



Indigenous Peoples' Rights Act (IPRA) Law in the Philippines: A Scoping Review on the Effectiveness

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ABSTRACT

This article reviewed the effectiveness of the Indigenous Peoples' Rights Act (IPRA) in the Philippines, from the literatures. Drawing on 50 carefully selected publications, the review highlights the theoretical and methodological frameworks employed in existing research, including qualitative and quantitative approaches. The findings reveal that while IPRA provides a legal framework for Indigenous rights, its implementation is often hindered by conflicting laws, external pressures, and a lack of alignment with the collective nature of ancestral land ownership. The review systematically categorizes the literature based on themes such as displacement, environmental degradation, and the role of government in Indigenous rights advocacy. It identifies significant barriers to effective implementation, including socio-political dynamics and the influence of development projects. This synthesis of literature not only contributes to the understanding of IPRA's impact but also serves as a foundation for future research aimed at improving policy frameworks and practices that support Indigenous communities in the Philippines. The results and discussions section will further elaborate on these themes, providing insights into the ongoing struggles and potential pathways for advancing Indigenous rights within the national legal framework.



INTRODUCTION

Despite the existence of established laws designed to safeguard the rights of indigenous peoples who are claiming their ancestral domains for preservation, the troubling reality is that displacement remains a prevalent issue. The Indigenous Peoples Rights Act of 1997, commonly referred to as IPRA, was enacted to address these concerns. According to Republic Act No. 8371, Section 2 (b), the State has a responsibility to protect the rights of Indigenous Cultural Communities (ICCs) and Indigenous Peoples (IPs) to their ancestral domains. However, despite these legal frameworks, one of the most pressing issues leading to the displacement of Indigenous Peoples is the operation of the mining industry (Garganera, 2023).

The Philippines is one of the countries that has enacted laws to protect individual rights. Various legislative measures taken by the Philippine government to enhance human rights protections (HUMAN RIGHTS PHILIPPINES, 2022). IPRA was proposed by the congress to protect those IPs ensuring their economic, social, and cultural well-being. Moreover, the law recognizes the importance of customary laws that govern property rights and relations, which play a significant role in determining ownership and the extent of ancestral domains.

The Philippines' mining industry has often been considered one of the main contributors to the country's economic development, leveraging on the country's plethora of natural resources (Matias & Yatco, 2023). The production value of select metallic minerals such as gold, nickel ore, and chromite to be at Php 132.69 billion. The report also delved into the total value of minerals exported in 2021 at USD 5.2 billion and the number of jobs generated from the mining industry at 184,000 (MGB, 2020). Large-scale mining operations threaten both the environment and the livelihoods of Indigenous Peoples, often resulting in their displacement and increased conflicts within affected communities (Garganera, 2023). The Philippine Mining Act of 1995 poses the most serious challenge to the recognition of IPs rights and to the forest at present (Magsasay Jr, 2022). This Act has liberalized the mining industry, making it more attractive to foreign investors. While it does include provisions aimed at increasing accountability regarding the environmental impacts of mining, the consequences for Indigenous communities have been severe. Accordingly, after the passage of the 1995 Mining Act, there was a mad rush for mining permit applications, covering large swathes of ancestral domains and forest areas (Wetzlmaier, 2022). In the province of Nueva Vizcaya, the Didipio mine is located on agricultural fields that belong to Indigenous Peoples, specifically various Ifugao tribes. These tribes have been forced to leave their native lands in the northern part of the Cordilleras due to so-called "development projects" that prioritize economic gain over the rights and well-being of local communities. What exist in the current literature on the topic of Indigenous Peoples and IPRA Law in the Philippines?

- a) What characterizes the current literature on the topic of Indigenous Peoples and IPRA Law in the Philippines in terms of methodological and theoretical framework?
- b) What are the historical and cultural context surrounding the enactment of the IPRA Law?
- c) What are the roles and challenges of key actors in the implementation and enforcement of the Indigenous Peoples' Rights Act (IPRA) in the Philippines?
- d) In existing literature, what are the challenges and barriers to effective implementation of IPRA Law?

While the Indigenous Peoples' Rights Act (IPRA) was established to protect the rights of the Indigenous Peoples (IPs) in the Philippines, especially in relation to their ancestral domains, the displacement of these communities due to large-scale mining operations remains a significant issue. The tensions between economic development, particularly through the mining industry, and the protection of IPs' rights emphasizes the challenges in fully implementing the provisions of IPRA. Despite legal frameworks or laws aimed at protecting these communities, the balance between resource extraction and Indigenous rights continues to be a controversial and unresolved issue. Further research and more effective enforcement mechanisms are crucial to ensuring that the rights and well-being of Indigenous Peoples are prioritized in the face of industrial expansion.



METHOD

This review follows the approach of scoping review synthesizing available evidence, using the framework of Arksey and O' Malley (2005) with the recommendation of Colquhoun (2014). Using the six stages in synthesizing the evidence for a scoping review. The first stage delves in identifying research question, which is already outlined in the introduction. Second stage is identifying relevant studies it includes the inclusion and exclusion criteria. Third step is the study selection, following with charting of available data. Then, collating, summarizing and reporting the result which will be outlined in the result section. Finally, the last stage which is the consultation.

