

## **Governing Indigenous People: Indigenous Persons in Governing Implementing the Indigenous Peoples' Rights Act**

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In the political landscape of the Philippines, governance and politics are distinct in the Cordillera region because individuals who identify themselves as indigenous peoples dominate local government. This political dominance—in terms of numbers as well as the levels of positions attained—rises out of the creation and maintenance of boundaries around difference, which had its beginnings in the upland resistance to Spanish colonial rule in the 16th century, and produced an elite indigenous class in the final years of the American colonial regime. It has remained more or less constant since then. Indigenous individuals in public office often attribute the success of government programs in the region to understandings between fellow indigenous Cordilleran officials. On the other hand, they attribute failed public initiatives to a lack of understanding of local conditions by non-Cordillerans in the higher echelons of national government agencies. I see these governing indigenous individuals, or professional indigenous persons, as agents in state processes of boundary-maintenance, inasmuch as they are engaged in renegotiating the very boundaries their government posts are designed to implement. They move between deploying power and being subjected to power; between being agents of the state implementing national laws and policies in the Cordillera, and being Cordilleran natives asserting the distinctiveness of being indigenous and creating spaces for a measure of indigenous self-determination within a nation-state. These movements across boundaries become quite apparent in the spaces and times when ancestral domain claims are negotiated under Republic Act No. 8371 of 1997, also known as the Indigenous Peoples' Rights Act (IPRA).

The implementing agency for the IPRA is the National Commission on Indigenous Peoples (NCIP). It is distinct from other national government agencies because it is composed entirely of indigenous commissioners and officers representing the different regions and indigenous groups across the country. NCIP officers carry out a mandate to protect indigenous peoples' rights to self-determination even as they assert the national culture of the state at local levels and often in

remote, or marginal areas of Philippine political geography and ideology. When they engage indigenous peoples in the *ili*,<sup>1</sup> or home-villages, they also become translators and brokers—translating the letter of the law and making it applicable in local situations, and brokering agreements that will seal and fix the boundaries of ancestral domains. As such, they are in a position to influence the ways in which indigenous people assert their rights to territories and natural resources on the basis of identity, patrimony, and occupation from “time immemorial.” In this paper I will show how the positionalities of local-level officers of the NCIP and other governing indigenous individuals influence the process of making claims as well as the very nature of claims to ancestral domains in the Cordillera, particularly in the province of Benguet.

In addition, I will show how the IPRA happens to people, as well as how people make the IPRA happen. A decade after the IPRA’s promulgation, I ask: How is the IPRA transforming the ways in which indigenous peoples make claims to land and resources? What roles do indigenous government representatives from various agencies play in these transformations? Is indigenous identity a key factor in the interface of government representatives and indigenous communities? If it is, when does it count and how is it brought to the fore during interactions?

### Interface and Boundaries

Long defines a *social interface* as “a critical point of intersection between lifeworlds, social fields or levels of social organisation where social discontinuities, based upon discrepancies in values, interests, knowledge and power, are most likely to be located” (2001, 243). This paper offers up a description and analysis of the implementation practices entailed by the IPRA, where indigenous lifeworlds intertwine with bureaucratic state procedures. I will describe what takes place in scheduled meetings at which traditional knowledge, legal matters, and social and physical boundaries around ancestral domains are discussed and negotiated. These are the times and spaces in which the implementation of the IPRA is said to happen in the view of the officers of the NCIP. In paying close attention to this interface I aim to contribute to a growing body of ethnography on policy implementation in the Philippine Cordilleras. I present here a detailed, ethnographic examination of the positionalities of contemporary indigenous elite,<sup>2</sup> how policy implementation comes about in indigenous communities, and how indigenous intelligentsia negotiate the boundaries around maintaining cultural difference while belonging to a nation-state. By focusing on the interface of indigenous persons in state-sanctioned roles and indigenous persons based in the *ili*,<sup>3</sup> I aim to show exactly how policy implementation is negotiated on the ground.

Boundaries are purposively made by people to separate themselves or to separate matter or certain objects from the rest of the environment (Barth 2000). The nation-state, as a geographical and bureaucratic entity, exists by virtue of boundaries. In government programs, "bounded categories of beneficiaries" (Barth 2000, 29) are identified and actors are expected to fit into these to qualify. In the dynamic of indigenous peoples rights, boundaries are ubiquitous. Lines of inclusion and exclusion are drawn around who does and does not qualify as indigenous, as a requisite to recognition of indigenous rights to land by virtue of identities and histories. The boundaries with which I am concerned in this study are those of places (ancestral domains), time (work-time, project cycles, implementation targets), and social boundaries (boundaries of relationships, interactions, behavior and positionalities).

It is important to note that boundaries are permeable. Barth asserts that human activities create "leakages" in borders, and re-connect what has been separated (2000, 28). This is done through "inventive behavioral responses to the imposition of boundaries, and the effects of social positioning" (ibid.). Barth asserts that it is not isolation and absence of contact or mobility that keeps ethnic categories distinct. Rather, ethnic distinctions "entail social processes of exclusion and incorporation whereby discrete categories are maintained despite changing participation and membership in the course of individual life histories" (Barth 1994, 9-10). The critical social boundary in the context of the IPRA's implementation is that between power- and status-wielding professional indigenous persons and *ili*-based indigenous persons who constantly seek ways to assert their agency in the struggle for rights to ancestral land. In this study, I show how the formal recognition of indigenous rights to land and natural resources has transformed indigenous processes of exclusion and incorporation, thereby also affecting the permeability of ethnic boundaries.

Boundaries are not static, but constantly subject to change. People can reconceptualize boundaries based on the events that take place around them, and the affordances that actors are able to harness. Ingold (1992, 46) defines affordances as "properties of the real environment as directly perceived by an agent in a context of practical action." They can be both physical objects, as well as embodied meanings. Different actors may attend to different affordances in the environment, and draw these into their experiences and their lives. Thus, through affordances, social and physical boundaries not only serve to separate, but also to connect (Barth 2000, 30). Connections are spun out of the work of people who respond to affordances selectively and pragmatically.

According to Barth, the presence of a boundary sets social and material processes in motion, with emergent results. Thus, boundaries must also be seen as sites of enforcement, resistance, and negotiation.

Physical boundaries can shift in location as a result of negotiations between communities or actors. Social boundaries can be broken or reformulated as a result of resistance or as a result of changes actors bring about in their own positionality. Political boundaries, as Barth points out, have been rich in affordances throughout history. "They are a constant field of opportunities for mediators, traders, and middlepersons of all kinds" (2000, 29). As this paper shows, professional indigenous persons in particular thrive at the sites of boundaries. They are capable of controlling who or what is allowed to move across borders, and influencing the very lines that re-define the boundaries of people and place.

### Historical roots of indigenous elite participation in the state

It is important to make a short foray into history in order to arrive at an understanding of the creation of difference and the emergence of an indigenous elite, a class of Cordilleran society that has been understudied to date. Geographically speaking, the Cordillera region is comprised of the chain of mountains on the western side of the island of Luzon, stretching northward from the tip of Pangasinan. It is a diverse region, both geologically and ethnolinguistically: there are three mountain range systems within the region and at least seven major indigenous languages with several local variants (De Raedt 1991, 355 as referred to in Finin 2005, 10). From the 17th century onwards, the Spanish colonizers and lowlanders generally referred to the people occupying the Cordilleras as "Igorots" (Scott 1977, 41), a term that came to be hotly debated, and then later accepted by some, but not all indigenous groups in the region. During the Spanish colonial period, the Igorots did not think of themselves or present themselves as one unified population. Their loyalties and affiliations belonged with their villages and kin. The discussion below describes briefly a small part of the historical emergence of a pan-Cordilleran identity.

Finin (2005) argues that it was primarily during the American period of Philippine history that resistance to foreign encroachment became articulated as indigenous patrimony, and as a 'natural' attachment of Cordillerans to the Cordillera. However, uplanders in Northern Luzon defended their independence with their lives long before the emergence of a pan-Cordilleran sense of entitlement. In fact, Cordilleran resistance to foreign aggression predates the American propagation of difference by at least three centuries (Scott 1977 and 1993).

Relations between the Spaniards, the Christianized lowlanders, and the so-called pagan uplanders, commonly referred to as Igorots, were largely ambiguous during Spanish rule in the Philippine islands.

