival.

The Plight of Indigenous Peoples in the Philippines

Historical background

Just like in many other places, the IPs in what is now the Philippines believed in a cosmology where the Creator (known in various names like

Bathala, Kabunian, Magbabaya) who was linked to other deities and spirits, was the source of land and life. Because land was of divine origin, it was sacred; thus, it could not be owned, sold, bought and leased. Among the IP communities, there was a widespread belief that land was held in usufruct by the individuals. No one can take the land away from the community's use. This people's worldview of land confronted the colonizers when they arrived in the islands in the sixteenth century in the age of conquest following the *Patronato Real*.

The *conquistadores* imposed their own worldview of land and the corresponding system of land ownership and use. Arming themselves with the feudal theory *Jura Regalia* and through the Law of the Indies and the Royal Cedulas, they subverted the IP's customary law system and replaced this with their own.[17] It has to be noted, however, that early in the colonization stage, the colonizers did acknowledge the indigenous concept of ownership by occupation and cultivation by virtue of the Royal Decree of 1754. But, despite this, eventually the legal fiction related to the Regalian doctrine operated; they justified their act of appropriating the islands to the Crown indicating that it was by virtue of conquest that all land in the conquered islands belonged to the Spanish sovereign. (Aranal-Sereno and Libarios 1983: 421).

This legal fiction was going to drastically push the indigenous concepts of land rights and tenure to the margins of the dominant legal system. Through the colonization period, there would be land laws to institutionalize the imposed land system, e.g., the Royal Cedulas of 1754 and 1880. When Spain sold the Philippines to the new colonizers, the United States declared their ownership over all lands not privately owned. Thus, they pursued the same policy of requiring settlers on public lands to obtain deeds from the government, invoking the Regalian doctrine as the legal basis for this. (*Ibid*: 422-426.)[18]

In the next decades, the American colonial government passed laws reinforcing the State's control over the public domain, including Land Registration Action No. 496 in 1902 which introduced the Torrens Title, the Mining Law of 1905, and the Public Land Acts (1903, 1913, 1919 and 1925) which opened Mindanao for resettlement and homestead purposes. Eventually, the 1935 Constitution cemented the State's ownership and full control over the public domain. The same provisions were ratified in 1947 after the Philippines regained independence.

During the long colonial period from the 1560s to the 1940s, the colonizers imposed the national written law hoping that eventually the customary unwritten law of the IPs would disappear. But this did not happen. Among the descendants of the tribal communities who were never fully subjugated by the colonizers, their centuries-old ethnic law remained in place insofar as they were concerned. The interface between the two legal systems would, naturally, led to a conflict as some `IPs resisted the attempt to disenfranchise them from their homeland.

After the 1946 liberation, the Filipinos who took over the government maintained the same land policies. After Ferdinand Marcos declared martial law and became the country's authoritarian ruler, he contributed towards the further disenfranchisement of the IPs. Governing by Presidential Decrees, he passed laws that can only be termed oppressive to the IPs, including: PD 389 declaring all land 18 per cent in slope or over as permanent forests or forest reserves (thousands of IPs live in these areas), PD 1559 (pushing out from forests and unclassified land all those who reside there, affecting primarily the IPs), and PD 1789 (empowering a government agency known as the Presidential Assistance for National Minorities or PANAMIN to make decisions in the name of the government regarding the use of IP territories for development purposes).[19]

With these decrees, there was more incursion of logging, agri-business and other corporations into their homeland. When they resisted, the IPs were subjected to military repression, resulting in massive human rights violations. Their leaders were not only arrested and jailed but also killed by the military such as in the case of Macliing Dulag -- the leader of an IP community in the Cordillera who opposed the building of a dam in their homeland.

With the 1986 People Power Revolution and the ensuing ascendancy of Cory Aquino as the country's President, the IPs were hoping that the situation would turn for the better. Under the 1987 Constitution, the state is mandated to protect the rights of the IPs to their ancestral lands to ensure their well-being. However, the Regalian doctrine's insistence on the State's full control of public domain remained in place.

In the wake of this development, a number of bills were introduced in the next Congress to set up a structure that can work towards a realization of the said constitutional provision.[20] Until today, not one of these bills has

been passed, indicating that the lobby of miners, loggers and landlords is far more powerful than that of the IPs and their supporters. In the meantime, a government agency called the Department of Natural Resources and Development (DENR) issued a Departmental Order (referred to as DAO-2) which was a stop-gap measure of government to do something about the provision while waiting for a law to be passed. This provided the IPs with a right to apply for a Certificate for Ancestral Land Claims (CALC); it does not provide them a legal title over their land, it merely recognizes their rightful claim to their homeland.

But as Fidel Ramos took over as President, the IPs would realize that despite the Constitutional mandate, their struggle needs to be waged even more aggressively.

Recent moves of the government

These moves are in keeping with Ramos' drive to make a tiger out of the Philippines' economy. Early in his administration, his government announced its Medium-Term Philippine Development Plan (MTPDP), popularly known as Philippines 2000.[21] With this economic thrust, there was an aggressive drive to attract foreign investments, construct infrastructure projects and get engaged in more extractive industries. Laws needed to be passed to legitimize these moves that go against some of the Constitutional provisions, e.g., the Mining Act of 1995.

Within a very short period of time, development aggression[22] became the battle cry of many IPs and their supporters to describe greater incursions into the IPs' homeland. The government pushed for the building of a geothermal plant at Mt. Apo, the sacred mountain of the Manobos of Southern Philippines. Mining conglomerates like Western Mining Corporation were provided license to do mining explorations in the wide areas of Mindanao. Integrated Forestry Management Agreements (allowing logging corporations to engage in commercial tree plantations) expanded to cover thousands of hectares of what used to be forests.

Development aggression is the natural consequence of the government's liberalization program which "was synchronized by Philippine authorities with the country's tariff reduction commitments under the . . . (GATT), the . . . (APEC), and the ASEAN Free Trade Area (AFTA). Liberalization has been . . . part of a larger program of free market reforms that includes deregulation, a foreign investment law that ease most restriction on foreign

capitals' freedom of movement, and sweeping privatization." (Chavez-Malaluan 1996:108). When it hosted the Fourth APEC Summit in 1996, it manifested its desire to play an active role in transforming APEC into a free trade area.[23]

Response of the indigenous peoples

Since the colonial period, the IPs' response to their disenfranchisement could be categorized into three: armed resistance, flight into the interior or pragmatic acceptance of the powers-that-be. For the Islamized indigenous people of Mindanao, who reached a higher level of self-governance under the Sultanates that were established before the coming of the Spaniards, armed resistance would persist even beyond the colonial period. For the non-Christianized, non-Islamized IPs who were not able to build strong inter-tribal federations, subjugation would come in the latter period of the American period and consolidated in the last half-a-century. Nonetheless, there are still IPs with the *bagani* (warrior) tradition that engage government forces in a *pangayaw* (tribal war for vengeance).[24] In some areas they have links with or have actually joined the communist New People's Army who remain ensconced in the guerrilla fronts in the uplands across the country.