Search Strategy

The research strategy starts in identifying related studies on indigenous communities' displacement in mining activities in the context of the Philippines and there is no scoping review in these topics. The identification of data started on September 21, 2024. This review synthesizes the exclusion and inclusion criteria.

- a. Inclusion criteria.
 - a) Studies and articles focusing on Indigenous community displacement.
 - b) Academic journals focusing on the effectiveness of RA 8371 or the IPRA Act of 1997.
 - c) Studies published less than 6 years
 - d) Studies on the Free Prior Informed Consent (FPIC) of mining corporations in indigenous people community.
- b. Exclusion Criteria
 - a) Research published before 2020. (excluding research that uses conceptual and theoretical frameworks)
 - b) Research on Indigenous people community displacement by other factors (Tourism Development and land dispute)
 - c) Research encompasses indigenous people problem such as violence and insurgency.
 - d) Research studies about indigenous people displacement in the context of international studies.
 - e) Studies examining the role of government in mitigating the risk of environmental degradation on indigenous people community with regards to mining activities.

Identifying relevant studies

The initial search returned 256 from different website publications. Figure AI (see appendix A) describes the screening process showing the criteria for the exclusion and inclusion of publications in three screening rounds. In the first round, the researcher found a publication in relation to the study of IPRA law. To determine inclusive literatures and case studies, one based on reading titles and abstract. Updated years like 2019 above are included to find related studies in IPRA law. To exclude those irrelevant literatures and case studies, the researchers look for keywords that are relevant in the study such as law policy, ethnicity, and human rights if not then skip to other studies. The first round excluded 74 articles. The second round of screening excluded mostly half of the literatures, and case studies. The researchers garnered publications that are necessary to this paper. Reading titles and abstract on the other hand is not sufficient; therefore, reading the content of the gathered sources is important as to determine the relationship between the effectiveness of IPRA law. As a result, 94 publications were excluded in round two, with 88 remaining publications in the selection. In the third round, the focus is shifted to inclusion of literature and case studies for final analysis and reading the full-text content, specifically the introduction, results and discussion, and conclusions of the related studies. As a result, 38 publications were excluded, and 50 were included for full-text reading and analysis.



Study of selection and delimitation

Reading surface articles, specifically the abstract and titles was not evident enough to prove such findings and results. Upon reading the abstract, the researchers clearly found out that the search result included several books and chapters. The content of these articles and journals led to addressed the main question and its sub-topics. First, most of the articles and case studies did not meet the inclusion criteria of having empirical material with descriptions of method, data, and theoretical approaches; rather, they were historical narratives, discussions and opinion texts. Second, various of these larger works dealt with generic human rights policy rather than highlighting indigenous peoples rights.

Delving to the lens of IPRA law is essential because it assesses the legal framework that manifests to protect the IPs community. According to Miriam Coronel Ferrer (2020) IPRA provides a framework for recognizing ancestral domains, its effectiveness is often undermined by conflicting laws and external pressure that challenge Indigenous ownership rights. IPRA to effectively navigate and resolve issues of displacement among indigenous communities, it must be align with the principles of land ownership, which recognizes ancestral domains as collective property rather than individual assets (De Leon, 2020).

Therefore, without narrowing IPRA's methods, data, and theoretical approaches findings will not suffice the quest of IPRA's effectiveness. Human rights will still be applicable with regards to individual rights; however due to its generic examples such as human rights for women, high tendency might deviate the findings and results. Thus, the researcher excluded these types of publications. Reading the abstracts of these sources and scanning the titles made it possible to include a few relevant studies presented in literature and case studies that raised the certainty of not missing critical key sources. Human rights policy articles published in social science journals were treated with the same logic and were not excluded simply for not being in a specific purpose due to its broader definition. Rather, emphasis was placed on whether this policy could contribute to answering questions. Overall screening on the publications, the remaining literature and case studies that the researchers include has the collection of the set criteria.

Charting the data

In these scoping reviews 50 articles were selected following the main topic and its dimensions. It was reeded in full text, and classified upon its theme. Appendix B shows the charting formed in excel form. The classification consists of the title, author's name, the year of publication, methodological and theoretical framework used, data gathered (classified as quantitative or qualitative) while the historical and social context, and challenges on its effective implementation is answered on the findings and discussion part of the scoping review. This is simplified through Appendix B for easy navigation of available data. The result of scoping these articles will be answered in the next part - results and discussions. By answering the 3 sub questions presented, mainly on the characterization of the methodological and theoretical framework of IPRA. The historical and cultural context surrounding the enactment of the IPRA and the challenges and barriers to effective implementation of IPRA.

Year of publication, geographical representation and disciplines

In the available carefully selected literatures seven are from 2019; six from 2020, six from 2021, two from 2022, ten from 2023, seven from 2024 and eight with no specified date of publication. The three journals without specified dates can be categorized as recent studies since the citations among this literatures are from 2019 up to present times while some are outdated the study still provides knowledge that can be vital for the enrichment of the review.. The number of articles within IPRA law expanded after 22 years of the implementation of the Indigenous Peoples Rights act of 1997. On the course of charting the data, decent amount of case studies within Philippines and outside the country is present. Especially, in the different ethnic groups in the country. With Focus groups and Indigenous Community leading the study itself of the IPRA. There are studies who focuses more on the theoretical grounding such as the indigenous induced displacement while some focuses on methodological approach of ethnographic research. These diverse actions exemplifies the variety of concept under the Indigenous people and IPRA Law. Most of the journals are primarily belongs to the



field of political science and sociology. Making the study of IPRA law is a great field of exploration on the discipline of social sciences. For most of the authors on the review are political scientist and even undergraduate students of political science. All of the inclusion and exclusion criteria solely based on the sub questions, while other serves as an supplement in sheading more light on the chosen review, those articles and journals that are way beyond six years from 2024 is not included. In the review findings there are increasing interest on indigenous community especially in recent years, thus exemplifying that there's a need to review the legal frameworks that protects the marginalized sector of the community- the indigenous people.