Many expeditions were dispatched, but they failed to yield gold, or to make Catholic, tribute-paying Spanish subjects of the mountain people. The Spaniards sent many punitive expeditions into the mountains across the three centuries that they ruled the Philippines. Most of these expeditions were defeated, if not by the fierce upland warriors themselves who would ambush the troops by the hundreds, then by the harsh environment of the Cordillera mountain range. In the case of the latter, the indigenous uplanders would simply go into hiding and wait it out before expeditions would crumble.

This dynamic prevailed into the 18th and 19th century. Strategic cooperation between Igorot leaders and the Spanish government and missionaries eventually developed. Some Igorots actively sought out baptism, while other groups did so on the condition that they be exempted from tribute and forced labor in their lifetime. Nevertheless, this did not bring about the total Christianization and *reduccion* of the Igorots in the mountains. Even Igorot chiefs described as pious Christians continued to adhere to their own rituals and turned upon missionaries who attempted to completely abolish old life-ways. Part of the ongoing conflict between Igorots and the Spanish government had to do with illicit Igorot trade in tobacco, cattle, gold, and vegetables. The military occupation of the Cordillera was hardly stabilized when it began to crumble as the *Katipuneros* launched their fight to overthrow the Spanish government in the Philippines. Scott aptly describes this as a time when “Filipinos in the lowlands were getting ready to fight for that liberty which had never been surrendered in the highlands” (Scott 1977, 296). The Spanish occupation of the Cordillera — and the Philippines — ended in 1898. Following close on the heels of the Spanish colonial era came the age of America’s empire.

The establishment of the Mountain Province in 1908 effectively put into place an American administrative grid that reflected “a mode of thinking on the part of American colonial officials characterized by an affinity for packaging the Cordillera’s complex historical and cultural realities into neatly compartmentalized bureaucratic structures, thereby allowing for placement of arbitrary social and political boundaries” (Finin 2005, 14). The boundaries of the seven coterminous subprovinces of the Mountain Province corresponded to the ethnic boundaries created by Dean C. Worcester<sup>4</sup> in his attempts to “scientifically” classify the peoples of the Cordillera.<sup>5</sup> However, his system of classification was very much based on his personal perceptions of physical attributes and cultural practices revolving around war and dance (Finin 2005, 34). In their cataloguing of the “tribes” of the Mountain Province the Americans classified groups according to evolutionary scales and racial wave migration theories that were current at the time. The Americans deemed it necessary to protect indigenous highlanders from scrupulous lowlanders and they put in place policies to this effect (Finin 2005, 40,

247), thereby creating—and to a certain extent, institutionalizing—boundaries of difference between highlanders and lowlanders

In 1901 the Philippine Commission established the Bureau of Non-Christian Tribes within the Department of the Interior. The bureau worked under the directive of then President McKinley to “adopt the same course followed by Congress in permitting the tribes of our North American Indians to maintain their tribal organization and government” in dealing with the “uncivilized tribes” of the Philippines (Forbes 1928, 445, as quoted in Finin 2005, 29). The Bureau of Non-Christian Tribes first tried out the election of local officials in Baguio and Benguet before anywhere else in the Mountain Province. At first, villagers simply respected the wishes of their elders who saw advantages in cooperating with the Americans and they voted for candidates predesignated by the elders, which is a clear instance of local agency aiming to maintain a measure of control over the new, emerging politics. Under American administration, villagers “increasingly found that issues now fell within the purview of a single *presidente*” instead of bringing their problems to the council of elders (Finin 2005, 112). In turn, the *presidente* continued to consult the traditional elders for important decisions. Today, this is reflected in patron-client relationships that have developed between local politicians and elders; with powerful politicians—at least at the level of municipal mayors and provincial governors—having their own set of elders to consult with and from whom to draw legitimacy. According to Finin (2005, 107-108) these elections gradually led to forms of leadership in the Cordillera that were filled in by formally educated indigenous persons, at first without replacing completely the roles of traditional leaders and councils of elders.

When the Philippines became an independent republic Cordillerans soon after were elected into office as governors of the Mountain Province, or to seats in congress. The *Midland Courier*, a newspaper that was owned, written, and circulated by indigenous intelligentsia, called attention to the “parallel between the struggle for freedom of the subject peoples of Asia and the legitimate desire of the mountain people to reach the same level of civilization and enjoy the same rights as their lowland brother” (May 28, 1950 as quoted in Finin 2005, 149). Laurence Wilson, a long-time American resident of Baguio City, wrote, “With the... popular election of the governor of Mountain Province, the Igorot inhabitants can no longer be classified as wild, Non-Christian Tribes. They are Filipinos” (Wilson 1955, 249 as quoted in Finin 2005, 186).<sup>6</sup>

These statements made in the *Midland Courier* and by Wilson allude to the beginnings of the boundaries that indigenous leaders negotiate to this day. They point to the prevalence of a sense of difference between the indigenous occupants of the Cordillera and “their lowland brothers,” as well as a desire to be duly recognized as part of the Filipino nation.

The conception of an indigenous territory that encompassed the entire Cordillera region is traceable to the reification of the Christian vs. non-Christian divide, which had its beginnings in the Spanish colonial period and heightened differences between highlanders and lowlanders who were previously culturally similar (Finin 2005, Scott 1977). The combination of strong local agency, with prolonged resistance to Spanish subjugation followed by American paternalistic policy, built the foundation for a sense of entitlement to the right to live, prosper, and govern in their own territory among Cordillerans throughout the region. On the other hand, the segregation of the uplands from the lowlands also gave rise to the prevalent view of the region and its people as the backwaters of the nascent Philippine Republic. Upland populations came to be viewed with both fear and prejudice.<sup>7</sup> This was a view that the indigenous intelligentsia actively strove to change and that continues to surface from time to time so that contemporary professional indigenous persons still have to push against this boundary in different, perhaps subtler ways.<sup>8</sup>

To summarize, indigenous individuals in the Cordillera have actively positioned themselves for political and/or economic gain at turning points of Philippine colonial and post-colonial history (Finin 2005; Fry 1983; Scott 1977). The historical progression of this indigenous elite can be traced on through World War II and Philippine independence but this brief account shows how the cumulative effects of sustained resistance to Spanish rule, American colonial policy, and local agency have brought about indigenous elite control over much of the Cordillera region. Finally, an important link here between history and the present is that the NCIP and the Bureau of Non-Christian Tribes are parallel instruments of governance in two distinct periods of the nation's history; each established to handle matters pertaining to a sector of the Philippine populations perceived to be "different" from the majority.

### **The NCIP and the implementation of the IPRA in Kabayan**

One of the interfaces in which the tension of difference and belonging is played out is when the officers of the NCIP in the Cordillera region do their work of implementing the IPRA. As translators and brokers they work with the awareness that the *ili*-based indigenous peoples they are mandated to serve do not always correspond with the category "indigenous peoples" as defined in the law that they implement.<sup>9</sup> In addition, they are confronted with differences in the processes through which indigenous rights are determined and demanded among *ili*-based indigenous groups, and the administrative protocols and implementation regimes under which the NCIP must operate. This will

be made apparent in the following ethnographic description of the roles and actions of officers of the NCIP and other indigenous leaders and agents of the state in the implementation of the IPRA in the municipality of Kabayan, Benguet.

This micro-ethnography on the work of the NCIP in the municipality of Kabayan is drawn from fieldwork conducted at different periods between 2003 and 2006, and from official documents that were drawn up between 1996 and 2006. When appropriate I have quoted at length statements made by officers of the NCIP, other indigenous individuals in government, and *ili*-based indigenous persons, in order to render visible the ways in which notions of identity and territory are articulated, negotiated, and manipulated by different actors. First I will describe the general structure and functions of the NCIP, and then I will proceed to describe how the IPRA's implementation was played out in Kabayan in the period specified above.

Indigenous identity, aside from professional and educational attainments, is among the government's established requisites for officials of the NCIP. In the Benguet Provincial Office of the NCIP, all of the officers/employees trace their ancestry to various *ili* within the Cordillera region.<sup>10</sup> They reside in the urban centers of Baguio and La Trinidad. The work of the staff of the Provincial Office takes place largely in two different settings and under two related "disciplines." The office is physically based in La Trinidad, the provincial capital of Benguet. From time to time, *ili*-based indigenous persons visit the NCIP offices in La Trinidad to submit documents or to make queries and requests. Here "the textual discipline of reporting" (Mosse 2005, 110) predominates. Documents relating to ancestral domain claims are drafted, finalized, and forwarded to the appropriate offices and individuals, or filed away. Plans and schedules are drawn up, budgets are drafted and approved, and letters are sent out to various communities, informing them of future meetings or seeking support from local government units in mobilizing community members to attend NCIP meetings. The office is the springboard for trips to "the field," the other main setting in which the provincial office operates.

