

LOCAL REGIONAL STUDIES NETWORK

Protecting Traditional Cultural Expressions in Mountain Province

Policy Imperatives for Safeguarding Indigenous Heritage

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Executive Summary

Traditional Cultural Expressions (TCEs), such as the weaving designs and indigenous dances of Mountain Province, are vital vessels of collective identity and intergenerational values. However, accelerating commercialization and technological advances expose these communal assets to severe misappropriation. Research across ten municipalities reveals that distinctive handwoven textiles and narrative-driven dances are increasingly decontextualized, simplified, and commodified. This leads to the erosion of distinct ethnolinguistic identities, internal generational dilution, and the economic displacement of local weavers by cheap, machine-printed foreign counterfeits. Furthermore, using sacred elements—like funerary textiles—in entertainment contexts constitutes a profound cultural offense.

While the Indigenous Peoples Rights Act (IPRA) recognizes indigenous heritage rights, the conventional Philippine Intellectual Property Code fails to protect TCEs because it does not accommodate communal, living knowledge. In response, indigenous peoples advocate for a nuanced framework where innovation is permitted only on non-sacred, generalized designs. Balancing economic sustainability with cultural integrity requires a multi-layered policy approach. This includes institutionalizing *sui generis* protections, establishing formal Cordillera cultural protocols, enforcing penalties for misrepresentation, requiring community-vetted certification for public performances, and mandating strict source attribution. Centering indigenous agency ensures that policies empower communities rather than marginalize them.

Introduction

In an increasingly interconnected world, safeguarding traditional cultural expressions (TCEs) is critical to maintaining indigenous self-determination and cultural integrity. TCEs encompass collective forms of creativity—such as music, designs, and handicrafts—characterized by their cultural content, communal essence, and intergenerational transmission. These unique traits distinguish them from conventional intellectual property, creating severe protection challenges. While natural cultural exchange includes “permissive appropriation,” unauthorized “misappropriation” strips communities of consent, distorts meaning, and threatens livelihoods. Locally, the Igorots of Northern Philippines face ongoing colonial stereotyping, commercialization, and the misrepresentation of Cordilleran dances staged as “authentic” by external performance groups.

The Philippine policy landscape provides conflicting protections. Republic Act No. 8371 (IPRA) grants indigenous communities ownership and control over their cultural manifestations and rituals. Conversely, the Intellectual Property Code (R.A. No. 8293) fails to cover TCEs because conventional law cannot accommodate communal, living, and evolving knowledge. Internationally, *sui generis* frameworks address this gap by categorizing TCEs as “open” for creative economies or “closed” for sacred use. Locally, protective precedents have emerged: Davao City requires official certification to wear indigenous attire, and Cordillera local governments have passed resolutions banning counterfeit, machine-printed textiles imported from China. Nevertheless,

technological advances in digital and fabric reproduction continue to copy handwoven designs, undercutting local weavers' prices and destroying livelihoods.

Mountain Province exemplifies these systemic vulnerabilities. By centering indigenous voices, this paper identifies the traditional weaving designs and dances most vulnerable to exploitation. It examines indigenous perspectives across four primary areas—cultural degradation, cultural preservation, deprivation of material advantage, and sovereign claims—to provide evidence-based insights for designing policies that empower communities to control their cultural resources.

Policy Analysis Framework

1. Conceptualizing Cultural Appropriation

This study views culture as an ongoing process of producing and utilizing cultural resources rather than a static collection of goods. This dynamic nature renders cultural forms vulnerable to appropriation (Durham 2013). Grounded in Rogers' (2006) framework, cultural appropriation is the use of a culture's symbols, rituals, or technologies by outsiders, occurring even without an intent to exploit. While "permissive appropriation" can be acceptable if conducted with sensitivity and respect (Salvador-Amores 2020), this analysis focuses on cultural exploitation. As disaggregated by Ziff and Rao (1997), cultural exploitation triggers four core concerns: Cultural degradation, Cultural preservation, Deprivation of material advantage, and Failure to recognize sovereign claims.