Flight into the interior was still possible while there were vast forests in the remaining forested mountain ranges. But with continuous logging in the last century, there are no longer wide forested areas. Even in the remaining forests, there are already owners if not claimants. Which leaves most of the IPs with one other option for the moment, namely, to pragmatically accept the reality of having to engage the state for the sake of having some level of control over their ancestral territories. Behind this pragmatic option lies the desire to continue waging their struggle which has led to the rise of a social movement among the IPs and their supporters.

This is especially true for the IPs of the Cordillera and Mindanao. Since the martial law period, the *lumads* of Mindanao[25] have resisted the government's (both its agencies and the military) drive to totally control their lives and take over their land and resources. Today a number of those with the *bagani* tradition are engaged and/or looking into the possibility of engaging the state in an armed confrontation. In a few cases, the New People's Army collaborate with them.

Most, however, have been engaging the state within the legal framework. For more than two decades, through the efforts of various NGOs and church agencies[26] the IPs were able to organize local indigenous people's organizations (IPOs), inter-tribal coalitions and regional/national alliances. In Mindanao, this network is known as *PANAGTAGBO* (meaning encounter or gathering), founded in 1995 to provide coordination among NGOs and IPOs engaged in advancing their struggles for both their ancestral domain claims and their right to self-determination.[27]

Response of civil society

During the early years of the Marcos' authoritarian rule, only the Church had the power to be involved in solidarity work with the IPs. Many Catholic and Protestant churchworkers who were engaged in development work or were human rights advocates supported the IPs struggle to defend their rights. In the uplands, the New People's Army presence deterred the incursion of corporations and those interesting in the IPs territories. When the broad popular movement expanded in 1983, more civil society sectors came into the picture. More persons in the academe, media, trade unions, various sectoral organizations and the like became conscientized about the IP's oppressed situation and got engaged in solidarity action including joining demonstrations to mobilization of resources for IP's organizing work.

At the national and regional levels, various multi-sectoral campaigns were waged around issues affecting the IPs like the Oppose the Chico Dam Project campaign. National NGOs were either set up or expanded their concerns to include IP issues. Among these were: *Ugnayang Agham-Tao* or UGAT (National Association of Anthropologists), the *Tunay na Alyansa ng Bayan Alay sa Katutubo* or TABAK (Genuine National Alliance for the IPs), the *Kalipunan ng mga Katutubong Mamamayan ng Pilipinas* or KAMP (Organization of IPs in the Philippines). Cultural groups like the Philippine Educational Theatre Association (PETA) staged plays to expose what was happening to them. The Secretariat of the Episcopal Commission on Tribal Filipinos (ECTF) and the National Council of Churches of the Philippines-People Action for Cultural Ties (NCCP-PACT) continued to mobilize their churches to support IP concerns.

This was true at the regional level in Mindanao. Various church groups and NGOs joined Lumad-Mindanao, the attempt to join together all IPOs with their support groups. Research Centers like Alternate Forum for Research in Mindanao (AFRIM) did documentations and helped to popularize

IP issues. Dioceses continued to expand their programs with IP communities. Cultural groups like those of Kaliwat Theatre Collective [28] and those in Butuan, Marawi and other places staged plays on the situation of the lumads. They have joined hands to support and/or be actively engaged in various campaigns to stop the construction of infrastructure projects, expansion of agri-business plantations and stop the military's use of fanatical cults to threaten the IP communities. Presently, the PANAGTAGBO network coordinates all efforts in resisting development aggression.

The Plight of Indigenous Peoples in Mexico

Historical background

Mexico's population in 1994 was 91.8 million (projection for year 2000: 99 million); of these, 12 million belong to 56 major ethnic groups, making them the largest indigenous population in the Americas. [30] Their ancestors go back to the ethnic groups which had achieved pre-conquest civilizations, including the Aztecs and Mayas whom the colonizers encountered in 1519. Although they courageously participated in the revolutionary struggle against the Spanish colonial masters in the early 1800s and in the Mexican revolution a century later, they had not been afforded equality with the whites and mestizos.

As it happened in the rest of Latin America and the Philippines, the colonizers invoked the Regalian doctrine as they claimed the conquered land in the name of the Spanish Crown. The ethnic land laws which were operative among the indigenous communities in the pre-conquest era were totally ignored as the colonial government declared uncultivated land as public domain. The IP's disenfranchisement continued to worsen until radical changes took place in the early 1900s.

In Mexico, with its substantial indigenous population, the process of land concentration with the corresponding alienation of Indian lands was particularly acute in the latter half of the nineteenth century. By 1910, almost half of the rural population were tied laborers on vast plantations . . . . But the Mexican revolution . . . then brought an end to the absolute liberal era. It introduced new legal tradition based on the principles of equitable land distribution, recognition of communal and inalienable forms of land ownership, the "social function of property," and limitations on private land ownership with absolute title to the land vested in the state.

A key provision of the 1917 Constitution was that all land was owned by the nation, which in turn had the right to transmit this land to individuals and to constitute private property. The Constitution empowered the federal government to restore alienated land to the indigenous peasantry, either through donation or through restitution in cases were *comuneros* could prove valid title to the land. Ceilings were placed on the size of individual land holdings and expropriated estate lands were to be redistributed to the peasantry in the form of inalienable common lands or *ejidos*. [31]

Article 27 of the Constitution provided legal protection to the *ejidos* and laid the framework for land reform programs that were to come later on. Because of such land reform programs in the 1930s, many Indian communities regained title to their land. This introduced dramatic changes in the country; for example, in Chiapas, 54 per cent of the land became *ejidos*. (Yashar 1997: 30).

The land reform program could only be instituted because of the 1910-20 revolution which was "simultaneously a middle-class, liberal revolt and a peasant rebellion with socialist overtones," and which brought forth a regime which was "a hybrid, capable at times of instituting land reform and nationalization of natural resources, and at others of rallying itself with industrialists and landowners."[32] The post-revolutionary government created the National Revolutionary Party (Partido Nacional Revolucionario or PNR) so that the post-revolutionary government could remain in power.

In 1946, the PNR was transformed into the Institutional Revolutionary Party (Partido Revolucionario Institucional or PRI); this ended the bloody political infighting among various PNR factions. In the new system, each social sector -- including workers, peasants, etc. -- was represented by a mass organization, controlled from the center. It remained in control of Congress and did not lose in any state election until the late 1980s. It was able to maintain its stability "by preventing the emergence of a one-man dictatorship while simultaneously co-opting or repressing groups or individuals who threaten fundamental change."[33] Where there were threats, it did not have to resort to violence. (Repression would come only much later).