The field is where the interface between the NCIP and *ili*-based indigenous communities is at its most intensive. For officers of the NCIP, just as for anthropologists, any given field visit is a trip to any of the villages, municipalities, or ancestral domains in which they work with local people to implement the IPRA. In the field they conduct information and education campaigns on the law, they guide—or as some would argue, they impose upon—indigenous groups in the preparation of papers and proofs to support their claims to land, they gather information on village genealogies and customary law, and they facilitate the formulation of Ancestral Domain Sustainable Development and Protection Plans, to mention but a few of the local-level tasks and

responsibilities spelled out for the NCIP in the Implementing Rules and Regulations of the IPRA.

For the officers of the NCIP, the field is where they work under the pressure of “the temporal discipline of schedules and deadlines” (Heaton 2001 as referred to in Mosse 2005, 110) vis-à-vis the often slower, more deliberate ironing out of issues within the *ili*. For *ili*-based indigenous people, the scheduled meetings are a time of both confusion and negotiation. These meetings also become the venues at which translations are made, agreements are brokered or stalled, and meanings are negotiated. Below, a NCIP officer explains to gathered people at one such meeting:

“... The purpose of the ancestral domain is protection... You have been given the right to protect and manage your ancestral domain, the watersheds you are fighting over... The government is... honoring your ownership of this domain... Whatever benefits come from this domain will go to you! You will make your own policies for your domain...”<sup>11</sup>

Given that the field is a crucial interface, the following section trains its focus on the background of the Kabayan Ancestral Domain Claim, and to the processes taking place in the field that would lead up to the awarding of an ancestral domain title to the municipality.

### *The Kabayan Ancestral Domain Claim*

The Municipality of Kabayan is located on the slopes of Mt. Pulag in Benguet Province. It is 85 kilometers northeast of Baguio City and 335 kilometers north of Manila. Kabayan is bounded by five other municipalities, two of which belong to neighboring provinces. One is the Municipality of Tinoc, Ifugao Province on the northeastern side of Kabayan, and the other is the Municipality of Kayapa, Nueva Vizcaya on the southeastern side of Kabayan. These two municipalities figure prominently in the section of this paper that deals with ancestral domain boundary resolutions. The other three municipalities belong to the province of Benguet.

As of 1995, the Ibaloy comprised 58.49% of the household population, followed by the Kalanguya at 36.38%, and then the Kankana-ey at 0.01% (Kabayan Ancestral Domain Management Plan 1999, 69).<sup>12</sup> There are other ethnolinguistic groups represented in Kabayan but regardless of the multi-ethnic composition of the municipality, its ancestral domain is officially known as the “Ancestral Domain of the Ibaloy, Kankana-ey and Kalanguya Cultural Communities found in the Municipality of Kabayan.”

The Kabayan ancestral domain claim was first made under the Department on Environment and Natural Resources (DENR) Administrative Order No. 2, series of 1993. This administrative order was a predecessor to the IPRA in that it mandated the DENR to identify, delineate, and certify ancestral domains and the indigenous cultural communities occupying them. The key difference between the IPRA and the Administrative Order is that the latter stopped short of awarding land titles within ancestral domains, thus withholding legal ownership of land from indigenous people living in forested areas.

In 1994, local government officials and other educated Ibaloy of Kabayan led the formation of a Technical Working Group. An individual who was part of the working group said that they also had Ibaloy consultants, not necessarily from Kabayan, based in Baguio who helped to edit the manuscripts for the claim as well as for the Ancestral Domain Management Plan. The Technical Working Group conducted workshops, seminars, and interviews in order to collate the requirements for the claim, such as genealogies of indigenous residents of the domain, photographic proof of indigenous improvements, structures, and maintenance work in the domain, and testimonies of elders on the boundaries of the domain. Elders from around the municipality attended these workshops and shared their knowledge about territorial boundaries, genealogies, the peopling of Kabayan since “time immemorial,” and the cultural traditions of the Ibaloy, Kalanguya, and Kankana-ey indigenous groups.

One of the elders told me in an interview that he and the other elders who participated had followed the boundaries that were set by the Americans at the beginning of the century. The Municipality of Kabayan is spread across 19,490 hectares, but the boundaries of the ancestral domain that were determined during these workshops expanded the territory to 27,252 hectares (Kabayan Ancestral Domain Management Plan 1999). With the implementation of the IPRA these political administrative boundaries have turned into bones of contention in the ancestral domain claims of contiguous municipalities. The correspondence of administrative and ancestral boundaries and the labeling of the domain as belonging to the municipality have been questioned repeatedly and I will show why as the paper progresses. Elders, local government officials, and other Kabayan intelligentsia that participated in the preparations for the first application with the DENR informed me that this delineation was chosen ‘for convenience’s sake’.

In 1996 the Certificate of Ancestral Domain Claim (CADC) was awarded to Kabayan under the DENR A.O. No. 2 of 1993 mentioned above. This was the first CADC to be awarded to indigenous peoples in the Cordillera Administrative Region. In 1997 the IPRA was enacted. The National Commission on Indigenous Peoples was organized, and it took over from the DENR the powers and responsibilities of delineating

ancestral domains. Under the IPRA, existing ancestral domain claims could be converted into ancestral domain titles. In order for the Kabayan Ancestral Domain Claim to be converted into an Ancestral Domain Title, the *ili*-based indigenous people of Kabayan and the NCIP had to officially settle all remaining conflict over domain boundaries, and re-validate all official documents and proofs previously submitted as supporting evidence for the claim. Many, previously unresolved conflicts over boundaries surfaced, each of which had to be settled before a communally held land title could be awarded to Kabayan. Thus from 2004 to 2006, the heaviest and most complicated work of the NCIP in Kabayan involved Ancestral Domain Boundary Resolutions.

#### *Ancestral Domain Boundary Resolution*

Ancestral domain boundary resolutions (ADBR) are negotiations that are convened for the purpose of settling any conflict over land and boundaries between residents of adjacent ancestral domains and ancestral lands.<sup>13</sup> Such was the case in the Ancestral Domain Boundary Resolution between Lusod, a Kalanguya barangay in Kabayan, and Balite, a Kalanguya barangay in the municipality of Kayapa. This section focuses on one particular event, the Lusod-Balite ADBR. The discussion is carried out in much detail, with a view to revealing how various indigenous actors voice out and negotiate their claims, how the NCIP frontliners implement the IPRA in the presence of *ili*-based indigenous peoples, and how they move back and forth across boundaries.

This ADBR was to be the fourth meeting between Barangay Lusod and Barangay Balite. On the negotiating table were tracts of land that included forests, farmlands, residences, and the peak of Mt. Pulag. In previous meetings, no compromises or agreements were reached. Participants and witnesses had signed a certificate of non-agreement. This meant that the case would be brought before the Hearing Officer at the regional office of the Commission. The settlement of the boundary would be treated as a court case, with both sides presenting evidence to support their claims.<sup>14</sup>

Meanwhile, funding had come into the regional office of the NCIP from the European Union supporting the costs for the titling of ancestral domains in Benguet. Because of this, there was some external pressure to accomplish the titling for Kabayan (and the other ancestral domain claims in the province of Benguet) before the funding program was to end. Given this target, the non-agreement between Lusod and Balite was not acceptable to the NCIP. The Benguet Provincial Office of the NCIP called for this fourth meeting so as to push for a "preliminary and temporary settlement." This temporary agreement would allow them to proceed with the delineation of boundaries and erect markers along the

borders of Kabayan's ancestral domain. Notably, this would enable them to make efficient use of the funds and to report accomplishments back to the donor. This may be seen as a mere instance of NCIP officers acting according to their mandate and bureaucratic procedures, or operating under textual and temporal disciplines. However, as the account given here will show this compliance with state procedure and meeting of targets is exercised as pressure by NCIP officers and other government officials upon local communities.

