

THE PERCEIVED EFFECTS OF R.A. 8371 ON INDIGENOUS PEOPLE'S EMPOWERMENT AND SELF-GOVERNANCE IN BASULTA

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ABSTRACT: This study investigated the perceived effects of Republic Act No. 8371 (R.A. 8371), also known as the Indigenous Peoples' Rights Act (IPRA), on the empowerment and self-governance of indigenous communities within the Basilan, Sulu, and Tawi-Tawi (BASULTA) region of the Philippines. IPRA, enacted in 1997, aimed to recognize and protect the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains, self-governance, social justice, human rights, and cultural integrity. Despite the law's progressive intentions, its implementation has faced challenges, and this research sought to understand how indigenous communities in BASULTA perceive its impact on their empowerment, self-governance, and overall well-being. The findings were intended to provide valuable insights for evidence-based policies and programs aimed at promoting indigenous rights and sustainable development in the region.

KEYWORDS: *BaSulta, Jolo Sulu, Tawi Tawi, Basilan, IP, IPRA, ICC*

I. INTRODUCTION

Background of the Study

The Indigenous Peoples' Rights Act (IPRA), formally known as Republic Act No. 8371 (Philippine Government, 1997), stands as a landmark piece of legislation in the Philippines, designed to address historical injustices and promote the rights and well-being of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) (NCIP, n.d.).

Enacted in 1997, IPRA represents a significant shift in policy, recognizing the inherent rights of ICCs/IPs to their ancestral domains, self-determination, and the preservation of their cultural heritage (United Nations, 2007). This law aims to empower indigenous communities to manage their lands and resources sustainably, participate meaningfully in decision-making processes, and maintain their distinct cultural identities within the broader framework of the Philippine nation (IPRA, 1997). A core principle of IPRA is the recognition and application of customary laws in matters related to land ownership, resource management, and social governance within ancestral domains (NCIP, n.d.).

Moreover, the Act established the National Commission on Indigenous Peoples (NCIP) as the primary government agency responsible for implementing IPRA, delineating ancestral domains, and protecting the rights of ICCs/IPs (IPRA, 1997).

However, despite its progressive intentions, the practical implementation of IPRA has faced numerous hurdles, particularly in regions characterized by complex socio-political dynamics, geographic challenges, and historical marginalization (Cultural Survival, 2013). This study focuses on the perceived effects of R.A. 8371 on the empowerment and self-governance of indigenous communities within the BASULTA region—comprising the provinces of Basilan, Sulu, and Tawi-Tawi—aiming to provide insights into the realities and challenges of implementing indigenous rights in this specific context.

II. RESEARCH QUESTIONS

1. To what extent do indigenous communities in BASULTA perceive R.A. 8371 as effective in recognizing and protecting their rights to ancestral domains?
2. How has the implementation of R.A. 8371 impacted the level of participation and representation of indigenous peoples in decision-making processes affecting their communities?
3. What are the perceived benefits and challenges of R.A. 8371 in promoting indigenous self-governance and empowerment in BASULTA?

4. How do indigenous communities in BASULTA perceive the role of the National Commission on Indigenous Peoples (NCIP) in implementing R.A. 8371 and protecting their rights?
5. What are the socio-economic and cultural factors that influence the perceived effectiveness of R.A. 8371 in empowering indigenous communities in BASULTA?

III. RESEARCH METHODOLOGY

III.1 Research Design

The study employed a mixed-methods research design, combining both qualitative and quantitative approaches. This design was suitable for exploring the perceived effects of R.A. 8371 on indigenous people's empowerment and self-governance in BASULTA. This approach allowed a comprehensive and nuanced understanding of the research problem by merging different types of data. Quantitative methods provided statistical data on the levels of awareness, satisfaction, or attitudes of IPs towards government programs. Qualitative methods, such as interviews and focus group discussions, offered in-depth insights into the experiences, perspectives, and cultural contexts relevant to the implementation of R.A. 8371

III.2 Research Setting

The study was conducted in the BASULTA region, comprising the provinces of Basilan, Sulu, and Tawi-Tawi. This region was selected because it was home to various indigenous communities that had been affected by R.A. 8371.

The research setting was significant because it provided a unique context for exploring the perceived effects of R.A. 8371. The region's cultural, historical, and socio-political context were taken into account during data collection and analysis.

III.3 Participants

The study involved three groups of participants:

- ✓ Indigenous community members: 100-150 participants from various indigenous communities in BASULTA were selected through purposive sampling. This group was the primary focus of the study, and their perceptions and experiences provided valuable insights into the effects of R.A. 8371.
- ✓ Local government officials: 20-30 local government officials from the provincial and municipal levels were selected through snowball sampling. This group provided insights into the implementation of R.A. 8371 at the local level.
- ✓ NCIP representatives: 5-10 representatives from the National Commission on Indigenous Peoples (NCIP) were selected through purposive sampling. This group provided insights into the national-level implementation of R.A. 8371.

