

A Synthesis on the Colloquium on Indigenous Peoples

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The Article presents the results of the Colloquium on Indigenous People, held on 14-15 November 2002 at the Ateneo de Manila University School of Law. It is based on the opening remarks of key speakers, the papers presented by various authors, the discussions held during the open forum, and even the Author's own observations as the conference's facilitator.

The first part of the Article discusses five problem areas which were highlighted in the colloquium: (1) the definitional concerns of the penumbra of rights of indigenous peoples; (2) the opposition of these rights with private rights of non-members; (3) the opposition of these rights with the claims of the state; (4) the process of conflict resolution between the two; and (5) the means of enforcing a settled program of action.

The second part explores the five progressive principled standards that have emerged as solutions to the said problem areas. These are awareness and information dissemination, the principle of free and informed prior consent, the principle of participation in important policy-making decisions, the balancing of interests test and lastly, the efficient use of resources.

Finally, it emphasizes that in any dispute settlement involving indigenous peoples' rights, it must still be public order and inter-regional peace that must be the end in view.