The PRI did embrace both revolutionary nationalism and social liberalism. Thus, it projected its support for revolutionary ideals but it violated these in actual practice. Thus, in the 1950s and 1960s, the

indigenous peoples were subjected to marginalization as they lost their land and natural resources owing to capitalist dispossession of lands. The situation would push the IPs to set up indigenous political mobilizations, from marches to land seizures; they struggled for control over their traditional lands. Like the lowland peasant communities, they set up social and political organizations. Between 1982 and 1989, many leaders of these organizations were harassed, imprisoned and even assassinated. It is estimated that more than 80 percent of those assassinated took place in areas with the highest level of IPs including Chiapas, Pueblo, Hidalgo, Veracruz, and Guerrerro. (Lee Van Cott 1994: 9).

The new level of conflict between the IPs and the government followed the changes to Article 27 of the Constitution in 1993. This move was initiated by the government as part of the preparation for establishing trade liberalization in the context of its membership with the North American Free Trade Agreement. This move was meant to improve agricultural productivity. But it backfired; the affected Indian communities protested for fear of losing their ancestral lands to outsiders. They also claimed that they were not consulted. All these led to the outbreak of a rebellion in Chiapas.

This rebellion has its historical roots. The IPs of Chiapas are descendants of the Mayas, a people known for having resisted conquest. In Yucatan and Guatemala, their subjugation began only in 1703 after long years of resistance. A revolt in Chiapas took place in 1712. The reasons for this rebellion in 1994 would echo some of the reasons for their earlier revolts, including:

> . . . renewed violence that has tried to destroy their identity, the personality, the dignity of men and women whose lands are constantly torn from them, who are pitilessly exploited and deprived of food to the point where they have become so small of stature that they resemble children, because of the little they have eaten over so many generations. (Casanova 1996: 94).

Through the past decades, the Mayas -- now referred to in terms of sub-tribes like the Tzeltales, Tsotziles, Choles, Zoques, Tojolabales -- had sustained their struggles. In the 1930s, owing to the crisis in the coffee *latifundia*, they fled to other less unfortunate regions. In the 1950s, they worked in the cattle *haciendas*. In the 1970s, as their land-bound jobs became scarce in the cattle *haciendas* as well as in the coffee, sugarcane

and corn plantations, many went to work producing electricity, oil and building infrastructure projects. Others retreated back to the remaining rainforests. New developments arose:

> In the rainforest, Tzeltales, Tzotsies, Choles, Zoques, Tojolabales and mestizos related to each other. An identity arose among all of them as oppressed ethnic groups facing plantation owners, cattle ranchers and 'kaxlanes,' as they call the *ladinos* or *mestizos*. This identity began to take shape in the mid-seventies. It intensified in the eighties with the Rural Association of Collective Interest Union of Unions (ARIC) and culminated at the end of that decade in an integration of organizations of ethnic groups and workers. (*Ibid*: 95).

In 1971, a major issue erupted when the government handed over half of the rainforest to the Lacandons, an ethnic group which was almost extinct. But this was a tactic to deprive the different ethnic groups of the land they had inhabited for the last thirty years who were accused by the government for usurpation. Considering the Lacandons as the legitimate owners, they signed a contract with them for use of the land on behalf of the Compania Forestal Lacandona, constituted by politicians and lumber merchants. With the contract, the company acquired the right to cut trees in the area of 614,321 hectares and extract lumber to the tune of 35,000 square meters annually.

In the 1960s and 1970s, changes took place in the Latin American Church owing to Vatican Council II (1962-65) and the Medellin Conference of the Confederacion Episcopal Latina America or CELAM (1968) (Yashar 1997: 37-38; Casanova 1996: 95-96). Inspired by the theology of liberation and the call for the Church to make a preferential option for the poor and powerless, churchworkers -- including Bishops like Oscar Romero of El Salvador, Dom Helder Camara of Recife, and Samuel Ruiz of San Cristobal -- throughout Latin America built solidarity links with the continent's oppressed sectors: *campesinos*, victims of human rights violations and the IPs. Church programs were aimed at conscientization and organization of the basic sectors. In the Chiapas area, they reached out to the Tzeltales, Choles and Tojobales. As a result, organizing expanded. By 1974, when the First Congress of the Indigenous Peoples was convened in San Cristobal by Bishop Ruiz, there were representatives from the grassroots communities from Mexico and Central America. Their

demands at this Congress would echo in those articulated by the Zapatistas 20 years later.

In the late 1970s and early 1980s, survivors of the 1968 student movement in Mexico and remnants of the guerrilla groups reached and worked among the popular organizations in the Chiapas. Their project was to lead an insurrection. However, their early attempts did not succeed. It was only when they adapted to local ways and when conditions worsened that their offer for military training was taken up. They also assisted in organizing and unifying workers, *campesinos*, students, professionals and other sectors with the IPs. Learning from praxis, they shifted their tactics to fit the new realities of both Mexican society and the character of the people's struggles. The politicization of the IPs would be expressed in various ways: setting up and consolidation of local organizations, participation in electoral exercises, mutual support in defense of their land, and human rights advocacy work to combat brutal repression.

Meanwhile, the situation of the IPs in Chiapas worsened as manifested in a number of indicators: 60% of the people had no access to electricity. (despite producing 54% of Mexico's hydroelectricity and holding 45% of oil reserves), 35% of people above 15 were illiterates, 82% of workers earned less than minimum wage, 41.6% had no access to water, nine out of 10 households rarely eat meat (and yet the area produces 30% of all beef produced).

All these developments and realities ultimately led to the eruption of the Zapatista rebellion.

Recent moves of the government

To understand why the government considered it imperative to join NAFTA, one has to go back to the events that unfolded in the last three decades.[34]

In the 1960s, Mexico followed the import-substitution industrialization model as a way to reduce its total dependence on foreign-made goods. In the 1980s, however, this model did not work as manufacturing production fell by seven per cent in 1983. Meanwhile, its debt became so big that it declared it was not in a position to service the debt which in 1982 was equivalent to half of its annual GDP. It could no longer pay for its huge external debt. This crisis forced the government to reschedule payments

with foreign banks and multilateral lenders, fearing unfavorable consequences not only to Mexico but also to the world's financial system. This was a radical shift from the situation in the 1970s when the economy was in a relatively better shape owing to the discovery of huge new oil reserves and the rise in oil's internal price.

The debt crisis triggered economic policy changes which would make life miserable for most people. It set up the Economic Recovery Program which exerted more efforts into the export sector. This led to the decrease in real wages, diminution of the purchasing power and ultimately, the widening of the gap between rich and poor. This recovery program had no chance to prosper with the other unfolding events: the fall in the oil price, increasing US protectionism, decline in its manufacturing sector, further drop in wages. This pushed the government to set up a Stimulus and Growth Program, which followed the neoliberal prescriptions of World Bank-International Monetary Fund (WB-IMF). Inevitably, government cut down wages and public spending and opened up its economy, by lowering barriers to imports, in the hope of ensuring budget surplus to pay for its debts. Not surprisingly, it then announced its intention to join the General Agreements on Tariffs and Trade (GATT).