It took two days for the officers of the NCIP to travel across grueling roads from La Trinidad to Babadac,<sup>15</sup> the appointed venue for the negotiations between Lusod, Kabayan and Balite, Kayapa. With their permission, I traveled with the group from La Trinidad in order to get a sense of how NCIP work is carried out by these frontliners. There was some difficulty reaching the venue due to the unavailability of a four-wheel drive jeep. Some of the officers suggested turning back and rescheduling the ADBR. However, one officer reminded them that the communities had been notified about the meeting, a pig had already been purchased, and since there was no way to send word to Babadac, the pig would probably be slaughtered first thing the next morning and would be cooked and served to the ADBR participants by noon. She said that if there was still no vehicle available the following day, they should be prepared to proceed to the village on foot, just as all the *ili*-based participants would be doing. This officer's exhortation to her colleagues suggests a familiarity with and sensitivity to how the assemblies organized by the NCIP take up local time and resources. This awareness can be attributed to understanding acquired from the frequent field visits of the NCIP, as well as to the knowledge of an insider.

When the NCIP officers reached Babadac a small gathering of people from Lusod was already waiting. Their group was a mix of male elders, young men, women, and their small children from Lusod. Only one elder was present from the opposing village, Balite. The NCIP officers called the elders together and every one faced a wall on which the officers had tacked up a hand-drawn map of the area under question, which was later replaced with a map made with a global positioning device. The atmosphere was calm and the discussions proceeded cordially and in soft voices, as is often typical of Kalanguya gatherings, something that they take pride in.

First, one of the officers of the Commission explained the agenda for this particular ADBR, and the meaning of a temporary and preliminary settlement. The elder from Balite then complained that it would be difficult for him to make decisions because he was alone. He claimed that his fellow elders and villagers thought that the meeting would be held in a different village. He did not know whether any of his companions would arrive. The Benguet officers were adamant that they

had sent invitations to the NCIP provincial office in Nueva Vizcaya, and that the officers there should have informed the villagers. Although the Balite elder had expressed his hesitance about proceeding due to his being alone, the NCIP officers insisted that the ADBR proceed and that they should reach a temporary preliminary settlement by the end of it.

When the elders spoke, they did so one at a time and heard each other out, just as in a traditional *tongtong*.<sup>16</sup> When they wanted to identify specific locations, they stood beside the map and pointed out the places they referred to. The elders of Lusod articulated their right to the area under question by invoking the places where their ancestors had opened up *uma*, or where they were buried. For example:

“This place, Dagway, that is the place we... remember from our childhood. If you were to look at this place, you would see the evidence: the trees... that people planted and used for firewood before. Back then, there was no alnos yet. There used to be coffee trees there, but they have died. The trees my ancestors planted spread out up until Huyucto... My father is buried there, and my grandfather. My great-grandfather Liggew is also buried there, and so is Ingosan. There are many more of them buried there.”<sup>17</sup>

Others put emphasis on the land tax declarations they were paying to the municipal government, as evidence of their rightful ownership to land within the contested area. For example:

“When they built a road here, funded by Kabayan, we all witnessed it. That is why we pay our [land tax] declaration there [in Kabayan]. That is why, what we want is for our land to be surveyed as part of the CADT of Kabayan. Those of us who live in this area also want our other places to be part of Kabayan, here in Huyucto, Yakong, and Nagkampil. That is all.”

The elder from Balite, being alone, enumerated a list of place names that indicated a path that was frequented by people from Balite since before “peace time.” Peacetime refers to the years that came immediately after the end of the Japanese Occupation of the Philippines, at the end of the Second World War. The Balite elder also asserted that the peak of Mt. Pulag belonged in Kayapa territory.

When it became clear that each side was only repeatedly stating their claims without making any compromises, one of the NCIP officers stood up and made an appeal to the assembly. Her words reveal the textual and temporal disciplines under which the NCIP operates:

“This law was made for you. Let’s not waste it. If we show people that there is no understanding between us, that we refuse to share,

it will not look good. What is more, let us not disappoint our donors. If they see that it is difficult to fund these negotiations, that they take too long and bear no results they will be disappointed. This is one reason why we must have a preliminary settlement. Don't worry. Even if we do [a preliminary settlement] now, if you win in the courts that is [the decision] that will be followed, not this one."

Here is a situation that clearly shows how activities and expenditure against targets become measures of performance for frontliners in the implementation regime (Mosse 2005, 112). The officers of the NCIP at this ADBR were working under the pressure of temporal discipline—in this case, project cycles and a donor's fiscal year. The pressure to perform, as felt by the NCIP, extended to the *ili*-based indigenous people as pressure to arrive at a decision. It was clear from the initial reticence of the gathering that the temporary agreement was a compromise they were not willing to make. Here, the complexity of inter-community issues became reduced to delays in implementation (Mosse 2005, 110).

The NCIP officer was trying to offer the people gathered assurance and guarantees that this temporary agreement was for the benefit of all. First, she assured the assembly that the law was made to work for indigenous peoples, thereby implying that they could feel secure about the law, and that the government is a benevolent and caring entity. Second, in relation to the former, she proffered the certainty that the government would resolve the conflict between the two villages and that the decision made in the NCIP hearing office would be honored over and above the temporary agreement.

What she did not say was that both the temporary agreement and the hearings were fraught with uncertainty for each village. The decision-making process in the hearing office would be out of their hands, and it was unclear what they could gain from the temporary agreement. How sure could they be that any compromises they made in this ADBR would be rescinded by the NCIP court decision? What assurance did each party have that the court would decide in their favor as against the opposing village's claim? Several implicit threats hung in the air. For the NCIP, there was the possibility of losing funding, and also the loss of credibility of individuals as well as of the whole process. For the *ili*-based indigenous people, there was the threat of losing an opportunity to hold titles to their land.

Another significant point that can be pulled out of the NCIP officer's statement is her own positionality. Above she uses the plural first person, addressing the gathering in a respectful manner but also positioning herself as one indigenous person to whom the law pertains, and for whom the law was made. As she continued her statement, she tacked

back and forth between the first person and the third person, alternately emphasizing her being an agent of the state and indigenous, and the need for a decision from the representatives of Lusod and Balite.

“...One more thing you should think about now is the meaning of ‘ancestral domain’. The ancestral domain is the territory that is still occupied by the first people, the caretakers [who settled in the place]. From then until the present it is still occupied by them, used by them, and cared for by them. That’s ancestral domain. That is what you need to prove in court: that it is you who have been occupying and possessing this domain... If we continue to try to discuss with you which portions of the claim you are willing to give up, for sure you will continue to disagree with each other, especially since [the elder from Balite] is alone... What we should do is look for the places where we can put temporary boundary markers. These will be temporary because you have filed a complaint in the NCIP court... Where can we put the boundary markers for the meantime, so that Kabayan’s ancestral domain [boundaries] can be closed? Let’s go directly to that...”

The above reiteration of what constitutes an ancestral domain was directed against the claim of the Balite elder that the peak of Mt. Pulag belonged to Kayapa. The officer considered this contentious. Given her definition of an ancestral domain, no one could claim the peak of Mt. Pulag for no one has ever lived on, or occupied the peak. However, the Ibaloy consider Pulag to be their spiritual homeland. When their ancestors die, they take up residence on the peak of Pulag. In the Kabayan Ancestral Domain Management Plan, Pulag is referred to as the “heaven” of the Ibalays. In addition, they claim that the slopes of Pulag were their traditional hunting grounds. On the basis of the IPRA’s definition of an ancestral domain, Kabayan’s claim to the peak is reasonable. The reason Pulag is much coveted by the settlements surrounding it is that the park appears to be generating income from fees that are paid by mountaineers or hikers to the area. Since it is the second highest peak in the Philippines it is a destination or peak that every mountain climber would like to visit.

Just as the NCIP officer’s statement obliquely refuted the Pulag claim from Balite, one young man from the municipality of Kayapa defended the claim thusly:

“This area is our watershed. Balite’s water comes from here. This [area] (pointing to map) is truly a watershed because it is thickly forested. This (pointing to another area on the map) is the grassland of Mt. Pulag. Nobody can claim that as his or hers. But if you say that it belongs to Kabayan, then yes, it belongs to Kabayan. The DENR already approved that. But what [they] said is that Tawangan, Lusod, and all the adjacent areas belong to the

Ibaloy. But what about us Kalanguya? It's true... Attorney showed us a map in his office in the capitol... So don't cast us Kalanguya aside. We don't want the Kalanguya in those areas to be displaced or lost. Even if you were to take an ethnographic survey, you would see that this area is not occupied by the Ibaloy. Kalanguya live here..."