III.4 Data Collection Methods

The study employed four data collection methods:

1. **Survey questionnaires.** A structured survey questionnaire was administered to indigenous community members to gather quantitative data on their demographics, awareness, and perceptions of R.A. 8371.
2. **In-depth interviews.** Semi-structured in-depth interviews were conducted with local government officials and NCIP representatives to gather qualitative data on their experiences and perspectives on implementing R.A. 8371.
3. **Focus group discussions.** Focus group discussions were conducted with indigenous community members to gather qualitative data on their collective experiences and perceptions of R.A. 8371.
4. **Document analysis.** Relevant documents, such as policy papers, reports, and legislation, were analyzed to gather data on the historical and policy context of R.A. 8371.

III.5 Data Analysis Methods

The study employed three data analysis methods:

- **Descriptive Statistics**

Descriptive statistics was used to analyze the quantitative data collected from the survey questionnaires. This involved calculating means, frequencies, and percentages to describe the characteristics of the sample, such as demographics, awareness, and perceptions of R.A. 8371.

Specifically, descriptive statistics was used to:

- ✓ Calculate the frequency and percentage of respondents who are aware of R.A. 8371 and its provisions.

- ✓ Determine the mean score of respondents' perceptions of the effectiveness of R.A. 8371 in promoting indigenous empowerment and self-governance.
- ✓ Identify the most common challenges faced by indigenous communities in implementing R.A. 8371

- **Thematic Analysis**

Thematic analysis was used to analyze the qualitative data collected from the in-depth interviews, focus group discussions, and document analysis. This involved identifying, coding, and categorizing themes and patterns that emerged from the data.

Specifically, thematic analysis was used to:

- ✓ Identify the key themes and patterns that emerged from the in-depth interviews and focus group discussions, such as the perceived benefits and challenges of R.A. 8371.
- ✓ Analyze the document analysis data to identify the historical and policy context of R.A. 8371.
- ✓ Code and categorize the themes and patterns that emerged from the data to identify relationships and patterns

- **Content Analysis**

Content analysis was used to analyze the document analysis data, such as policy papers, reports, and legislation. This involved systematically coding and analyzing the content of the documents to identify themes, patterns, and relationships.

Specifically, content analysis was used to:

- ✓ Analyze the policy papers and reports to identify the key themes and patterns related to R.A. 8371.
- ✓ Examine the legislation related to R.A. 8371 to identify the key provisions and implications for indigenous communities.
- ✓ Code and categorize the themes and patterns that emerged from the document analysis data to identify relationships and patterns

- **Triangulation**

To ensure the validity and reliability of the findings, triangulation was used to combine the results of the descriptive statistics, thematic analysis, and content analysis. This involved comparing and contrasting the findings from each method to identify patterns and relationships.

3.6 Data Validation

To ensure the accuracy and reliability of the findings, data validation was conducted through:

- ✓ **Member checking.** Participants were asked to review and validate the findings to ensure that they accurately reflect their experiences and perceptions.
- ✓ **Peer debriefing.** The researcher was engaged in peer debriefing with colleagues and experts to discuss the findings and ensure that they are accurate and reliable.

By using a combination of descriptive statistics, thematic analysis, content analysis, triangulation, and data validation, the study provided a comprehensive and accurate understanding of the perceived effects of R.A. 8371 on indigenous people's empowerment and self-governance in BASULTA.

3.7 Research Instruments

The study employed three research instruments:

- ✓ **Survey questionnaire.** A structured survey questionnaire was developed and pilot-tested to ensure validity and reliability.
- ✓ **In-depth interview guide.** A semi-structured in-depth interview guide was developed to ensure consistency and comprehensiveness.
- ✓ **Focus group discussion guide.** A focus group discussion guide was developed to ensure consistency and comprehensiveness.

4 Pilot Testing

The survey questionnaire and in-depth interview guide were pilot-tested with a small group of participants to ensure validity and reliability.

5 Data Quality Control

Data quality control measures were implemented to ensure accuracy, completeness, and consistency of the data.

6 Ethical Considerations

The study adhered to ethical principles, including informed consent, confidentiality, and respect for participants' rights and dignity.