2. Theoretical Assumptions and Indigenous Autonomy

Theoretically, the appropriation of cultural expressions disrupts a community's cultural integrity. Drawing on foundational scholarship, culture is vital for enabling individual freedom, shaping identity, and developing collective consciousness (Lenard 2020; Kymlicka; Margalit & Halbertal; Walzer). Weakening a cultural system limits its members' capacity to interpret the world and make meaningful choices. Therefore, protecting traditional cultural expressions (TCEs) safeguards the autonomy, identity, and collective self-determination of Mountain Province

indigenous peoples by returning the authority to regulate their own cultural resources.

3. WIPO Rationales for Protection

Further justification for protecting TCEs is drawn from the World Intellectual Property Organization (WIPO) framework, which outlines three core rationales (Vargas 2022):

- Value-Based: Recognizes the elevated intrinsic, spiritual, or economic worth of sacred cultural expressions.
- Harm-Based: Addresses the potential devaluation, desecration, or extinction of TCEs if left unprotected.
- Traditional IP Justifications: Leverages established legal principles to incentivize creativity, reward labor, foster personal autonomy, and promote social justice.

Methodological Considerations

The study employed a qualitative design, utilizing thematic analysis within a critical realist framework (Clarke and Braun 2011; Kiger and Varpio 2020). Critical realism acknowledges material realities while seeking to understand the social meanings and implications underlying human experiences, making it particularly suitable for examining indigenous perspectives on cultural protection.

Data collection involved focus group discussions (FGDs) and interviews with elders and culture bearers across the 10 municipalities of Mountain Province, Natonin, Paracelis, Barlig, Bontoc, Sadanga, Sagada, Besao, Sabangan, Bauko, and Tadian in collaboration with the Indigenous Peoples Mandatory Representatives (IPMR) office of the Provincial Board and the National Commission on Indigenous Peoples (NCIP). Participants provided informed consent, and discussions were guided by structured and emergent questions to elicit detailed perspectives on the protection of traditional weaving designs and dances. While the study did not involve formal documentation of indigenous knowledge systems, incidental information shared by participants regarding practices, beliefs, and culture was noted and incorporated into the analysis.

Supplementary sources included social media posts, web pages, and online news articles to contextualize

contemporary instances of cultural appropriation. The participant pool included elders selected for their knowledge of cultural traditions and participation in community activities, as well as IPMRs representing diverse age groups and genders to ensure multiple perspectives. Follow-up interviews targeted individuals actively engaged in weaving, dance, research, and cultural events.

Traditional Cultural Expressions Vulnerable to Appropriation

TCEs in Mountain Province have been nurtured and transmitted across generations, forming an integral part of local identity. Findings from this study indicate that certain TCEs, particularly traditional weaving designs and indigenous dances, are especially vulnerable to misappropriation. These cultural forms not only embody aesthetic and artistic value but also carry symbolic, spiritual, and economic significance, rendering them highly sensitive to misuse, distortion, or commercial exploitation. Their vulnerability reflects both the dynamic nature of indigenous cultural practices and the pressures of external cultural, economic, and technological influences.

1. Traditional Weaving Designs

Traditional garments like the tapis/lufid (wraparound skirts) and wanes (g-strings) are culturally coded artifacts regulated by strict community norms. Their vulnerability stems from two primary factors:

- **Ethnolinguistic Specificity:** Distinct patterns, motifs, and colors signal specific identities and social statuses. For example, green characterizes the Bontok and Applai, while black and white textiles, such as those from the Pingad community, are reserved for funerary rites. Misusing death textiles in celebratory or commercial contexts strips them of spiritual meaning and constitutes a cultural violation.
- **Commercialization and Replication:** The proliferation of cheap, machine-printed replica fabrics in the market undermines the symbolic integrity of these designs and economically displaces local handloom weavers who rely on them for income.

Communities accept modern adaptations that use generic, non-sacred designs for commercial items like face masks or bags. However, replicating sacred, context-specific patterns crosses the line into misappropriation.