The statement of this man emanates in part from his training and experience as a member of the Mt. Pulag Indigenous Tour Guides Association. When he referred to the mossy forests of Mt. Pulag as a "watershed" he used the language of the DENR with whom he worked closely as a guide for mountaineers entering the national park. Similarly his familiarity with "ethnographic surveys" points to the IPRA's regime of proofs and requirements. The mention of "attorney" also points to the linkages that *ili*-based indigenous peoples have with a network of indigenous intelligentsia based in urban centers who exert influence on processes taking place in the *ili*, albeit from a distance. I will return to these linkages later on. One of the most striking points of this young man's statement was the way in which he invoked the long-standing relationship between the Ibaloy and the Kalanguya, which is characterized by the socio-economic and political dominance of the former (Afable 1989). When he urged the NCIP not to "cast aside" the Kalanguya, he was referring to the marginal, almost invisible, minority status of the Kalanguya in the five contiguous provinces they have spread to.

Anticipating the new turn that the negotiations were taking now that Kalanguya-ness had been brought into the picture, one of the NCIP officers spoke:

As far as I know, one of the biggest problems of our office is that when DENR gave out CADCs, they did not do it according to tribe. Instead, they said, 'This belongs to the Ibaloy, Kalanguya, Kankana-ey tribes of Kabayan'... They identified the municipality... That is what is very confusing for all of us—the political and ancestral domain. But that is done, that has been started by them... Nobody said anything about amending that. We are simply following the law. This problem came up in Tinoc also. They want all Kalanguya to be united. We know that they want all Kalanguyas to come together as one province. No, it's true, they want to make a province. We all know that, don't we? That is one of the issues... But now how do we do this when we have this law to follow...? After the [DENR] A.O. 2, we had to follow this requirement they call consent. We got the consent of Tawangan and Lusod. They did not say, 'No, we don't want to be part of Kabayan'. They said, 'Yes, we want to be added'...

At this point, the negotiations at this ADBR had grown into much more than a matter of temporary settlement of boundaries between two villages. The picture that emerges from the foregoing discussion shows two villages belonging to one people, the Kalanguya, negotiating against each other from two separate domains and across the political boundaries of two adjacent municipalities and provinces. The pressure the NCIP applied to the gathering was confusing because, in effect, they were asking the people to make an immediate, much-needed decision that would be rendered meaningless by a court decision later on. There was confusion over what was at stake and what could be gained in these negotiations, and whether people were going to get titles to their land or lose their land.

The confusion was compounded when the mayor and vice-mayor of the municipality of Kayapa arrived unexpectedly. Immediately, the vice mayor of Kayapa raised a question:

"What puzzles me, and what confuses every one here... is that if [the boundary] were not specified as 'found in the municipality of Kabayan', there would be no problem. Why should we prevent this when it's going to do them good? But the difficulty is..., that term, 'in the municipality of Kabayan'. Even though we say that it is part of an ancestral domain, and we say that it's the ancestral domain of the Kalanguya, Ibaloy, and Kankana-ey, as long as that wasn't specified, then it would be fine! If it said instead, 'found in the provinces of Benguet and [Nueva] Vizcaya', there would be no dispute problem."

The government officials also alleged that there was no "due process" and that the people of Balite and the municipal officials were not properly consulted about the implementation of the IPRA. One of the staffers remarked that the due process of the new law, IPRA, was that it was the *ili*-based people who should settle the dispute among them.

"It is they who should settle the matter among themselves, through their customary laws. The problem is that their testimonies are all contradicting and so it will be heard as a court case in the NCIP regional office. Now they have to arrive at a preliminary settlement. It is up to them, not us."<sup>18</sup>

With this statement, the staff implied that they and the local government officials should not interfere in the negotiations, and the decision was not theirs to make. Again, the shifting positionality of indigenous government representatives could be seen in this exchange between the NCIP officers and the local government officials. The NCIP placed themselves and the local government officials in the same category

when they said that they should not interfere in the decision-making of the *ili*-based indigenous peoples. In this case, they invoked their responsibilities (and also restraints) as holders of public office and separated themselves from the *ili*-based indigenous people. However, this belies the fact that the NCIP was pushing a decision. On the other hand, the mayor and the vice-mayor were trying to delay it.

An elder from Lusod moved forward to speak. He was near tears by the end of his statement.

"Sometimes all these debates we have here are just caused by politics. Now, if we were to speak of ancestral domains... if we were to speak of Huyucto, this is where my grandfather, Ubbang, is buried. His *kinnaba* (fallowed swidden fields or former *camote* swiddens) are here in Gisgisan and Pallunan. They did not reach Yutuyot. It makes me sad that people who are far from these places are trying to dictate on me and tell me that what I am saying here is unacceptable. So hopefully, those of us who are living here and who are affected, wherever it is we want this [boundary] to go, that's where it should go."

The Kayapa officials asked to be able to speak with the gathering without the NCIP officers mediating. They took the map with them and laid it on the ground in the middle of a tight circle of standing men and women. The mayor confronted some of the Lusod men that he knew personally, asking them why they should be part of Kabayan's territory, when they pay their land tax declarations to the municipality of Kayapa.

One man implied that the mayor had ulterior motives and concerns when he pointedly said:

"As I understand it, according to [NCIP] explanations, elections, internal revenue allotments, and land tax declarations will not be affected [by the IPRA]. I too want to have all the properties of my ancestors included in the area that is going to get an ancestral domain title already."

However, the mayor was not content with this explanation. He repeated the ideal of Kalanguya unity:

"Here is my plan: Lusod, Tawangan, and Balite, let us declare them as ancestral domain of the Kalanguya... All we lack is funding! We could have these areas surveyed. Let's just have it funded."

He reasoned further:

"Before it was the DENR... This NCIP was not around yet. The law of the NCIP is new. So this new law of the NCIP is supposed

to correct the law of the DENR. According to the law of the DENR, we are all squatters here in the Philippines. What they want is for all these areas [of ours] to be forest portions [sic]. What I would like to say is that that CADT (of Kabayan) cannot be approved because there are people protesting it... So what we should do in this settlement is follow the will of the majority. If we allow them to exclude us, then we Filipinos will be lost again! What that means is that they are withholding our rights from us. Then there may as well be no CADT if that's the way it's going to be!"

Even if the mayor's line of reasoning was rather sketchy, his statements brought up two issues underlying the implementation of the IPRA. First of these is the proliferation of overlapping land tenure instruments and physical boundaries.<sup>19</sup> The IPRA makes provisions for instances where ancestral domain/land claims conflict with land titles and other classifications of land. However, the law itself does not take into account the place of these other, pre-existing land tenure instruments in the lives of *ili*-based indigenous peoples. Neither does the law take into account the involvement of *ili*-based indigenous peoples in local politics, and the stakes and alliances that they build therein. Consequently, the linkages and relationships between *ili*-based indigenous peoples, their elected local government officials, and the normative orders in which they operate arise as unanticipated complications in the implementation of the IPRA, which the NCIP officers are forced to contend with.

The second issue that the mayor touched upon was the ongoing negotiation of boundaries around maintaining cultural difference while belonging to a nation-state. Furthermore, the mayor of Kayapa and the NCIP officers find that they must construct and re-construct the boundaries between their indigenous identity, their loyalty to the *ili* and to their people, and their positions as representatives of the Philippine government – much like the indigenous intelligentsia did in the newly independent Philippine Republic. The contemporary need for the legal recognition of indigenous peoples' rights suggests that, aside from their continuing insecurity of tenure, the equal footing among fellow Filipinos so desired by indigenous Cordillerans continues to elude them.<sup>20</sup> The participation of professional indigenous persons in this process can be seen two ways. One, they perform a delicate balancing act between membership in indigenous communities and their embodiment of the nation-state; or, two, they stride with confidence across two planks of power of indigeness and politics, using this positionality to influence local-level decision-making and redefine or reconfigure social as well as physical boundaries.<sup>21</sup>

One man from Lusod addressed himself to the mayor:

Mayor, there is something I would like to explain to you, something which hurts me and hurts my heart. Now we have a program for having our land titled... It's in your hands too, Mayor, because you are here as a government official. If for example this (claim to our) territory is not fulfilled, and you do not see what is right, the people that are here on this side will be hurt. And these hard feelings will be planted inside and it will not end. It will be passed on until the next generations. We are here now so we can all understand each other.

At dusk a decision was finally reached. The disputed area was to be excluded from the claims of both Kabayan and Kayapa until the hearing officer of the NCIP would reach a decision. The municipal mayor muttered bitterly that the hearing officer was an Ibaloy, implying that he did not trust the officer to be objective in his decision. Similar exclusions were made in subsequent boundary negotiations between Kabayan and other neighboring municipalities. The pressure of textual discipline also came to bear on this ADBR. The end result of this negotiation was a written document attesting to the sought-after temporary agreement and signed by the indigenous peoples present, including the municipal mayor and other government officials.