FINDINGS

What exist in the current literature on the topic of Indigenous Peoples and IPRA Law in the Philippines?

The following sections includes this review's findings on the three sub-questions about data, method, theoretical framework, and drivers and non-driver for the implementation of Indigenous Peoples Rights Act (IPRA) law. A simplified presentation of the results of this analysis can be seen in Table B in Appendix B.

Sub-question no.1: What characterizes the current literature on the topic of Indigenous Peoples and IPRA Law in the Philippines in terms of methodological and theoretical framework?

Based on the 50 sources reviewed, the literature on the Indigenous Peoples' Rights Act (IPRA) predominantly utilizes qualitative methodologies to analyze its effectiveness and the challenges faced by Indigenous communities in the Philippines (Doyle, 2019; Sarmiento, 2021). This body of work reveals a consistent focus on the socio-political dynamics, environmental challenges, and legal conflicts surrounding the IPRA law. Case studies, ethnographic research, and document analyses are the most common methodologies employed, as they allow researchers to delve deeply into the experiences of Indigenous communities and explore the socio-political landscape influencing IPRA's implementation (Matias & Yatco, 2023; Magsaysay Jr., 2022; Terminski, 2012). For example, several case studies highlight conflicts over mining operations, as seen in areas like Nueva Vizcaya, where the displacement of the Ifugao tribes underscores the tension between economic interests and the rights of Indigenous Peoples (Walpole & Annawi, 2011; Panap, 2019; Wetzlmaier, 2022).

This review incorporates a wide variety of theoretical frameworks, reflecting the interdisciplinary nature of the research on the Indigenous Peoples' Rights Act (IPRA) and its impact on governance structures in the Philippines. The theories discussed here are instrumental in understanding the complex relationships between the state, Indigenous peoples, and other stakeholders in shaping policy outcomes. Theoretical approaches explored in the 38 publications span a broad range of disciplines, including governance, institutional theory, environmental justice, post-colonialism, social constructivism, and political philosophy. These frameworks are used to highlight various dimensions of IPRA's implementation, from power dynamics and state control to the socio-political narratives surrounding Indigenous peoples' rights.

Governance and Power Dynamics

The theories of governmentality and institutional theory are frequently employed to analyze the dynamics of power in relation to the Indigenous Peoples' Rights Act (IPRA), particularly in terms of state control and regulation over Indigenous lands and communities. Foucault's governmentality framework helps scholars explore how state policies such as IPRA, while ostensibly designed to protect Indigenous rights, may ultimately serve to consolidate state power over Indigenous territories. According to Doyle (2020), while IPRA seems to advocate for the autonomy of Indigenous peoples, it simultaneously creates mechanisms of governance that reinforce state authority, often by framing Indigenous communities as subjects needing state intervention. This creates a tension, as Indigenous autonomy is purportedly upheld, but state mechanisms of control remain firmly in place.



In the same vein, institutional theory offers insights into how formal structures and legal frameworks, like IPRA, can shape behavior and governance practices, often reinforcing state dominance. Scholars like Abansi (2021) use this framework to highlight how state interventions, justified as promoting national security and development, can inadvertently undermine Indigenous autonomy. The provisions of IPRA, particularly the Free, Prior, and Informed Consent (FPIC), are often criticized for prioritizing state and corporate interests over Indigenous consent, leading to the marginalization of Indigenous communities (Lawas & Gonzales, 2020). This critique is further expanded by co-governance theory, which emphasizes the partnerships between state actors, private corporations, and Indigenous communities in the governance of natural resources. While co-governance offers a platform for Indigenous participation, Parker and Lelieveldt (2021) argue that these relationships often highlight the limitations of IPRA in ensuring true sovereignty, as private interests and state-led development often overshadow Indigenous governance and decision-making powers.

Justice and Equity

In the context of IPRA's implementation, environmental justice theory and post-colonial theory provide critical perspectives on the inequities embedded within the law, particularly regarding land and resource extraction. Lawas (2020) uses environmental justice theory to argue that IPRA, despite its intentions to protect Indigenous lands, often fails to prevent environmentally exploitative practices. Mining and agricultural development projects, which frequently encroach upon Indigenous territories, can result in significant environmental degradation, undermining the very protections that IPRA seeks to uphold. Abansi (2021) extends this critique by employing post-colonial theory, arguing that IPRA, in its structure, reflects the colonial legacies of dispossession and forced assimilation. By framing Indigenous communities as subjects needing state intervention, the law perpetuates structures of domination that Indigenous peoples have historically resisted. From a post-colonial standpoint, scholars like Doyle (2020) argue that policies such as FPIC often fail to prioritize the informed consent of Indigenous communities, particularly in instances where state and corporate interests are at stake. These critiques underscore the persistent marginalization of Indigenous peoples, despite legal frameworks intended to protect them. Post-colonialism reveals how the state's emphasis on economic growth and national security often leads to the erosion of Indigenous autonomy, undermining the protective nature of IPRA and reinforcing historical patterns of dispossession.