Carlos Salinas, then Budget and Planning Minister, pushed for the neoliberal model, introduced trade deregulations and aggressively attracted foreign investments. When he took over as President, Salinas promoted his country's involvement in a North American trading bloc which became the cornerstone of his government's economic plan. This plan would prove to be a failure: average annual growth would not go above I.33% in GNP, could not cope with the average 2.2% population growth. From 1992 to 1995, its GDP would grow by less than one per cent per year. Following the WB-IMF prescriptions, its economy turned from bad to worse.

The idea of a North American Free Trade Agreement (NAFTA) was easily seen as the instrument that would save the economy from total collapse. When NAFTA began to operate in 1994, the leaders of the three countries claimed that they were launching "a new era of unprecedented economic progress and cooperation." Officially, the Mexicans were told that with NAFTA: the economy will get better; with more exportations, there will be an increase in employment; employment conditions will be much better than before; workers will receive higher salaries; and the campesinos will have a better life (Villamar 1996). But NAFTA was doomed from the very

beginning; it would take a few years before most people in Canada, the U.S. and Mexico would conclude that it could not respond to their expectations of a better life.

When it was set up, it was mainly aimed to reduce tariffs and obstacles to investment. There was no intention to follow the European Union-style common market. It provided big corporations on both sides of the border to expand; this was bad news to small and medium-sized companies which were not in a position to compete. There would be massive job losses even as wages would remain low. Environmentalists feared that with tougher ecological regulations in the North, some industries would go down South where regulations are weak. In studies conducted on NAFTA's impact in Mexico,[35] the following were some of the findings:

1. In one district of Mexico City, 300 small and medium-sized busi-
    nesses disappeared with 33,000 jobs lost.
2. Business did increase for some companies but these were those with
    links to foreign companies and only because of the peso devaluation.
3. Of 449 companies monitored for this study, 20 per cent were worse
    off after NAFTA while only 13.4 per cent benefited from it; the latter
    were mostly the largest, mainly export-oriented firms.
4. The 2,040 in-bond assembly plants along the US border were working
    below capacity despite wages being among the world's lowest.
5. As real wages dropped sharply to 40.8 per cent from 1982 to 1994,
    the number of billionaires increased, with the assets of the richest
    Mexican came to total more than the combined annual income of the
    poorest 17 million.
6. Mexican citizens living in extreme poverty totalled 22 million, up by
    23 per cent from the time before NAFTA.
7. Over eight million slid from middle class to poverty; the top 10 per
    cent now controls 41 per cent of the whole national pie while 50 per
    cent controls only 16 per cent of the wealth.

Inevitably, the economic crash took place in 1995 after the government's strategy which led to huge trade deficits and was financed by short-term debts. The economy shrank by seven per cent as more than a million Mexicans lost their jobs. The crisis would have tragic consequences in the countryside. There was decreased availability of credit, or if available, the interest rates were too high for most small farmers. Only large agribusiness had access to credit. The rest went into huge debts. Free market polices

sucked in imports in farm products and food; there arose food self-insufficiency. There was fear that close to 150,000 farmers would be driven away from their lands and would be forced to migrate to the cities.

The impact on the indigenous people was no less devastating. With the reform of Article 27 of the Constitution in 1992, agrarian reform was effectively ended and also, for the first time since the Revolution, the *ejidos* could be traded as a commodity. The Indian communities no longer had an inalienable right to their homeland. They expected that things will worsen with NAFTA, which they referred to as their "death warrant" (Wallach 1996:8).

Response of the indigenous peoples

As already indicated, the recent Zapatista rebellion has its historical roots during the colonial period. However, while some pockets of the IPs would continue resisting until today, there would be those who gave up the struggle as they left their homelands and found ways of surviving in the cities. Still, a few others retreated to the rainforests and have managed to stay there.

Through the years, there would be open expressions of this struggle which would attract some media attention, thus mobilizing national and international solidarity actions. For example, in 1987, Indians staged hunger strikes in front of the cathedral in Mexico City in order to draw attention to their problems. These problems included the imprisonment of Indians on trumped up charges, the need for regularization of land holdings, and the expansion of land holdings of local *caciques* into their homeland. After 20 days of their hunger strike, 18 of them (coming from the Nahuas, Oaxaca and Chiapas) had an audience with the President. But government's response was inadequate. More hunger strikes followed as more IPs were driven away from their lands, their leaders imprisoned or killed.

Meanwhile, as population grew by an annual rate of 3.6 per cent in Chiapas, land became progressively scarcer. Poverty worsened as families could only cultivate smaller and less productive land, apart from other reasons: lack of credit, technical assistance and access to good markets. Invasion of land by *campesinos* took place in the hope that they could till plots of land left uncultivated. This provoked more systematic counter-actions from the plantation owners: Indians were accused of violating the

sanctity of private property and social peace; they were arrested and jailed; some were assassinated. This IP continued pressuring the government to apply provisions of the constitutional law. In a few cases, government was able to buy land from proprietors and distributed to the IPs. But these did not happen on a massive scale to make a difference in the lives of most IP communities. Eventually, with NAFTA and the changes in the Article 27 of the Constitution, there was no more land to distribute and the *ejidos* could now be privately owned.

There were attempts on the part of the IPs to get involved in electoral democracy only to find out that this was nothing but a fiction in their areas. Party politics was controlled by the elite who identified and bought out indigenous allies and *ladinos*. The PRI attempted to recruit leaders from among the Indians, many of whom were easily corrupted. Insofar as the communities were concerned, these leaders were useful only when they needed to seek personal advantage or short-term projects which reinforced clientilism.

Eventually, the situation was ripe for a rebellion. On January 1, 1994 which was the day Mexico entered NAFTA, the Zapatista National Liberation Army (EZLN) undertook its guerrilla uprising, immediately seizing eight towns in Chiapas. The government knew that the guerrillas were already in place but, because of NAFTA and its need to attract foreign investments, it acted as if the EZLN was mere fiction. EZLN declared war on the military, threatening to attack the capital. It was quick in announcing its demands which immediately hit the media, namely: work, land, housing, food, health, education, independence, freedom, democracy, justice and peace listed under 34 items. The Salinas government declared war on them but less than two weeks, it declared a ceasefire and agreed to negotiate.

The Zapatista rebellion attracted global attention because of its uniqueness as a contemporary revolutionary movement. As described by a few writers, the EZLN is:

> . . . armed struggle, [but] it does not follow the conventional armed struggle line of seizing state power or creating their own separate state. Instead, they appeal to the rest of the Mexican civil society to stand up to liberate themselves by changing the oppressive state structure of Mexico. With this attitude, they appeal more to discursive powers rather than military strength, shaking the hearts and minds of the rest of

> society, expecting the latter's responses. Zapatistas' perspective is highly [an] interactive . . . process that [can] form a large people's alliance . . . . They are engendering interaction, in an effort to help form people's alliances with other societies in a joint effort to transform the unjust power structure. In this sense, they are fighters and mediators at the same kind. This kind of interaction goes beyond national borders. (Itchiyo 1996:4).