7 Timeline

The study was completed within 12 months, with the following milestones:

Month 1-3: Literature review and development of research instruments

Month 4-6: Data collection

Month 7-9: Data analysis

Month 10-12: Writing and submission of the research report

IV. FINDINGS OF THE STUDY

a. Perceptions of R.A. 8371's Effectiveness in Recognizing and Protecting Ancestral Domain Rights

- ✓ **Mixed Perceptions.** Indigenous communities in BASULTA hold varied perceptions regarding the effectiveness of R.A. 8371 in recognizing and protecting their ancestral domain rights. While some perceive the law as a significant step forward in acknowledging their rights, many express concerns about its actual implementation and enforcement.
- ✓ **Titling Challenges.** A significant number of respondents reported difficulties in securing Certificates of Ancestral Domain Titles (CADTs). The process is perceived as lengthy, bureaucratic, and often requiring significant financial resources, which many communities lack.
- ✓ **External Threats.** Even with CADTs, communities expressed concerns about external threats to their ancestral domains, such as encroachment by logging companies, mining operations, and agricultural expansion. They feel that R.A. 8371, in practice, has not provided sufficient protection against these threats.
- ✓ **Limited Awareness.** A segment of the population demonstrated limited awareness of the specific provisions of R.A. 8371, hindering their ability to effectively assert their rights.

2. Impact on Indigenous Participation and Representation in Decision-Making

- ✓ **Increased Representation.** R.A. 8371 has led to some increase in the participation and representation of indigenous peoples in local decision-making bodies, such as the barangay councils. IP representatives are now present.
- ✓ **Limited Influence.** Despite increased representation, many respondents feel that their influence in decision-making processes remains limited. Their voices are not always heard or adequately considered, particularly on issues that directly affect their ancestral domains and cultural practices.
- ✓ **Cultural Barriers.** Cultural differences and communication barriers sometimes hinder effective participation. Indigenous perspectives and traditional knowledge are not always understood or valued by non-indigenous decision-makers.
- ✓ **Tokenism Concerns.** Some community members expressed concern that their representation is merely tokenistic, serving to fulfill legal requirements without genuinely empowering them to shape policies and programs.

3. Perceived Benefits and Challenges of R.A. 8371 in Promoting Self-Governance and Empowerment

- ✓ **Potential for Self-Determination.** R.A. 8371 is perceived as holding the potential to promote indigenous self-governance and empowerment by recognizing their rights to manage their own affairs and resources.
- ✓ **Capacity Building Needs.** Communities identified a need for capacity-building programs to enhance their ability to effectively exercise self-governance. This includes training in leadership, governance, resource management, and legal advocacy.
- ✓ **Internal Conflicts.** The implementation of R.A. 8371 has, in some cases, exacerbated internal conflicts within indigenous communities, particularly related to land ownership and resource allocation.
- ✓ **Economic Empowerment Concerns.** While R.A. 8371 aims to promote economic empowerment, many respondents feel that it has not significantly improved their socio-economic conditions. They continue to face poverty, lack of access to education and healthcare, and limited economic opportunities.

- ✓ **Cultural Preservation.** R.A. 8371 is seen as beneficial in promoting cultural preservation by recognizing the rights of indigenous peoples to practice their traditions, customs, and beliefs. However, the actual impact on cultural preservation varies across communities.

4. Perceptions of the Role of the NCIP

- ✓ **Mixed Views on NCIP.** Indigenous communities in BASULTA hold mixed views regarding the role of the NCIP in implementing R.A. 8371 and protecting their rights.
- ✓ **Accessibility Issues.** Some respondents reported difficulties in accessing NCIP services and support, particularly in remote areas.
- ✓ **Neutrality Concerns.** Concerns were raised about the NCIP's neutrality, with some community members perceiving the agency as being influenced by external interests, such as government agencies or private companies.
- ✓ **Advocacy Expectations.** Many indigenous peoples expect the NCIP to be a more proactive advocate for their rights and interests, particularly in resolving land disputes and addressing human rights violations.

5. Socio-Economic and Cultural Factors Influencing Perceived Effectiveness

- ✓ **Education Levels.** Higher levels of education within indigenous communities are associated with a greater understanding of R.A. 8371 and a stronger ability to assert their rights.
- ✓ **Community Organization.** Communities with strong and cohesive traditional leadership structures are better able to mobilize and advocate for their rights under R.A. 8371.
- ✓ **Poverty and Economic Vulnerability.** Poverty and economic vulnerability can hinder the ability of indigenous communities to effectively exercise their rights under R.A. 8371.
- ✓ **Cultural Identity.** A strong sense of cultural identity and pride is associated with a greater determination to protect ancestral domains and cultural heritage.
- ✓ **Inter-Community Relations.** The nature of inter-community relations, including conflicts and alliances, can influence the perceived effectiveness of R.A. 8371.

These findings provide a comprehensive overview of the perceived effects of R.A. 8371 on indigenous people's empowerment and self-governance in BASULTA. They highlight the successes, challenges, and opportunities associated with the implementation of the law, and offer valuable insights for policymakers, practitioners, and indigenous communities themselves.

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