

Application of Land Administration Domain Model to Recognition of Indigenous Community Rights in the Philippines: Laws Examined with Spatial Dimensions

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SUMMARY

Given the ever growing needs of Natural Resources imposed through economic development, particularly demanding in the last two decades, a number of environmental and socio-economic issues have arisen. These include growing rates of deforestation, environmental pollution of soils, air and water, and also the resettlement or even eviction of poor and / or indigenous populations caused by changes in land use and economic reasons as mining, lumbering, oil exploration and other uses. This is often the case in countries with multiple ethnic groups, at different cultural development stages, and that at the same time possess rich natural resources, namely, with significant portions of the territory covered with tropical rainforests. In reaction to these issues, governments defined new policies, resumed in Acts, Laws and Regulations involving a number of relevant agencies. These policies have the aim, in general, to protect the environment and to achieve a sustainable development, through the protection of Indigenous Peoples Land Rights. Authors of this paper recognized the importance of these policies, proposing a first case study for his home country, India, and the Indian Forest Rights Act from 2006 (Ghawana et al., 2012). This was the first of two previous researches supported on a methodology which includes a modelling approach having the Land Administration Domain Model (LADM) as its basis. The second paper addressed the situation in Brazil, though in this case, there was no single Act where to base the approach, and a legal framework including the Federal Constitution, Indigenous Statute and the Indigenous Lands Demarcation Procedure was reviewed (Paixão et al., 2013). The consolidated approach follows thus an initial literature review, depicting the current situation concerning Indigenous Land Rights and corresponding Indigenous Lands, and the existing legal framework and governing organizations. A correspondence is then established with the core LADM classes, including short descriptions of the country counterparts. The modelling develops then in two stages: dynamic, through Use Case and Activity diagrams, where the main actors (individual, groups or organizations) are linked to fundamental procedures as land demarcation and adjudication; and structural, where a country profile model is obtained, and some concrete situations are depicted via Instance Level diagrams. This is the approach applied to the Philippines case study, developed upon the Indigenous Peoples Rights Act of 1997 and the resulting creation of the National Commission on Indigenous Peoples, and its role on the implementation of the corresponding policy.

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