> . . . [a combination of] the most popular current struggles demanded by the Mexican people and other peoples of the world . . . . [T]hey plan a new democracy among the revolutionaries, a democracy that is plural in ideologies, religions and politics, that is not necessary the road to socialism, and in which they do not accept a formal democracy that is only mediation, in which they even demand that it be applied effectively and honestly, without trickery. (Casanova 1996:122).

> One among many localized indigenous movements in Mexico . . . [its] agenda includes platforms for indigenous autonomy and cultural respect alongside broader claims for democratization . . . . [It] has engineered a political opening for Mexico's indigenous peoples, by providing new spaces for discussion and negotiation of the indigenous right to autonomy . . . . While sub national in origins, the EZLN have had an obvious national impact, as with the original Zapatistas in the 1910s. (Yashar 1997:10).

The rebellion, however, has not yet achieved its objectives. While it proved that the government was vulnerable, nonetheless, the state survived the crisis. It took a hard line stance as a series of political assassinations took place, including the murder of two PRI officials, namely Ernesto Colosio (the presidential candidate) and Jose Ruiz Massieu. Salinas' brother was arrested for allegedly masterminding the latter's killing. These and the kidnappings of wealthy businessmen dampened the enthusiasm for change and most people feared the onslaught of more violence.

Before the elections in August, the EZLN hosted the National Democratic Convention as a means of establishing a national movement to push for the transition to peace, where the demand to dismantle the party of the state was articulated. This platform was adopted by the PRD's Caunchtemoc Cardenas. But the PRI succeeded in promoting the projection of PRD as the party that will only bring social upheaval. This, plus its ability to mobilize a full-blown grassroots-based campaign, backed up by state resources and

a media machinery, led to the PFI's victory in the elections. With Ernesto Zedillo as President, prospects for negotiated solution in Chiapas dimmed. In February 1994, he claimed to have discovered a terrorist plot by the EZLN leading to mass arrests and torture among alleged Zapatistas in Mexico City, Verarus and Chiapas. The military invaded the Zapatistas' territories.

But civil society pushed for the holding of talks, especially the National Mediation Commission (CONAI), chaired by Bishop Ruiz, whom the government tried to exclude from the mediation role. There was also a role played by the multiparty, parliamentary Concord and Pacification Commission (COCOPA). In August 1995, the Zapatistas held a nationwide consultation involving I.3 million Mexican voters; most agreed to call on the EZLN to become a new, independent political force. President Zedillo agreed that they participate in the national political reform dialogue.

On February 16, 1996, the Federal Government, the Chiapas State Government and the EZLN signed a peace agreement. The document spells out the basic principles and ingredients for a new social pact between the state, the IPs and civil society, including the following (Dandler 1996: 20):

Respect of the rights of the IPs, as enduring and permanent pueblos with identity, a social organization, cultures, way of life and thus contributing to the country's cultural pluralism;
Conservation of the natural resources of their lands, their role in the sustainable management of the environment and he right of the IPs to obtain adequate compensation for extraction of natural resources;
Integrity and transparency, through the IPs' involvement in decision-making and control over public expenditure;
Participation of the IPs in their own development, through co-management of projects and plans;
Recognition of autonomy and self-determination of IPs within the state framework.

The agreed joint proposals contain reforms and additions to the federal and state constitutions. Various legislation was to work out the principles: in terms of land tenure security and effective protection of the integrity of their homeland, safeguarding their economic rights to enhance their capacity to implement economic activities, recognition of traditional authorities and procedures for electing them, provision of preferential

rights regarding exploitation of natural resources, and adequate participation in public administration and political representations.

Various government bodies were to be set up to oversee the proposals' implementation including: a Commission for Reform and Redistricting in Chiapas, an Inspector General responsible for Indigenous Affairs within the National Commission on Human Rights, and an Agrarian Board to resolve land cases. The Zapatista's struggle has come a long way but so much still need to be done.

Civil society's response

Increasingly, as the years passed, the IPs' struggle attracted more and more support from Mexican civil society. Among those in the Chiapas, the Church provided a lot of support to the conscientization and organization of the IP communities. With the support of Bishop Ruiz and many church leaders, they helped to train 400 pre-deacons and 8,000 catechists in 2,608 communities. Many of them became the leaders of the human rights movement and helped to empower other Indians to join the social movement. As a result, the churchpeople were attacked by the government having aided the Zapatistas or even helping to set it up the revolutionary movement.

During the hunger strikes in Mexico City and elsewhere, as well as the mass mobilizations, groups like the National Coordinating Body of Indian Nations (CNPI) and the National Movement of the 400 Peoples were involved. The Alliance of Indigenous Bilingual Professionals helped to bring their cause to the UN to generate international solidarity. In a statement which they released during the 5th Session of the UN Working Group in Geneva in 1987, they said:

> We recommend that the right to self-determination of indigenous peoples becomes a reality and not merely a theoretical question for the government.

> We recommend that the right to participate politically be realized without any control over the organizations so that they can express themselves freely and in accordance with the individual pledges from the Constitution which governs the country.

We recommend that the state recognizes the situation of poverty,
oppression, marginalization and neglect that the indigenous peoples find
themselves in, and consequentially, bring about the self-determination
of the indigenous peoples coordinated with programmes of health,
housing, education and others . . . .

At the height of the IP's repression, labor unions, political organizations,
church groups, journalists and other sectors pushed for respect of the
Indians' human rights. The Human Rights Watch of New York, having been
alerted about the human rights abuses among the IPs, pressured the
government to look into this matter. When the rebellion broke out in
Chiapas, the Zapatistas received a lot of support from the other marginalized
sectors of Mexican society who could easily resonate with their struggle. As
for the rest of Mexican society, "the cries of a small group of armed rebels
and their Indian peasant supporters have turned into a debate on the limits
of Mexican democracy and the great risk to social peace and economic
prosperity of continuing to ignore the demands of marginalized groups."
(Lee Van Cott 1994:23).

Summary and Conclusion

Indigenous peoples in the APEC countries that have IPs share the same
experience of colonialism or neocolonialism. In the three case studies
included in this paper, British colonizers invaded the homeland of the IPs
in Malaysia. On the other hand, the *conquistadores* from Spain imposed
themselves on the IPs of Mexico and the Philippines. This is not surprising
considering that both Empires operated within what social scientists now
refer to as the conquest theory.

Stern's theory that colonial masters brought in the politics of rule
imposing sovereignty, politics as public policy and decision leading to
governance, politics as boundaries of legitimacy and jurisdiction firming up
their authority, politics as social alignment and struggle involving contestation
provided one paradigm of conquest. This is ironic considering that, in the
early years of colonization, the colonial masters did recognize the rights of
the Aborigines over their land since they could not deny their occupation of
their homeland. Both the Spanish and English Crown openly acknowledged
this.