Social Constructs and Networks

Social constructivism and actor-network theory (ANT) are key theoretical frameworks used to analyze how the narratives surrounding Indigenous rights and territories are socially constructed and maintained, especially in the context of IPRA. Doyle (2020) employs social constructivism to examine how state and corporate actors shape the discourse around land use and Indigenous communities, often presenting Indigenous peoples as obstacles to national progress. These constructed narratives, in turn, influence public perceptions and policy decisions, marginalizing Indigenous perspectives and undermining their claims to autonomy over their ancestral lands. The framing of Indigenous communities as barriers to development, rather than as rightful stewards of their territories, further complicates the effective implementation of IPRA.

Similarly, actor-network theory (ANT), as applied by Parker et al. (2021), helps scholars trace the complex relationships between the various actors involved in IPRA's implementation—government agencies, corporations, NGOs, and Indigenous communities. ANT highlights how governance decisions related to IPRA are shaped by these actors' interconnected actions and interests, revealing how power dynamics unfold across networks. By focusing on the interactions within these networks, ANT allows scholars to uncover how Indigenous voices are marginalized, even when they are formally included in decision-making processes. This approach critiques the distribution of power within governance networks, revealing how state and corporate priorities often dominate over Indigenous claims to land and resources.

Both social constructivism and ANT emphasize the need to understand how narratives around Indigenous rights are constructed, often through the lens of state and corporate agendas. These frameworks critique the way in which governance processes are framed to serve the interests of powerful actors, frequently



at the expense of Indigenous autonomy and sovereignty. Through these lenses, IPRA is revealed not only as a legal framework but as a tool in the broader social and political struggle over land, resources, and Indigenous rights.

Throughout the literature, researchers highlight the challenges Indigenous communities face in asserting their rights within a framework that often prioritizes state and corporate interests (Garganera, 2023; Panap, 2019; Walpole & Annawi, 2011). Studies consistently call for a more community-centered approach to IPRA enforcement, with recommendations for policy reforms that prioritize the needs and perspectives of Indigenous groups (Simpórios, 2024; Abansi, 2021). By examining both the protective and regulatory dimensions of IPRA, this body of work underscores the importance of adapting IPRA's implementation to better align with Indigenous cultural practices and environmental stewardship (Doyle, 2019; Sarmiento, 2021).

In conclusion, the literature on IPRA demonstrates a commitment to understanding the multifaceted nature of Indigenous rights in the Philippines. By drawing on interdisciplinary methodologies and theoretical perspectives, scholars provide a comprehensive view of IPRA's strengths and limitations, revealing the persistent barriers Indigenous communities encounter as they seek to uphold their ancestral land rights in the face of legal, political, and environmental challenges (Garganera, 2023; Wetzlmaier, 2022; Matias & Yatco, 2023).

Sub-question 2: What are the historical and cultural context surrounding the enactment of the IPRA Law?

Out of 50 literatures, there are 14 of them that examines the cultural and historical context that suffice the IPRA Law's enactment (Abansi, 2021; Sarmiento, 2021; Panap, 2019; IPMSDL, n.d; Simpórios, 2024; Tennbergr et al, 2021; Bendicio, 2024; Domingo et al, 2020; Borla, 2024; Kusniati, 2024; Canete, 2020; Gangoso, 2023; Villanueva, 2021; Wezlmaier, n.d). These articles assess that the Indigenous Peoples' Rights Act (IPRA) of 1997, or Republic Act No. 8371, is a landmark piece of legislation in the Philippines that recognizes the rights of indigenous peoples (IPs) to their ancestral domains, cultural integrity, and self-determination. Rooted in centuries of historical struggles and cultural preservation, the IPRA Law reflects a dynamic interplay of historical injustices, diverse cultural practices, and the aspirations of indigenous communities for equity and recognition. The following paragraphs explores the cultural context that shaped the development of the IPRA Law, emphasizing its historical foundation, socio-cultural underpinnings, and the challenges faced during its implementation.

Historical Foundations of IPRA

The IPRA Law on Villanueva, 2021; Panap, 2019; Kusniati, 2024; Gangoso, 2023 is a culmination of efforts to address the marginalization of indigenous peoples, a legacy deeply entrenched in the country's colonial history. Kusniati, 2024 states that during the Spanish colonization, the *encomienda* system systematically dispossessed indigenous communities of their lands, relegating them to the periphery of society. The subsequent American regime introduced land titling systems that further alienated IPs from their ancestral territories. These colonial practices disregarded indigenous customs of collective land ownership and sustainable resource use, perpetuating cycles of poverty and displacement among IP communities (Panap, 2019). Some articles said that the rise of indigenous rights movements in the 20th century challenged these injustices. Grassroots organizations, supported by human rights advocates and academics, pushed for legal frameworks that would protect indigenous land rights and promote self-determination. This advocacy laid the groundwork for the eventual passage of the IPRA Law, a testament to the resilience of indigenous communities and their allies.