The claims to Kalanguya unity bring us back to the question of identity as a key factor in the interface between indigenous government representatives and *ili*-based indigenous people. When does it count and how is it brought to the fore during interactions? The case of the Kalanguya in Kabayan also brings to the fore the ways in which indigenous government representatives and intelligentsia influence the shape of claims, and how processes unfold at the level of the *ili*. In this light, I will describe the background and nuances of the Kalanguya claim.

#### *Whither the Kalanguya ancestral domain?*

The foregoing discussion on the ADBR concerns the Kalanguya village of Lusod, Kabayan municipality. Tawangan, the main field site for my study, is another Kalanguya village adjacent to Lusod, and also within the political-administrative boundaries of Kabayan. Like the people of Lusod, the Tawangan Kalanguya have been at the center of a tug-of-war of boundaries, this time between the municipality of Kabayan and the municipality of Tinoc, Ifugao Province. It took many negotiations between Tinoc and Tawangan before the boundaries were settled.

Another event in the process of titling Kabayan's ancestral domain demonstrates the tensions between Kalanguya communities caught up

in these negotiations. In August 2004, engineers of the NCIP had traveled to Tawangan to set down the first boundary monument for Kabayan. A contingent from Tinoc walked to Tawangan to protest on the grounds that the people who really mattered, both government officials and certain elders from Tinoc, were not present when a memorandum of agreement had been drafted, thereby allowing the monumenting to proceed. Therefore, by their account, the memorandum was not valid and the monumenting should be stopped.

When they arrived, the engineers and a few Tawangan men had already set out to find the correct spot for the first marker. The Tinoc contingent and the leaders in Tawangan gathered in the house of the barangay chairperson. Time and again, during this meeting, the local government officials from Tinoc warned that the Kalanguyas would be a minority once more in the ancestral domain of the Kabayan Ibalays. One leader from Tinoc asked why Tawangan and Lusod wanted to be part of Kabayan, when on the other hand, they would call for an elder from Tinoc if they needed them to officiate traditional Kalanguya rituals or to mediate in *tongtongan*? Did it not make more sense then for them to be part of the Tinoc ancestral domain, with their fellow Kalanguya? Mt. Pulag was also brought into the discussion again. Local government officials from Tinoc insisted that Mt. Pulag should belong to the Kalanguyas, because they lived closest to it. According to them, whoever could manage Mt. Pulag would become rich. For once Kalanguya could be wealthy in their own territory, they said. As they debated back and forth, the engineers completed the first marker, not knowing of the confrontation that was taking place in the village.

The Kalanguya of Tawangan admit that they are closely related by consanguinity and affinity with the Kalanguya of Tinoc. One barangay official from Tawangan has land and a house in Tinoc, where her children go to school. One of the municipal officers of Tinoc is the son of one of the respected elders of Tawangan. In turn, his father tends his livestock in pasturelands on the boundary between Tinoc and Tawangan. Several such relationships exist between the Kalanguya residents of each village.

However, the Tawangan and Lusod Kalanguya explain that they chose to be part of Kabayan because, according to them, it was the Ibalays from Kabayan that extended basic services and development to them, and not their fellow Kalanguyas from Tinoc. The Kalanguya are known among politicians to be block voters, meaning that they agree among themselves to vote for the same candidate. Because of this reputation, local Ibaloy politicians from Kabayan have nurtured patron-client relationships with the Kalanguya in the outlying villages of their municipality. Therefore, while indigenous identity was a major factor in negotiations, it was politics and matters of governance that played a decisive role and not kinship or common ancestry.

Urban-based, Kalanguya indigenous intelligentsia lead the opposition to the inclusion of Tawangan and Lusod in the Kabayan claim. Babette Resurreccion, in a paper that explores the intra-ethnic conflict between the Ikalahan in Imugan, Nueva Vizcaya and the Kalanguya Tribal Organization, "rejects the easy explanation of identity incorporation as the result of all-encompassing elite control within social groups" because it neglects "the phenomenon of sub-altern agency" (Resurreccion 1998, 107).<sup>22</sup> I would argue that in the case of the Tawangan Kalanguya and their contested claims, it is necessary to look at both elite influences and local decisions. A focus solely on agency within the *ili* would present an incomplete account of how Kalanguya unity is configured and contested among different actors, and would obscure the linkages and relationships that exist between the *ili* and the urban-based elite.<sup>23</sup>

For example, in the Lusod-Balite ADBR described above, one young man mentioned a conversation with an "attorney." The attorney referred to here is based in La Trinidad and holds a position in the provincial government. He is part Kankana-ey and part-Kalanguya. According to him, he identifies more closely with the Kalanguya. He is respected in Kalanguya communities because of his educational attainment, his career in the public sector, and his position as a decision-maker in government. When local government officials from distant Kalanguya villages have reason to travel to La Trinidad, or legal cases they have to attend to, they seek his advice, which he gives freely. Occasionally he travels to some Kalanguya *ili* to visit distant relatives, but also to hold meetings with local Kalanguya politicians. The attorney is one of the leaders who holds on to a dream of a united Kalanguya territory. He said that they came to this vision out of the shared observation among other Kalanguya intelligentsia that, "Wherever they are, Kalanguya are always associated with poverty" and thus they saw a need to create a stronger, more visible Kalanguya constituency and conceived of a territory in which Kalanguya would be the majority, rather than the invisible, silent minority.

The decision of the Tawangan Kalanguya to remain within the ancestral domain of Kabayan is a clear instance of *ili*-based agency taking precedence over an elite agenda. However, as I mentioned above, the decision was also influenced by past, seemingly innocuous interventions of the politically elite Ibaloy, in the form of the delivery of basic services. In turn the Kalanguya intelligentsia, composed of political leaders and public officials in local and provincial government units continued to push "the dream of a Kalanguya province," which has now become the dream of a Kalanguya ancestral domain. In 1994, the Kalanguya Tribal Organization sought assistance from the DENR in processing an application for a Certificate of Ancestral Domain Claim, under A.O. No. 2, series of 1993. However, this application was rejected

because the DENR found the area being claimed too large to be effectively managed under a Certificate of Ancestral Domain Claim. In 1996, the officers of the Kalanguya Tribal Organization drafted a resolution requesting the drafting of a bill in Congress for the creation of a Kalanguya sub-province. The resolution was given to five congressmen who represented the five provinces that encompass Kalanguya territories namely, Benguet, Nueva Ecija, Nueva Vizcaya, Pangasinan, and Ifugao. This proposal too, was shelved (Resurreccion 1998, 111-112).

When the IPRA was enacted, the Kalanguya elite saw in it another avenue through which they could try to attain their dream of an officially recognized Kalanguya homeland. However, an ancestral domain claim that unifies all Kalanguya territories has not come to fruition. Kalanguya leaders explained that this was partly due to a lack of funding with which to put plans in motion. Furthermore, any attempts to make such a sweeping claim have been precluded by the ancestral land and ancestral domain claims made by municipalities and/or indigenous peoples' organizations. Thus, the inclusion of Tawangan and Lusod in the claim of Kabayan would effectively undercut the plans for the consolidation of all Kalanguya land. Attempting to counter this, a number of the Kalanguya leaders convinced other prominent, locally based Kalanguya to block the resolution of boundary conflicts being mediated by the NCIP. This counter-move was demonstrated at the Lusod-Balite ADBR, when the mayor and vice-mayor of Kayapa addressed themselves to the gathering and to the NCIP officers.<sup>24</sup>

The consolidated Kalanguya ancestral domain is, to a certain degree, consonant with the definition of ancestral domain embedded in the IPRA. However, the expanse of the domain across five contiguous provinces spreads far beyond the ways in which the Kalanguya traditionally conceived of their territory. Only two generations ago, Kalanguya landscapes were dominated by swidden fields, which attest to a far less sedentary way of life, and which also suggest shifting, rather than permanent, boundaries.

This dream of a united Kalanguya people living in a territory defined as Kalanguya has affected the *ili*-based indigenous peoples in unexpected ways. The insistence of the elite leaders and politicians on unification has resulted instead in the exclusion of small communities from other ancestral domains that sought to encompass them. Although these other ancestral domains can be faulted for following administrative boundaries, rather than indigenous ones, *ili*-based Kalanguya saw their inclusion as a guarantee of legal ownership over their land. Those who ended up excluded as a result of the protestations of the Kalanguya leadership feel as though they have been cast aside or dispensed with. One Kalanguya woman who lives in an area excluded from the Kabayan ancestral domain laughed resignedly: "That's not

good. They just threw us down like playing cards." Their exclusion from ancestral domains has made them less visible than ever.