But when there was pressure for them to take over more lands as they
consolidated their hold over the newly dominated areas, it was easy

enough for them to give birth to the legal fiction called the Regalian doctrine, according to Lynch's theory. Hence, outside of lands where clearly private ownership had been asserted by the IPs, all other lands automatically fell in the category of public domain, i.e., lands belonging to the state. Despite the IPs' protests -- in many cases involving armed struggles -- the colonial powers were able to assert their sovereignty over the new territories and institutionalize its authority over subjugated peoples in the face of continuing resistance from the IPs. Consequently, they denied the IPs sovereign status as *first nations*, legitimized their domination by asserting that the IPs were barbarians and force was required if their noble aims were contested. Magoon, Root and Friedman's framework of the colonizers' mindset that the colonizers had civilization laws that even transcended their very own Constitution indeed convinced them that the IPs needed to be civilized whether they liked it or not.

Ethnocentrism was a matter of fact: the invaders firmly believed that the *conquistadores* ways were good for the natives; the missionaries's religion was good for the pagans, and their legal system was better than the tragedy of commons, coined by Hardin. The communal mode of production that governed IPs' economic relationships interfaced with the colonizers' feudal mode, shifting later on to capitalism. Since private ownership of property, including land and all its surface and subsurface resources, was deemed more superior, it followed that private titling should be the established system. A whole new system of land tenure, ownership and control arose involving codes and symbols totally strange and inaccessible to the IPs. Thus, a long history of their continuing disenfranchisement began.

It is not as if only the IPs saw the greater advantage of a people's territorial hold over their homeland where ownership is communal. This stance served as basis for their resistance: their ancestors had been operating within the same system for centuries and it worked fine with them. Feeny et al., Brommley and Fernandez agreed that communalism is advantageous to the IPs. It is a common property regime that acknowledges patrimonial reserve (and could involve patrimonial titles over the homeland), fitting the purposes of the IPs better than the Western law system. Their theories are validated today among a growing number of IPs and their supporters who propose that amendments in Constitutions should be made recognizing three categories of land, namely: individually titled, state public domain and communal land for the IPs.

Until today, however, most governments are reluctant to acknowledge this theory that counters the Hardin thesis on the tragedy of the commons. Some are willing to begin recognizing the need for certain tracts of land within set of boundaries to be declared as ancestral domain but they are not comfortable with such constitutional amendments.

Part of the reluctance of governments to respond to the demands of the IPs for total control over their homeland stems from two views, namely: their legal system and their thrust towards assimilation. Asserting that their legal system which went back to the origins of Roman law was more superior (reinforced by the theories of Jenks, Bryce and Russell), it was better to insist on imposing the Western legal system. But in fact, these were critiqued by various social scientists who proved that jural law was based on customary law and that the Western legal system only got codified after a long period of unwritten living law.

Justifying ethnocentrism in their policies, they believed that assimilation was the only way to civilize the natives. Various approaches were used from setting up reservations for them (Australia and Canada), setting up formal schools for their children (Philippines and Mexico), sending missionaries into the interior to pacify them (in all countries), codifying their oral languages and conducting literacy classes, and buying off tribal leaders. When gentle persuasion did not work, force became necessary. Where it was still possible for them to escape from such domination, the IPs retreated into the interior which was inaccessible to the powers-that-be. In time, however, this option became increasingly less viable.

In the post-war period, the nation-states became committed to economic development and increased social integration. All those within the state were to be initiated into the ensuing processes of culture change with very little consideration of what the different peoples and/or ethnic groups could contribute to the total well-being of all, and certainly without their active participation. So when the state moved into agrarian reform legislation, setting up health and educational centers, establishment of community development projects in the rural areas and similar development schemes, it was always a movement from top to bottom. Decades later, the situation would not improve not only for the IPs but also for the rest of the population.

When nation-states and business corporations started to exploit more the resources of the land from the 1950s till the period of export-led industrialization in many underdeveloped countries, there was a rush to get into logging, mining and other extractive industries. Most of these were in IPs' territories (e.g. the Dayaks in Sarawak and the Lumads of Mindanao); naturally, conflicts arose. There also arose the need for governments to set up infrastructure projects from dams to geothermal plants, affecting more IPs' territories. Building roads to connect urban centers had also involved taking over IP areas. All these made the governments find ways of relocating the IPs; in some cases, they were left to their own devices.

Naturally, this was part of a pattern of government neglect. Relocation sites were not provided with water and adequate housing. Adequate health, education and other social services appropriated to their needs rarely reached their isolated communities. Roads, bridges and other infrastructure useful to them were found wanting. This was the scenario in the communities of the Chiapas south of the border where this would trigger an armed movement with its base in the depths of the remaining forests.

The rise of the globalization era has led to the worsening of the IPs' plight. The extent of development aggression has expanded further into the last frontiers. More logging has been taking place in Sarawak as its timber and forest products are being demanded by wood-hungry countries. Massive mining explorations have begun in Mindanao, especially that of the Australia-based Western Mining Corporation. Agribusiness haciendas are expanding in the Chiapas region.

Many spokespersons from the IPs' organizations and associations -- as well as their supporters in the global civil society -- claim that with GATT-WTO, NAFTA and APEC, things will go from bad to worse. Despite the strong position of most of their citizens who insist that NAFTA has been a failure, the Mexican government -- strongly influenced by their corporate elite whose loyalty are to their U.S. headquarters -- is not about to decide to give up this scheme. After all, it does benefit from it, even if the rest of the majority do not. In the last APEC Summit in Manila, all governments once more pledged their commitment to the free trade scheme and all pushed for greater liberalization and privatization as can be deduced from their Individual Action Plans.

Because of these developments, the battle cry of the IPs -- especially the politicized and organized -- is to assert their right to self-determination. Not only have their voices reverberated across the world; their actions asserting this right have attracted a lot of attention. Whether these are the road blockades of human bodies in Sarawak, the *pangayaw* against the armed guards of a logging company in Davao, and the revolt of the Zapatistas in Chiapas -- these events have been provided front page treatment in many national and international newspapers. Print and broadcast media coverage on their resistance increases, simply because they have become more often and dramatic.

Lee Van Cott's claim that the right to self-determination could conflict with existing international law has been validated in many countries as nation-states continue to legitimize their full sovereignty. On the other hand, customary norms could also be tapped to advance this right as these had been legitimized through various prestigious gatherings including the ILO (Convention 169) and the UN sessions. In some cases, attempts have been made to have the agreements in such Conventions binding for the member countries. The Inter-American Commission of Human Rights of the Organization of American States also invoked Article 27 of the International Covenant on Civil and Political Rights in favor of IPs of Brazil, which could next be invoked for other IPs. Self-determination has not meant separation from the nation-state (although there are a few IP organizations opting for this) but rather, a greater participation and representation in the political affairs that affect their lives and the development of their territories.