2. Traditional Dances

Indigenous dances are narrative-driven, symbolically structured embodiments of identity rather than mere entertainment. For instance, the sakhiki (a traditional courtship dance) utilizes prescribed movements to portray mutual consent and social harmony, concluding with the couple holding hands. These expressions face dual vulnerabilities:

- **External Decontextualization:** Staged public, university, or mainstream performances frequently modify, simplify, or mix elements for entertainment value. A documented case from a university performance in Metro Manila revealed performers wearing Mountain Province tapis while executing a modernized Kalinga dance and using a sacred death blanket as a theatrical prop. This erasure of distinct tribal identities causes deep cultural offense and confusion, prompting Cordillera observers to demand deeper research, source attribution, and performance disclaimers.
- **Internal Distortions:** Vulnerability also arises internally when younger generations alter traditions due to external media influences. Focus group discussions revealed that changing the sakhiki narrative by allowing a third party to interrupt the pair, or incorporating unrelated elements like pole dancing, is strongly rejected by elders.

Mountain Province indigenous peoples view culture as dynamic but maintain that internal or external adaptations are only acceptable if they preserve the core meanings, values, and embedded narratives of the traditional practices.

Converging Factors in Vulnerability

Across both weaving and dance, the study highlights several converging factors that increase the vulnerability of traditional cultural expressions. Economic pressures and commercialization play a

significant role, as market demand for indigenous textiles and cultural performances can incentivize replication, distortion, or inappropriate use of these cultural forms. Technological advances in textile production and media dissemination further exacerbate this vulnerability, making it easier to reproduce and circulate cultural expressions outside the control of the source communities. Additionally, cultural decontextualization occurs when traditional expressions are removed from their ceremonial, social, or spiritual contexts, compromising their symbolic and sacred significance. Intergenerational dynamics also contribute to vulnerability, as younger community members may introduce modifications for innovation, aesthetic experimentation, or entertainment, which, without careful guidance, can unintentionally dilute the original cultural meaning. Together, these factors underscore the complex interplay of social, economic, technological, and cultural forces that place traditional weaving designs and dances at risk of misappropriation and distortion.

Implications for Protection

1. Cultural Degradation

Mountain Province indigenous peoples (IPs) report that unauthorized artistic adaptations frequently misrepresent the nuanced meanings and sacred significance of traditional weaving and dances. Focus group participants highlighted instances where external entertainment platforms detached practices from their authentic contexts, resulting in cultural erasure and stereotypes. A specific flashpoint involved a performance labeled "Igorot" where female dancers wore g-strings and Ifugao textile designs incorrectly, causing widespread community backlash due to the lack of consultation and accurate ethnolinguistic labeling. Similar concerns exist within regional tourism festivals where dances are blended or insufficiently contextualized. To combat this, participants demand strict adherence to cultural protocols, mandatory free, prior, and informed consent (FPIC), proper community attribution, and the inclusion of educational explanations or performance disclaimers for broader audiences.

2. Cultural Preservation

IPs view the protection of their traditional knowledge as a vehicle for survival and intergenerational transmission. While elders occasionally permit internal modifications for community gatherings, they insist that external performers adhere to strict ethical standards.

To ensure long-term continuity, participants—particularly Indigenous Peoples Mandatory Representatives (IPMRs)—propose collaborative partnerships with academic institutions to systematically document, revitalize, and correctly teach traditional weaving and dance.

3. Deprivation of Material Advantage

Economic findings center on protecting local livelihoods from market exploitation. Local weavers face direct income loss from the proliferation of counterfeit, machine-printed fabrics. Additionally, applying sacred traditional patterns to everyday commercial items like bags or mousepads violates local cultural norms by degrading the textile's value. In response to these findings, the local government enacted Provincial Ordinance No. 573, which prohibits souvenir shops, department stores, and online sellers in Mountain Province from manufacturing, distributing, or selling machine-made replicas of Cordillera indigenous woven materials. IPs advocate for commercial regulations that mandate proper labeling, intellectual property protection, and community-sanctioned use.