When negotiations have ended and people have returned to their homes in the *ili*, they talk about how the new process of fixing boundaries is splitting Kalanguya families apart. This is a different view from that taken by the intelligentsia. The latter view the present situation of the Kalanguya as that of a fractured, invisible, and voice-less society. To remedy this, they want to create boundaries that will unify Kalanguya territory. On the other hand, the Kalanguya on the ground experience it in reverse. While they see the IPRA as offering the guarantee of titled land, they also feel that the implementation of the IPRA and the delineation of new boundaries is creating friction and fissures among Kalanguya, where there were no such issues in the past. For them, the IPRA affords both a threat to their sociality as Kalanguya as well as a guarantee of their continued and rightful occupation of their lands.

### NCIP positionality

Having looked at some of the ways in which the IPRA is implemented at the interface, I would now like to return to the positionality of NCIP officers and how they influence the assertion of indigenous rights and claims among *ili*-based indigenous people. As was observed in the interface, NCIP officers, *ili*-based indigenous peoples, and indigenous individuals in government are enmeshed in the implementation process.

The negotiations that would come to bear were often those that took place between indigenous politicians and government officials at the municipal and barangay levels. Their involvement both hindered and aided the NCIP in meeting its targets. Local government officials extended assistance to the NCIP by sometimes contributing funds out of municipal budgets for transportation and food for participating elders and community members. However, in many instances negotiations remained at a deadlock precisely because local politicians refused to compromise. The NCIP officers would often remind local indigenous government officials that the residents, led by their elders, should negotiate among themselves. But they soon realized that indigenous politicians in Benguet each had their own set of elders, to whom they would turn for their convincing powers at the local level.<sup>25</sup>

Within local politics, the NCIP officers were by turns praised and maligned by other indigenous intelligentsia holding public office. They were praised for their understanding of indigenous processes and life ways, since they themselves are indigenous. On the other hand, they were also frequently accused of confusing and manipulating *ili*-based indigenous peoples unfamiliar with the law and the legal processes entailed in the IPRA's implementation.

The positionality of the NCIP as an organization has interesting links back to the history of the American colonial period. First, it parallels the functions of the Bureau of Non-Christian Tribes, and thus, second, it perpetuates the reified divide between Christian lowlanders and non-Christian uplanders, except that now the uplanders are also Christian. Finally, the NCIP is processing claims that are rooted in the American period, case in point Kabayan. Not only does the NCIP configure the Cordillera region as the natural and rightful territory of the uplanders, just as the Americans did, it is also faced with claims to ancestral domains that are based on colonial municipal boundaries, rather than on indigenous conceptions of territorial boundaries.

The IPRA's reification of indigenous ancestry and knowledge does not take into account the fact that the elders of today inherited their knowledge from their own elders who lived during the American period. Seen this way, it is no longer surprising that the elders of Kabayan identified American municipal boundaries when they were asked to delineate Kabayan's territory. Prior to the American administration it was unlikely that boundaries were traditionally conceived of or defined as such. American planners drew municipal boundaries around their perceptions of "geographic and ethnic factors," lumping together previously scattered and independent settlements into a single administrative entity identified under one name, such as the Municipality of Kabayan.

The positionality of the individual NCIP officers shifts in relation to the actors that they face. Based on the foregoing discussion, we can come to the following conclusions about how individual positionalities affect the IPRA's implementation: First, the officers of the NCIP work under temporal discipline and pressure to meet targets. They have to comply with deadlines, donor policies, and project cycles. Thus, in spite of their primary role as facilitators of a process, they tend to push for decisions on the ground. This influence that they exert on *ili*-based indigenous peoples is done more with regard to the interests of donors and the NCIP's own deadlines and system goals<sup>26</sup> than with the interests of the peoples whose rights they are meant to protect. The power to exert influence stems in part from their role as representatives of the state. For instance, in the ADBR described above, the NCIP officers influenced the communities concerned to temporarily abrogate a decision already reached by the *ili*-based indigenous peoples. This in itself is an imposition of power that is tantamount to the IPRA's intended function as an instrument of empowerment for indigenous people.

Second, the NCIP officers constantly balance between the "we" of indigenous peoples, and the "us" of government officials. They frequently express pride in their indigenous roots, and in the commonalities shared across indigenous boundaries. For example, at the ADBR described above, they proudly explained to me, the outsider,

that five languages were being spoken at the ADBR, and still people understood what was being said in each language. Their own indigenous positionality is a double-edged blade. While it gives them access to relationships within the *ili* and to a tentative brotherhood/sisterhood, it also places them in an awkward position when they are accused of misunderstanding local contexts. As government officials, it sometimes becomes necessary for them to overlook local contexts in order to meet national goals. Furthermore, their leadership differs greatly from the traditional, *ili*-based leaders of the past.

Ethnography on the different indigenous groups of the Cordillera show that elders and/or community leaders rarely performed their duties as full-time, remunerated jobs, or made decisions pertaining to community matters and disputes individually. In the past they tended fields and livestock, went hunting, and did work just like the rest of the community. They responded to community matters as the need arose, and acted as members of a council. Compensation came mainly in the form of meat, butchered and distributed among council and community members according to the occasion and decision at hand. Furthermore, the elite were expected to perform prescribed rituals in order to gain stature in the community. As leaders they were expected to have certain skills and qualities such as the ability to remember people's genealogies, to demonstrate diplomacy, articulacy, and courage.<sup>27</sup> By contrast, indigenous individuals in government are removed from the daily life of the communities they originate from, and the communities they work with. Their work lives are dominated by the temporal and textual disciplines of their positions.

This brings me to my final point about NCIP positionality: the "us" of government officials. The work of implementing the IPRA does not take place in an indigenous world or in an administrative world of its own, separate from other implementation regimes of the national government. It would be interesting to go deeper into how politics reign in ancestral domains and how political alliances or feuds influence funding, implementation, and resistance on regional and national levels, and the relationships that are maintained between the NCIP and the national government. At almost every turn, the NCIP officials contend with conflicting policies, laws, and interests of various government agencies and politicians.

## Conclusion

As the foregoing discussions have shown, the IPRA renders visible the ongoing tension in indigenous self-determination in which belonging "becomes both a goal to strive for and one to resist" (Rosaldo 2003, 3). I will now return to the questions posed at the beginning of the paper:

How is the IPRA transforming the ways in which indigenous peoples make claims to land and resources? What roles do indigenous government representatives from various agencies play in these transformations? Is indigenous identity a key factor in the interface of government representatives and indigenous communities? If it is, when does it count and how is it brought to the fore during interactions?

People travel across distances to witness or be part of IPRA's implementation. Not only do the members of the Commission have to travel to implement it but it also has the power to summon people because of the guarantee of a land/domain title. The assumption is that the IPRA would give people security by issuing land titles to groups over areas that were formerly classified as public land. However, it has also created insecurity and fissures in indigenous groups such as the Kalanguya.

*Ili*-based indigenous people asserted their knowledge of and rights to boundaries by invoking pathways used by ancestors, burial places of ancestors, inherited farmlands, water sources, forests, former sites of swidden fields, and hunting areas. This shows that indigenous communities negotiate the affordances that they can activate at the sites of state-created boundaries, not to revive the past, but to secure for themselves the bases of their existence. On the other hand, indigenous government officials made statements and claims of a different nature. They spoke of ancestral domains in terms of national law and in the general context of a nation-state. The Kalanguya intelligentsia and public government officials invoked Kalanguya sovereignty and unity as well as national sovereignty and the place of the Kalanguya in the nation. This rhetoric was put forward as a means to protest other claims that they thought to be engulfing Kalanguya territory, and to press for their envisioned Kalanguya domain.

However, the territorial boundaries that correspond with the social identity ones can be, and are crossed, all the time. Thus, while some actors will be concerned with the imposition of boundaries, others will be looking for loopholes in them. Through their actions, people create and take advantage of affordances that arise out of the boundaries, treating the latter more as conjunctions than as barriers. Thusly, indigenous identity in people's daily lives is not exactly concurrent with the IPRA's definition of indigenous peoples, which binds identity to land and homogenous communities. While the connection between land and identity is partly correct, the IPRA fails to address the fact that being indigenous is often brought to the fore as something with political meaning, and not just meanings of affinity, consanguinity, or placedness.