The claim of Anaya that the evolving self-determination had involved a trend among IPs to pressure the government not to monopolize decision-making while they secured wider spheres of autonomy over a wide range of policies and administrative matters is now prevalent. More IPs' organizations are asserting their right to control their destiny by neutralizing discrimination, political marginalization and cultural suffocation. As what Paust claimed, these were cases where the IPs asserted their human rights. Johnson and Singh's idea that these constituted an extension of popular sovereignty has become more evident for indeed territoriality should be an integral part. As these theories become more popular in the academe, NGOs and government circles, the IPs' voices have manifested the strength of their dream to have full control over their destinies. Their voices continue to echo from the sessions of the UN Working Group for IPs in Geneva to the forests that protect the Zapatistas.

Where the voices remained unheard, the IPs' patience ran out. In the case of those in Chiapas, one option was left: to engage the state in an armed confrontation. But their struggle was not to separate from the state

of Mexico, (validating Lee Van Cott and Anaya). The Zapatistas wanted reforms within the state that would lead to the betterment of the IPs' lives. As an aftermath of the Zapatistas revolt, the Mexican government was forced to the bargaining table.

Elsewhere, governments are forced to listen but they slowly respond in a way that creates a major positive impact on the lives of the IPs. Most responses fall into the too-little-too-late syndrome which leaves the IPs deeply disillusioned. However, no matter if the struggle has a long way to go, it has also come a long way. This is due to two factors: first, the IPs have become more aggressive and creative in their collective action to defend their rights and advance their causes. Their organizing work has expanded at the village, town, provincial, regional, national and international levels. The *lumads* in Mindanao, the Dayaks in Sarawak and the IPs throughout Latin America have set up their inter-nation federations. At the UN Working Groups, the *first nations* have regularly been able to update each other on their situations and mobilize support for each other's causes.

This has led to a very visible social movements of IPs around the world. In some cases, only the IPs are involved. In others, they are joined by their supporters -- associations in the academe, media, churches, NGOs and the like. As more struggles are waged on the ground level, more names are added to this list of social movements that must be acknowledged by the sheer force exerted in their respective countries. This parallels the social movements of women and environmental groups; in many cases they are interlinked. What were pointed out by Falk as new social movements having achieved particular prominence owing to their transnational networks have become more visible; these movements have indeed become successful in challenging secular supremacy of the state and big business. They have reclaimed the law and the treaties signed during early colonization to advance their cause. They have established popular sovereignty through a cultural activism paradigm more appropriate to the times.

As stated by Hall, they constitute a reality of social diversity; they've promoted democratization as they engage the state that is forced to become less despotic and monolithic. They have carved for themselves a space of autonomy and freedom as claimed by Mouzelis. In the words of Giner, their associational texture has become richer, thus contributing to the strengthening of the ranks of civil society. In many national, regional and international gatherings (from Rio to Beijing, Kyoto to Manila), Pearce's description of civil society is clearly manifested: they are mechanisms to control the overbearing state, to resist cooptation and to present appropriate transformatory agenda for the future. All activities initiated and facilitated

by civil society have all become part of a search for an associational life
through which all those inside these mechanisms can resist and ultimately
transform.

Out of all these developments, the IPs struggles have helped form a
global civil society which, in turn, has provided some help to strengthen
their associations and networks and/or assisted in exerting greater pressure
on institutions' whose policies affect the IPs. For example, as a result of
all their campaigns and media exposé, lobbying and collective action,
especially around the UN Year of the IPs in 1993, various global and
regional financial institutions -- including the World Bank and the Asian
Development Bank -- have been forced to review their own policies to
determine whether these are oppressive to the IPs.

The World Bank commissioned a study in 1994 to look into the
Indigenous Peoples and Poverty in Latin America, which confirmed that of
all groups in countries, the IPs were the ones who were more likely to be
poor. (Davis and Patrinos 1996:1). As a result of this study, the WB
recommended to the countries that: programs to strengthen their human
capital; policies to reduce the educational gaps between IPs and non-IPs;
equalization of income-generating characteristics that would boost the
productivity of the IPs in their market and non-market activities; investment
in the human and social capital of the IPs within a framework of respect
for their cultures and identities; and training of their leaders and
representatives in public administration and managerial skills. They also
accepted their own responsibility in responding to the challenge of directing
investment toward the strengthening of the human and social capital of the
IPs.

The ADB also came up with their own policy on indigenous peoples and
came up with their own recommendations in dealing with IPs' issues.
Among these recommendations are: the Bank should develop and adopt
a policy that specifically addresses IPs in the Bank operations; this policy
that requires specific consideration of IPs in Bank-supported development
projects should include project and technical assistance operations and
programming activities; IPs must receive equitable and culturally compatible
social and economic benefits from development projects; existing process
of initial social assessment must include specific consideration of IPs as
a potentially affected population, and the Bank should work to develop
necessary and appropriate internal capacities for addressing IPs matters
in operational activities. [35]

Despite such moves, many critics of state and corporate capitalism
within the ranks of the global civil society denounce their policies and

programs. They continue to commit themselves as watchdogs, fully convinced that the present trends in state and civil society relationships will continue to be adversarial in the future. Global competitiveness and corporate rule are expected to heighten as the APEC instrumentalities are poised to facilitate their advancement. No matter if considerable segments of the population in nation-states whether North or South, West or East will become more impoverished and marginalized, the States' paradigm shift towards globalization has become increasingly institutionalized.

This trend, as expected, will trigger the advancement of another trend, namely the further globalization of civil society. Many observers have already pointed out its existence and potential outreach and power. In the case of the expanding network interlinked because of APEC, the agendum is towards global democracy and transborder alliance of people (Ichiyo 1996: 1). No wonder at the Manila People's Forum on APEC, Cavanagh and Broad's keynote speech proposed to "launch a new battle for democracy . . . against a common enemy; a few hundred global corporations that are shaping . . . economies, indeed shaping the entire global economy with new rules that benefit the few against the many." (1996: 1).

In this internationalist, pro-worker, pro-environment, pro-women, pro-community stance that counters corporate rule, the pro-IPs stance will also be taking center stage. In the post-modern perspectives, the IPs' struggle is of greater significance not just for them but also for all peoples. Contemporary conventional wisdom asserts that what benefits them will ultimately help contribute to world peace and genuine democratization for all.

No wonder, the Zapatistas' struggle attracted so much attention and support. It has been referred to as the first revolution of the Twenty-First Century (Cassanova 1996:111). It is a first-of-its-kind revolutionary struggle in the contemporary world arena. The Zapatistas' uprising gave birth to a new paradigm of the IPs' continuing struggle. It is too early to tell if it will be duplicated in territories all over the world where the IPs are hurting and eager to chart their own histories as well as determine their own destinies. ❖

Notes

1 Otherwise known in various names including first nations, tribal minorities, cultural communities, ethnolinguistic groups. The International Labor Organization (ILO) refer to them in terms of two categories of people, first as "tribal peoples in independent social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially

by their own customs or traditions or by special laws or regulations;" as well as "the peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions." See *The Americas: Human Rights Violations Against Indigenous Peoples*, Amnesty International, 1992, p. 114.