Socio-Cultural Dimensions of IPRA

Based on (Abansi, 2021; Sarmiento, 2021; Panap, 2019; IPMSDL, n.d; Simpórios, 2024; Tennbergr et al, 2021; Bendicio, 2024) cultural diversity is a cornerstone of the IPRA Law, which acknowledges the unique traditions, beliefs, and practices of the Philippines' indigenous peoples. The law's provisions on Free, Prior, and



Informed Consent (FPIC) underscore the importance of respecting indigenous decision-making processes. Sarmiento, 2021 states that this principle is rooted in the customary practices of consensus-building within indigenous communities, ensuring that their voices are heard and their consent obtained before any development projects are undertaken in their territories. Furthermore, the law's emphasis on ancestral domains reflects the deep spiritual connection of indigenous peoples to their lands. For many IP groups (Bendicio, 2024; Teenberg et al, 2021), land is not merely a resource but a sacred inheritance from their ancestors and a vital component of their identity. Some authors believed that this cultural perspective shaped the IPRA Law's recognition of collective land ownership, a concept that diverges from mainstream legal frameworks but is integral to indigenous worldviews.

Political and Legal Challenges

Based on the literature of (Domingo et al, 2020; Borla, 2024) the passage of the IPRA Law was not without opposition. Powerful business interests, particularly those in mining and logging, resisted provisions that restricted access to natural resources within ancestral domains. Despite these challenges, the law's enactment marked a significant victory for indigenous communities. However, Panap, 2019; Kusniati, 2024 states that its implementation has been fraught with difficulties. Cultural misunderstandings and bureaucratic inefficiencies have hindered the effectiveness of the National Commission on Indigenous Peoples (NCIP), the agency tasked with enforcing the IPRA Law. Cases of development projects proceeding without proper FPIC highlight the persistent disregard for indigenous rights. Moreover, according to Borla, 2024, conflicts between indigenous communities and large corporations underscore the ongoing tension between economic development and cultural preservation.

According to Sarmiento, 2021; Panap, 2019, the IPRA Law represents a critical milestone in the recognition and protection of indigenous peoples' rights in the Philippines. Its development is deeply rooted in the historical injustices experienced by indigenous communities and their enduring struggle for self-determination. By incorporating cultural principles such as FPIC and collective land ownership, the law acknowledges the unique identity and heritage of the Philippines' indigenous peoples. However, some literature states that the challenges in its implementation highlight the need for greater cultural sensitivity and political will to uphold its provisions. As the Philippines continues to navigate the complexities of development and cultural preservation, the IPRA Law serves as a reminder of the importance of protecting the rights and dignity of its indigenous peoples. Their culture, traditions, and lands are not only part of their identity but are also integral to the nation's heritage.

Sub-question 3: What are the roles and challenges of key actors in the implementation and enforcement of the Indigenous Peoples' Rights Act (IPRA) in the Philippines?

The National Commission on Indigenous Peoples (NCIP)

The findings reveal that the National Commission on Indigenous Peoples (NCIP) plays a central role as the primary government agency tasked with implementing the Indigenous Peoples' Rights Act (IPRA). The NCIP's responsibilities include issuing Certificates of Ancestral Domain Title (CADT) and Certificates of Ancestral Land Title (CALT), mediating conflicts, and ensuring that Free, Prior, and Informed Consent (FPIC) is observed in development projects. However, the NCIP faces significant challenges in fulfilling its mandate. Limited funding, insufficient manpower, and bureaucratic inefficiencies hinder its capacity to deliver services effectively. Reports suggest that these constraints lead to delays in the issuance of CADTs and CALTs, leaving Indigenous Peoples vulnerable to encroachment by private entities and other stakeholders (Abansi, 2021; Lawas & Gonzales, 2012).

Critics also highlight a lack of transparency and accountability within the NCIP, which has been accused of collusion with private sector interests. For instance, in cases involving mining corporations or large-scale development projects, the NCIP has been criticized for failing to adequately protect Indigenous rights. The lack of clear and consistent FPIC procedures further complicates its role, as communities often report coercion or



manipulation during consultations. These challenges underscore the need for a more independent and well-resourced NCIP to ensure impartiality and effectiveness in its operations (Matias & Yatco, 2023).

To address these issues, researchers and advocacy groups recommend reforms to strengthen the NCIP's institutional capacity. This includes increasing its budget, improving staff training on Indigenous rights, and establishing mechanisms for greater transparency. The NCIP must also collaborate more closely with Indigenous communities and civil society organizations to rebuild trust and enhance its ability to mediate conflicts effectively (Sarmiento, 2021).

Private Corporations, Especially Mining Companies

Private corporations, particularly those in the mining sector, are significant actors in the implementation of IPRA due to their economic influence and interactions with Indigenous communities. Mining corporations frequently exploit the FPIC process to gain access to ancestral lands, often bypassing or undermining its intent. The Philippine Mining Act of 1995, which allows for the prioritization of mining over Indigenous land rights, frequently clashes with the principles of IPRA. This legal conflict creates opportunities for corporations to sidestep protections meant for Indigenous Peoples. Cases have documented instances where mining companies offered monetary incentives or used coercive tactics to secure consent from Indigenous communities, thereby eroding the integrity of the FPIC process (Doyle, 2019; Aguilar, 2019).