The rise of a class of educated and politically active indigenous elite has positive and negative aspects to it. On the one hand, as I will show here, the visions of 21st century indigenous leaders tend to be

divorced from local needs and realities. On the other hand, they are instrumental in the maintenance of local control over vital resources. Furthermore, because of the presence of a relatively large number of indigenous intelligentsia in the Cordillera Administrative Region, they have managed to protect the interests of indigenous people far more effectively than in other parts of the Philippines, where indigenous peoples have virtually no voice in governance. This case of indigenous dominance in their own territories is unique to the Cordilleras in the Philippine context. The emergence of an indigenous elite with a stake in governance has given form to a tension between a struggle for indigenous self-determination on the one hand, and a desire for recognition and support from the state on the other. It is interesting to note that the emphasis of the NCIP on indigeneity reflects the same reification or divide championed by Spanish and American colonizers, and that indigenous leaders today echo similar essentializing sentiments regarding particular attributes that make interaction among indigenous peoples "different." Identity and positionality as indigenous individuals or as representatives of the state are boundaries that can lie dormant, and that may be activated by actors when involved in negotiations.

While being indigenous is posed as the reason people understand each other at provincial and local levels of governance, indigenous people themselves frame conflict in terms of their different ethnic identities and places of origin. "Indigenous" as a general category forms part of today's pan-Cordilleran unified identity. However, indigenousness or ethnic identity as a specific category is itself a shifting social boundary among indigenous intelligentsia who have made a choice to be known as such and to remain as such, and who constantly re-draw the line between insider or outsider, and included or excluded, within the context of a modernizing state's definition of bounded categories of beneficiaries of indigenous rights.

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## NOTES

1. Magannon (1984, 244 as referred to in Finin 2005, 301, n.2) interprets the *ili* as more than merely a village. He describes it as the “permanent home of people and spirits embodying both familial and religious affections and loyalty”. Thus, the *ili* is a place of origin as well as the place in which identity and relationships with the human and non-human environment develop (Ingold 2000).

2. Indigenous elite in the Cordillera are not necessarily materially wealthy, but they are educated and have access to powerful networks in politics and business. Some, but not all, may also fit into indigenous conceptions of elite in terms of possessing land passed down through the generations, or descending from families remembered for performing prestige rituals in their respective communities.

3. By saying that members of indigenous communities are *ili*-based, I do not mean to say that they are bound to the physical space of their home-villages. *Ili*-based indigenous persons reside and work in their home-villages but they are also mobile and may travel regularly to municipal and urban centers to visit relatives, or to carry out government and business transactions.

4. Influential member of the Philippine Commission and also Secretary of the Interior, which oversaw the Bureau of Non-Christian Tribes. For details of Worcester’s part in Philippine American colonial history, see Fry (1983) and Finin (2005).

5. Thus, the Ifugao subprovince, which was created from Nueva Vizcaya, was for the ‘Ifugao tribe’, Kalinga was created for the ‘Kalinga tribes’, Benguet was for the ‘Benguet Igorots’, and so on.

6. The Mountain Province was later split into several provinces, the boundaries of which underwent repeated re-delineation under subsequent Philippine government administrations. The Cordillera Administrative Region was created through Executive Order 220 in 1987 and includes the provinces of Benguet, Mountain Province, Ifugao, Kalinga, Apayao, Abra, and Baguio City.

7. For discussions on the origins and the implications of this prejudice, see Scott 1993 and Bacdayan 2001.

8. For a colorful and interesting debate on the present-day implications of this prejudice, see the debates on these two blogs:

<[http://philippinecommentary.blogspot.com/2007/08/are-ilocanos-pampangos-tagalogs\\_19.html](http://philippinecommentary.blogspot.com/2007/08/are-ilocanos-pampangos-tagalogs_19.html)>

<<http://igorotblogger.blogspot.com/2007/09/links-good-reads.html>>

9. As defined in the IPRA, “Indigenous Cultural Communities/ Indigenous Peoples . . . refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically

differentiated from the majority of Filipinos. ICCs/IPs [Indigenous Cultural Communities/Indigenous Peoples] shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous regions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains" (R.A. 8371, Chapter 2, Section 3, pg 3).

10. At the time of fieldwork, some of the officers of the NCIP had been absorbed from the now-defunct Office of Northern Cultural Communities, a government agency established under former President Corazon Aquino that carried out a mandate also similar to that of the Bureau of Non-Christian Tribes. The focus of the ONCC's programs in the Cordillera region was on health care, and the staff that had been absorbed into the NCIP were trained as nurses or health workers. Thus the tasks that fell to them as officers of the NCIP were beyond their professional capabilities, such as facilitating negotiations, documenting genealogies, kinship patterns, and cultural practices, and drafting legal documents. Many of them pointed out to me that they had to adapt quickly in spite of a lack of training, as their positions in the NCIP were their "bread and butter."

11. An officer of the Commission said this during an Ancestral Domain Boundary Resolution, which is described in detail in the next section of this paper. The officer was addressing a gathering of *ili*-based indigenous people who were negotiating the boundaries of their territories. Quotations from statements made by actors in the field have been translated from Ilocano, Ibaloy, or Kalanguya by the researcher with assistance from Violeta Miranda, Violy Tinda-an, and Julius Bac.

12. These figures are based on a survey of 10,509 households asked to identify their mother tongue. At the time of fieldwork this was the most recent data available on ethnic divisions in Kabayan, based on language.

13. Ancestral domains are considered to be owned communally by an entire indigenous cultural community. Ancestral lands are owned privately by indigenous individuals and/or clans.

14. The decision of the hearing officer would be taken as final, unless any of the parties would decide to take the case to the Court of Appeals, a drawn-out and expensive process.

15. Babadac is a small settlement of Kalanguya vegetable farmers in the municipality of Kabayan. It is also the location of the DENR forest rangers' station and one of the popular entry points for hikers into the Mount Pulag National Park.

16. *Tongtong* is the public settlement of disputes presided over by respected village elders.

17. The burial sites of these ancestors may date back to the end of the 1800s.

18. The indigenous laws and practices that are considered "customary" and "traditional" in the 21st century may have been altered by the interference of American administrators, who appropriated customary laws in order to meet their objectives to end inter-village warfare, headhunting, and other forms of conflict that threatened their civilizing mission and the stability of

their administration. For historical accounts of the appropriation of customary law by American administrators, see Finin (2001 and 2005), Fry (1983), and Jenista (1987). For a comparative analysis of the practice of customary law in contemporary times, see Perez (2007a).

19. I discuss the proliferation of social and physical boundaries in the discourse of indigenous peoples' rights in Perez (2007b).

20. For further arguments along these lines, see also Bacdayan (2001).

21. I am indebted to Sheilla Marie Dasig for this insight in her close reading of an earlier version of this chapter.

22. However, in seeming contradiction of her own arguments, Resurreccion's paper relies heavily on accounts written by Kalanguya intelligentsia.

23. Not to mention that there are also elite intelligentsia within the *ili*, and not just outside it. The *ili* is not a monolithic, homogenous entity at all.

24. In other ADBRs, it was also elected Kalanguya local government officials that protested the ancestral domain claim of Kabayan. It is interesting to note that protests against the inclusion of Tawangan and Lusod in Kabayan were also voiced by *ili*-based Kalanguya elite who are known not to be political allies of those leading the Kalanguya Tribal Organization

25. In a meeting in which all the municipal mayors of Benguet were invited to a forum with the NCIP, a staffer told them explicitly, "Please tell your elders it's alright to compromise. What usually happens at our negotiations is that they refuse to budge until their mayor comes. In fact they are the ones who should be making decisions according to tradition." For a policy discussion on the contemporary role of the council of elders in the implementation of the IPRA, see Cordillera Highland Agrarian Resource Management (CHARM) Project and Cordillera Studies Center (CSC) (2003).

26. System goals involve the preservation of an organization's rules and procedures, relationships of patronage, and systems of rank and administrative order (Mosse 2005, 104).

27. The roles of the elders, recognized leaders, and elite individuals or families have various nuances across the Cordillera region. The ways in which these roles have been taken on and transformed, and the degree to which they shape change in local communities has also varied greatly over time. For examples of these nuances, influences, and transformations, see Barton (1949, 1969), Jefremovas (2001), Lewis (1992), Moss (1920), Prill-Brett (1987, 1992), Tapang (1985).

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