4. Failure to Recognize Sovereign Claims

Participants assert an inherent right to self-determination and communal ownership over their cultural resources, emphasizing that the community must remain the primary custodian and beneficiary. Because western intellectual property regimes conflict with communal concepts of ownership, IPs are seeking to leverage legal avenues—including trademarks, copyrights, and the enforcement of FPIC—to formalize their authority. They welcome collaborative research and innovation, provided the methodologies are participatory and respect the community's right to regulate access and utilization.

Conclusions and Recommendations

The perspectives of IPs in Mountain Province reflect a nuanced understanding of the importance of protecting their TCEs, particularly weaving designs and dances, from misappropriation and misuse. These perspectives are shaped by generational differences, individual experiences, and the specific cultural, economic, and social contexts in which these issues arise. Effective protection of TCEs requires a collaborative and respectful approach

that acknowledges both the cultural significance and economic potential of these resources. While traditional weaving and dances remain most vulnerable, all cultural expressions require protection from misappropriation.

For Mountain Province IPs, protecting cultural expressions is not merely a matter of preserving heritage, but also a means of asserting rights to self-determination, dignity, and respect. Education and awareness among users and audiences maintain the integrity and value of their TCEs. Safeguarding these expressions facilitates the transmission of heritage and traditions to younger generations and promotes cultural resilience and empowerment.

Traditional cultural expressions also support livelihoods and generate economic opportunities. Protection of these resources balances the potential for economic development with the preservation of cultural authenticity. Indigenous peoples exercise sovereignty over their cultural resources, determining who can access, use, and benefit from their knowledge. Cultural expressions are communal assets, with the communities themselves as the primary custodians and beneficiaries of their heritage.

Overall, the perspectives of Mountain Province IPs emphasize that protecting traditional cultural expressions preserves cultural heritage, ensures social justice, supports economic sustainability, and affirms intellectual property rights. Respecting these expressions reinforces community identity, values, and autonomy while enabling active participation in the use, transmission, and preservation of cultural heritage.

The following recommendations may be used to support the protection and preservation of Mountain Province indigenous communities' traditional cultural expressions.

1. The local government unit (LGU) may implement comprehensive education and awareness campaigns highlighting the cultural and historical significance of traditional weaving designs and dances, fostering public recognition and appreciation of their meanings and contexts.
2. Integrate indigenous culture into school curricula and educational programs of the Department of Education (DepEd) by including clear labeling of textiles and designs with information about their origins and makers, to strengthen cultural literacy and respect among students and the wider community.
3. Conduct community-based learning activities involving culture bearers and indigenous youth, supported by LGUs to document and transmit traditional knowledge and practices effectively within and beyond the community.
4. Establish a committee or working group in the Provincial Local Government Unit (PLGU) to lead the training of community members in documenting their own culture and traditions, ensuring that documentation practices are participatory, culturally grounded, and aligned with community protocols.
5. The PLGU may require performances and presentations of cultural dances to include an introductory explanation of the dance, recognizing the indigenous community of origin and articulating the traditional purpose and context of the performance, to enhance cultural understanding and respect among audiences.
6. The PLGU may develop policies in collaboration with indigenous communities, cultural organizations, and media outlets to ensure that any innovation, adaptation, or commercialization of weaving designs and dances is accurate, respectful, and consistent with the values and intentions of the source communities.
7. Enact provincial or national legislation recognizing the rights of indigenous communities over their traditional knowledge, preventing unauthorized appropriation or commercial use by third parties, and establishing clear penalties for violations.
8. Create a repository of traditional cultural expressions within the Mountain Province State University (MPSU) to serve as a reference for policy implementation, documentation, and the protection and preservation of Mountain Province indigenous heritage.
9. Incorporate the perspectives, insights, and suggestions from indigenous community members in all cultural heritage policies and mechanisms, ensuring that approaches to protection, documentation, and commercialization are participatory, inclusive, and community-centered.

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