The environmental and social impacts of mining projects further exacerbate tensions between private corporations and Indigenous Peoples. Large-scale mining operations have led to deforestation, water pollution, and displacement of Indigenous communities, undermining their cultural and economic livelihoods. These issues highlight the imbalance of power between corporations and Indigenous communities, which often lack the legal and financial resources to challenge violations effectively. Advocacy groups have repeatedly called attention to these abuses, urging stricter enforcement of FPIC requirements and greater accountability for corporate actors (Hagen & Minter, 2019).

Efforts to address these challenges include increasing public scrutiny of corporate practices and enhancing the legal framework for corporate accountability. Researchers advocate for stronger monitoring mechanisms, including third-party audits of FPIC processes, to ensure compliance with IPRA. Additionally, fostering partnerships between Indigenous communities, NGOs, and legal experts can empower Indigenous Peoples to assert their rights more effectively in dealings with private corporations (Simporios, 2024).

Indigenous Communities

Indigenous communities are both central to the implementation of IPRA and among the most affected by its challenges. These communities play an active role in asserting their rights, particularly through community organizing and advocacy for land titles. However, systemic barriers such as geographic isolation, lack of access to legal resources, and limited awareness of their rights under IPRA impede their ability to fully engage with the law's provisions. For instance, the language barrier and complex bureaucratic processes often leave Indigenous communities dependent on external actors, such as NGOs or government agencies, to navigate the system (Panap, 2019; Simporios, 2024).

Additionally, Indigenous communities face threats from external pressures, including land-grabbing and resource exploitation. The displacement caused by development projects not only disrupts their traditional way of life but also leads to the loss of cultural heritage. Despite these challenges, many Indigenous communities have demonstrated resilience by organizing themselves into advocacy groups and participating in dialogues with policymakers. These efforts underscore the importance of building Indigenous capacity for self-determination and active participation in governance (Sarmiento, 2021).

Research highlights the need for targeted capacity-building programs to empower Indigenous communities. Legal education campaigns, translation of IPRA provisions into local languages, and the establishment of community-led monitoring mechanisms are critical steps toward ensuring that Indigenous Peoples can assert their rights more effectively. Strengthening the partnerships between Indigenous



communities and advocacy organizations can also amplify their voices in national and international forums (Matias & Yatco, 2023).

Advocacy Groups and NGOs

Non-governmental organizations (NGOs) and advocacy groups play a crucial role in bridging the gap between Indigenous communities and policy implementation. These organizations often serve as watchdogs, monitoring violations of IPRA and holding both government agencies and private corporations accountable. Additionally, they provide legal, financial, and technical support to Indigenous communities, helping them navigate the complexities of land titling and conflict resolution. For example, NGOs have been instrumental in documenting cases of FPIC violations and bringing them to public attention, thereby pressuring policymakers to take corrective action (Hagen & Minter, 2019; Doyle, 2019).

However, the role of NGOs is not without its challenges. Some researchers note that certain NGOs may inadvertently create dependencies among Indigenous communities, potentially undermining their capacity for self-determination. Furthermore, conflicts can arise when the agendas of NGOs do not align with the priorities of the communities they aim to serve. These issues highlight the need for a more collaborative and community-centered approach to advocacy (Panap, 2019).

To enhance their impact, NGOs must focus on building sustainable partnerships with Indigenous communities, prioritizing capacity-building initiatives over direct intervention. This includes fostering community leadership and ensuring that advocacy efforts align with the specific needs and aspirations of Indigenous Peoples. Researchers also emphasize the importance of coalition-building among NGOs to present a unified front in advocating for Indigenous rights at the national and international levels (Simporios, 2024).

Political and Economic Institutions

Political corruption and economic interests often undermine the implementation of IPRA, highlighting the role of political and economic institutions in shaping its outcomes. Corruption within local and national government agencies can lead to the manipulation of FPIC processes and the prioritization of corporate interests over Indigenous rights. The economic influence of large-scale development projects further complicates this dynamic, as politicians often align with powerful corporate actors to advance their agendas. This systemic bias has been identified as a key barrier to the effective enforcement of IPRA (Doyle, 2019; Aguilar, 2019).

Additionally, the lack of political will to address these issues exacerbates the challenges faced by Indigenous communities. Policymakers frequently prioritize economic growth over cultural and environmental sustainability, sidelining the concerns of Indigenous Peoples in the process. Advocacy for reforms, such as stricter anti-corruption measures and the inclusion of Indigenous representatives in decision-making processes, is critical to addressing these systemic issues (Matias & Yatco, 2023).

Researchers recommend integrating Indigenous perspectives into policymaking and strengthening oversight mechanisms to ensure accountability. This includes establishing independent bodies to oversee FPIC compliance and providing greater resources to agencies tasked with enforcing IPRA. Collaborative efforts among government agencies, civil society, and Indigenous communities are essential to overcoming the entrenched challenges posed by political and economic institutions (Sarmiento, 2021).

Sub-question 4: In existing literature, what are the challenges and barriers to effective implementation of IPRA Law?