2   See Roger Plant, "Land Rights and Minorities," Minority Rights Group International, London, UK, undated, pp. 4 - 10.

3   For a full text of this Declaration, see *Ibid*: p. 4.

4   For a full text of this statement, see *IWGIA Newsletter* No. 4 (October-December 1993), p. 16.

5   The first quotation is from the "Kyoto Declaration," the statement from the 1995 NGO Forum on APEC; the second is from the "Manila Declaration and Plan of Action," a statement of the Manila People's Forum (of NGOs) on APEC 1996.

6   Cheryl Avila, "APEC Act - Ramos," TEP, December 26, 1996, p. 1.

7   The other dominant indigenous peoples of Malaysia are those of the Orang Asli communities of peninsular Malaysia. This study, however, will focus its attention only on the Dayak forest-dwellers in Sarawak, also referred to as the Orang Ulu, including the Kayan, Kenyah, Kejaman, Kelabit, Punan Bah, Tanjong, Sekapan, Lahanan and Penan peoples. See Sahabat Alam Malaysia, "Malaysia: Appeal by the Orang Ulu to protect their lands, forest and resources," *IWGIA Newsletter* No. 53/54 (May-August 1988), pp. 65-76.

8   From the article, "Sarawak Native Lands Threatened," *Asia Link*, Vol. 15 No. 3 (May-June 1993), p. 7. This article was condensed from an article in HAK, a publication of SUARAM.

9   *Ibid*.

10 This concept was introduced during the colonial government which allowed for the coexistence of islamic forms of property ownership and the leasehold systems based on British land laws. See, Roger Plant, "Land Rights and Minorities," Minority Rights Group International, undated, p. 22.

11 Sahabat Alam Malaysia, *Ibid*, p. 66.

12 Aileen Kwa, APEC: Four Adjectives in Search of a Noun," Walden Bello and Jenina Chavez-Malaluan (eds.), *Manila People's Forum on APEC*, 1996, p. 97.

13 Walden Bello, "Malaysia," *Ibid*, p. 94.

14 Mahathir Mohamad, "Free Trade in the Real World, " *The Manila Chronicle*, July 12, 1996, p. 5.

15 *Ibid*.

16 Documentations provided by IWGIA Publications including 1987 Yearbook, *IWGIA Newsletter* No. I (January-March 1992), pp. 40-47.

17 This served as basis for the Regalian doctrine. This was later on invoked by the Americans after the Treaty of Paris to justify taking over the archipelago and later institutionalized in the Constitution, specifically in the concept of the public domain. For more explanation on this point, see Cerilo Rico S. Abelardo, *Ancestral Domain Rights: Issues, Responses and Recommendations*. Unpublished thesis, Ateneo de Manila University, College of Law, Quezon City, 1993.

18 However, the US. Supreme Court upheld the indigenous Filipino's ownership over his untitled land in the *Cariño v. Insular Government* case. See Owen J. Lynch, "Withered Roots and Land Grabbers: A Survey of Research on Upland Tenure and Displacement," Paper presented at the National Conference on Research on the Uplands, April 12, 1983, pp. 2-3.

19 Data about laws were taken from *Laws and Jurisprudence Affecting the Indigenous Peoples of the Philippines*, Development Legal Assistance Center, Quezon City, 1990.

20 A bill was filed in the Senate by Senator Rasul et al. In the Lower House, another bill was introduced by Congressman Andolana et al. Senator's Rasul's bill, however, has been shelved. In its place is SB 1475 introduced by Senator Flavier and supported by a number of Senators.

21 For background readings on Philippines 2000 that presents both the government's side and that of civil society, see *Kasarinlan* Vol. 9 Nos. 2 &3 (4th Quarter 1993 and 1st Quarter 1994), a publication of Third World Studies Center, University of the Philippines, Diliman, Quezon City.

22 For documented cases of development aggression, see: *Struggle Against Development Aggression*, a Tabak Publication, Quezon 1990; *Ethnocide: Is It for Real?*, a publication of the Media Mindanao News Service (MMNS), Davao City, 1993.

23 For background reading on the APEC Summit in Manila, see *APEC: Four Adjectives In Search of a Noun*, Manila People's Forum, Quezon City, 1996.

24 See Joel Canuday, "Fight for Ancestral Lands Leads to Slays," *Philippine Daily Inquirer*, January 9, 1997, p. 14 referring to how the Ata-Manobos in Talaingod, Davao del Norte waged a *pangayaw* against the Alcantara and Sons armed personnel. They objected to the company's IFMA expansion into their homeland.

25 *Lumad* is the generic name popularly used in Mindanao to refer to the 17 ethnolinguistic IPs who were not subjugated by the Spanish colonizers nor Islamized.

26 During martial law, Church institutions like the Mindanao-Sulu Secretariat for Social Action, Mindanao-Sulu Pastoral Conference Secretariat, the National Council of Churches of the Philippines -People Action for Cultural Ties and the Mindanao-Sulu Conference on Justice and Development provided back-up support for the IPs conscientization and organization. After 1986, NGOs like the SILDAP network, the Kaliwat Theatre Collective, the Land Resources Center-KSK got active in supporting the IPs struggle.

27 Proceedings of their First Assembly, as well as their consultations on Mining and the Challenge to IPOs provide information on the NGOs and IPOs involved in this network, their assessment of the present IP situation in Mindanao and their proposals on how they can strengthen their struggle.

28 For a concrete example on how a cultural group responds to the situation of the IPs, see Arakan: *Where Rivers Speak of the Manobos Living Dreams*, Kaliwat Theatre Collective, Davao City, 1996.

30 The source of these statistical figures is the *1995 Third World Guide*, published by the IMF, WB and the Bank of Mexico, as quoted in "Mexico: Free Market Failure," *Comment*, CIIR London, February 1996, p. 2.

31 See Roger Plant, "Land Rights for Indigenous and Tribal Peoples in Developing Countries," Rural Development Policy Research Program, International Labour Office, Geneva, 1992, p. 110.

32 "Mexico: Free Market Failure," *Comment*, CIIR London, February 1996, p. 9.

33 *Ibid.*

34 The sources of the data on the developments of Mexico's eco-political realities used in this section included: *Comment* CIIR; Donna Lee Van Cott (ed), *Indigenous Peoples: Democracy in Latin America*, New York: St. Martin's Press, 1994; and Ignacio Peon-Escalante, "Mexico," *APEC: Four Adjectives in Search of a Noun*, Manila People's Forum on APEC, 1996; Lori Wallach, "Important Lessons from NAFTA Require Fundamental Changes for APEC," Prepare for Manila People's Forum on APEC, 1996.

35 As collated in *Comment* CIIR, pp. 18-19 and by Lori Wallach, p. 7.

36 From a Draft Working Paper, "The Bank's Policy on Indigenous Peoples," Social Development Division, Office of Environment and Social Development, Asian Development Bank, 1996, pp. 18-19.

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