Economic Prioritization over Indigenous Rights

The findings reveal that economic interests, particularly those of large-scale mining operations, have been significant barriers to the effective implementation of the Indigenous Peoples' Rights Act (IPRA). The Philippine Mining Act of 1995 allows for both domestic and foreign mining activities on ancestral lands, often placing economic growth in direct conflict with the protection of Indigenous rights. For instance, several case



studies highlight the adverse impacts of mining on Indigenous Peoples (IPs), such as displacement and environmental degradation. One notable example is the Didipio mine in Nueva Vizcaya, where Ifugao tribes were displaced, and their lands were severely disrupted. This case exemplifies the broader trend of prioritizing industrial and economic projects over cultural and environmental concerns (Matias & Yatco, 2023; Doyle, 2019; Panap, 2019).

Literature underscores the difficulty of balancing economic development with safeguarding Indigenous lands and resources. While IPRA was created as a legal framework to protect IPs, its enforcement often falls short when economic priorities take precedence. This recurring conflict calls for a reevaluation of national policies to ensure that economic gains do not come at the expense of Indigenous communities (Garganera, 2023).

These findings indicate that economic priorities often overshadow Indigenous protections, driven largely by private corporate interests and reinforced by governmental policies. They also raise questions about whether public authorities are merely responding to external pressures or playing an active role in perpetuating these dynamics. The literature remains divided on this issue.

Institutional Weaknesses of the NCIP

The National Commission on Indigenous Peoples (NCIP), established as the primary enforcer of IPRA, faces significant challenges that undermine its effectiveness. Resource shortages and logistical constraints are common issues cited in the literature, leaving the NCIP unable to adequately monitor and protect Indigenous territories. These limitations have created gaps in enforcement, allowing external actors, particularly corporations, to exploit Indigenous lands without proper oversight (Abansi, 2021; Lawas & Gonzales, 2012). Scholars argue that these institutional weaknesses are not merely operational but systemic. Without sufficient funding and policy support, the NCIP struggles to fulfill its mandate of protecting Indigenous rights. Additionally, the lack of trust between IPs and the NCIP exacerbates these challenges, as Indigenous communities often view the commission as ineffective in addressing their grievances. Strengthening the NCIP through targeted reforms and increased funding is essential to overcoming these institutional barriers and improving IPRA's implementation (Hagen & Minter, 2019). These findings highlight that while the NCIP plays a crucial role in protecting Indigenous rights, its limited capacity often makes it reactive rather than proactive. This raises further questions about whether the NCIP can evolve into a driver of meaningful change or remain constrained by systemic weaknesses.

Manipulation of the FPIC Process

The Free, Prior, and Informed Consent (FPIC) provision within IPRA is intended to empower Indigenous Peoples by requiring their consent before any development occurs on their ancestral lands. However, evidence from the literature reveals that this process is often manipulated or circumvented. Corporations, in particular, have been found to exploit legal loopholes or use coercive tactics to secure consent, undermining the very purpose of FPIC. Such practices not only allow development projects to proceed without genuine community approval but also deepen the mistrust between Indigenous communities and the government (Sarmiento, 2021).

One significant example is the recurring issue of consent being obtained under questionable circumstances, such as misrepresentation of project impacts or withholding critical information from the community. These manipulations weaken IPRA's protective mechanisms and highlight the urgent need for stricter enforcement of FPIC guidelines. Scholars emphasize that without robust safeguards and accountability measures, the FPIC provision risks being reduced to a procedural requirement rather than a meaningful tool for Indigenous empowerment (Garganera, 2023). These findings illustrate the complexities surrounding FPIC, with private corporations emerging as key actors in shaping its implementation. While public authorities are tasked with ensuring FPIC compliance, the literature reveals that they often fail to act as effective drivers of change, focusing instead on responding to external pressures.



Political Influence and Corruption

Political corruption emerges as a recurring theme in the literature, significantly impeding the full realization of IPRA. Studies highlight how corporate interests, particularly in mining, leverage political connections to bypass the legal requirements of FPIC. This dynamic not only undermines the rights of Indigenous Peoples but also compromises the integrity of governance systems. For instance, reports detail how permits for large-scale projects are often secured without proper community consent, facilitated by collusion between corporate actors and government officials (Lawas & Gonzales, 2012; Simporios, 2024).

This entanglement of economic and political power presents a formidable challenge to IPRA's enforcement. Addressing these issues requires systemic reforms to reduce corruption and ensure that government institutions prioritize Indigenous rights over corporate interests. Moreover, empowering Indigenous communities to actively participate in political processes is crucial for challenging these entrenched power dynamics. These findings show that both public and private actors play crucial roles in shaping the success of IPRA. While private corporations exert significant influence through political connections, public authorities are often seen as being influenced by these same economic forces, further complicating the law's effective implementation.

Lack of Awareness Among Indigenous Communities

The lack of awareness about IPRA and its provisions among Indigenous Peoples poses a significant barrier to the law's effectiveness. Geographic isolation, language barriers, and limited access to education contribute to this knowledge gap, leaving many Indigenous communities unaware of their rights. This lack of awareness not only restricts their ability to assert their claims but also makes them more vulnerable to exploitation by external actors (Doyle, 2019; Hagen & Minter, 2019).

Efforts to address this issue have included outreach programs and partnerships with NGOs aimed at educating Indigenous communities about their rights. However, these initiatives often fall short in scope and reach, given the vast and diverse populations they aim to serve. Expanding these efforts and ensuring that information is communicated in culturally relevant and accessible ways are critical steps toward empowering Indigenous Peoples to fully exercise their rights under IPRA. These findings indicate that while awareness-raising initiatives are essential, they are often limited in scope and effectiveness. The literature suggests that Indigenous communities require more targeted and consistent efforts to bridge the knowledge gap and enable them to fully assert their legal rights.

Marginalization in Political Decision-Making

The political exclusion of Indigenous Peoples is a systemic issue that undermines the effectiveness of IPRA. Studies consistently highlight how Indigenous communities are marginalized in decision-making processes, both at the local and national levels. This exclusion perpetuates cycles of disempowerment and limits the ability of IPs to influence policies that directly affect their lands and livelihoods. For example, several cases document instances where key decisions regarding land use or resource allocation were made without any meaningful consultation with Indigenous representatives (Panap, 2019; Walpole & Annawi, 2011). This lack of representation in political systems underscores the need for structural reforms that promote inclusivity. Scholars argue that creating formal mechanisms for Indigenous participation in governance, such as reserved seats in legislative bodies or advisory councils, could help address this gap and ensure that the voices of Indigenous communities are heard. These findings highlight the ongoing political marginalization of Indigenous Peoples, which remains a significant barrier to the successful implementation of IPRA. The literature calls for comprehensive reforms to ensure that Indigenous communities have the political power and representation necessary to influence policies affecting their rights and lands.



Environmental and Cultural Impacts

Large-scale development projects, such as mining, logging, and infrastructure expansion, have profound environmental and cultural impacts on Indigenous communities. These projects often disrupt ecosystems, degrade sacred sites, and undermine traditional livelihoods, leaving lasting damage to both the natural and cultural heritage of Indigenous Peoples. Despite IPRA's mandates to protect these resources, enforcement has been inconsistent, particularly when environmental concerns clash with economic priorities (Aguilar, 2019; Magsaysay Jr., 2022).

The literature emphasizes the need for a more balanced approach that integrates environmental sustainability and cultural preservation into national development strategies. Scholars suggest that stronger collaboration between Indigenous communities, environmental advocacy groups, and government agencies could help address these challenges and ensure that development projects are pursued responsibly and inclusively.

These findings suggest that while IPRA provides critical protections for both the environment and cultural heritage, the implementation of these provisions is often sidelined in favor of economic interests. The literature points to the need for stronger enforcement mechanisms and more collaborative efforts to ensure that development is both sustainable and respectful of Indigenous rights.

CONCLUSION

The overall purpose of this study was to explore the current research literature on the topic of Indigenous Peoples' Rights Act (IPRA) governance in the Philippines, by asking four sub-questions to the research literature: (1) What methodological and theoretical frameworks characterize the studies on IPRA? (2) What are the historical and cultural contexts surrounding the enactment of the IPRA Law? (3) What are the roles and challenges of key actors in the implementation and enforcement of the Indigenous Peoples' Rights Act (IPRA) in the Philippines? and (4) What are the challenges and barriers to effective implementation of IPRA Law?

IPRA governance is examined through various theoretical approaches, notably Foucault's governmentality theory, environmental justice, legal pluralism, and social constructivism. These frameworks provide insights into how IPRA functions not only as a protective legal framework but also as a mechanism that, at times, aligns more closely with state and economic interests than Indigenous autonomy. The research field is predominantly qualitative, relying on case studies, ethnographic research, and document analyses of legal texts, policies, and government decisions affecting Indigenous communities. Such qualitative methods enable an in-depth examination of the socio-political and environmental impacts on Indigenous Peoples, especially in relation to large-scale development projects like mining.

This literature review reveals that IPRA governance is primarily situated within three key contexts in the literature: (1) the socio-political landscape of Indigenous rights, often highlighting conflicts between economic interests and Indigenous protections; (2) environmental concerns, with IPRA aiming to shield Indigenous lands from exploitative development practices; and (3) legal conflicts, particularly between IPRA and other national laws, such as the Philippine Mining Act of 1995, which frequently overrides IPRA's mandates in favor of economic activities.

Finally, this review provides an overview of the main findings in IPRA-related research over the past two decades. Regarding implementation barriers, the literature underscores the prioritization of economic growth over Indigenous rights, as well as weaknesses within the National Commission on Indigenous Peoples (NCIP), which struggles with resource and enforcement limitations. The Free, Prior, and Informed Consent (FPIC) process is often circumvented, with studies indicating manipulation by powerful actors who bypass genuine community consent, weakening IPRA's protections. Governmental bodies are frequently depicted as "reactive" rather than proactive in Indigenous protections, with corporate interests often prevailing over Indigenous rights. Although IPRA mandates protections for Indigenous culture and land, enforcement remains limited, especially when pitted against economic projects.



The literature review also reflects the complexity of IPRA governance, as the literature exposes significant gaps in enforcement mechanisms, self-determination, legal measurement, community legal awareness, educational initiatives concerning IPRA, participation in a broader and transparency in FPIC processes. These findings highlight critical research gaps in understanding how Indigenous protections could be strengthened against economic pressures. This review, therefore, emphasizes the need for further exploration in political science and related fields to address these implementation challenges and enhance the effectiveness of IPRA as a safeguard for Indigenous rights. To conclude, this study underscores IPRA's potential as a protective framework, while simultaneously acknowledging the challenges that impede its realization in practice.

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