

# **Navigating contested land claims under a peace agreement: Mapping multiple ancestral lands in Maguindanao, Philippines**

Maria Carmen Fernandez  
PhD candidate, University of Cambridge Department of Land Economy

## **Abstract**

In cases where land governance reforms and intensified socio-economic development are components of negotiated political settlements, how can state and non-state actors navigate multiple land claims in areas associated with multiple indigenous groups, protracted displacement, and resultant plural land tenure regimes? This paper describes a collaborative mapping process initiated in sites in the province of Maguindanao del Sur in Southern Philippines associated with the 2014 peace agreement between the Moro Islamic Liberation Front and the Government of the Philippines, as well as a pending ancestral domain claim filed by the Tëduray-Lambangian indigenous community. Building on iterative conversations and collaborative mapping from December 2020 to March 2022, the work uses administrative and community-generated information to facilitate hard conversations on desired development trajectories and explore viable ways forward. The paper concludes with recommendations for the use of spatial data for mediation and systematic adjudication in the context of implementing a peace deal.

Keywords: overlapping land claims, peace deals, ancestral lands, collaborative mapping, Bangsamoro

## 1. Introduction

Land conflict is acknowledged as both a root cause and complicating condition of internal armed struggles worldwide<sup>1</sup>. As a result, contemporary peace deals<sup>2</sup> have commitments related to the dignified return of internally displaced populations, post-crisis reconstruction and restitution, environmental resource management, and land reform. This is on top of standard provisions on territorial scope and control, as well as socio-economic development packages related to the delivery of so-called ‘peace dividends’ for former combatants and affected communities.

However, dealing with plural land governance frameworks when implementing peace agreements is not commonly explored in the critical literature, specifically in places where pre-colonial customary and informal land and property regimes exist alongside formal Torrens-based cadastral systems. In the context of internal armed conflicts, a negotiated political settlement is signed between the central government and a subregional non-state armed group representing the grievances of a local indigenous population. What happens when there are multiple ethnolinguistic groups indigenous to these areas, each with legal, historical, and other use claims over the same sites?

I engage these questions using the case of the 2014 Comprehensive Agreement on the Bangsamoro (CAB), signed between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF), which created the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).<sup>3</sup> The BARMM is a response to more than five decades of intermittent conflict, mainly between the Armed Forces of the Philippines and two previously-separatist Muslim groups: the MILF and its precursor, the Moro National Liberation Front (MNLF). It resulted in the destruction of infrastructure, cyclically displaced populations, and eroded trust among neighbors and between citizens and the state. While efforts since 2014 have focused on the political transformation of the BARMM into a regional parliament with enhanced administrative and fiscal autonomy, the heart of the peace deal is the goal of ‘normalization’. Normalization--as opposed to classical combatant disarmament, demobilization and reintegration (DDR)--is defined as “a process whereby communities can achieve their desired quality of life, which includes the pursuit of sustainable livelihood and political participation” in order to “ensure human security” and “build a society that is committed to basic human rights where individuals are free from fear of violence or crime and where long-held traditions and values continue to be honored.” Messaging from both parties highlight a partnership between Central Government and the MILF to ensure human security in the region with parity of esteem, and

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<sup>1</sup> See World Bank Group, *World Development Report 2011: Conflict, Security, and Development*. Human Development Network, “Philippine Human Development Report 2005: Peace, Human Security and Human Development in the Philippines.”

<sup>2</sup> Notable examples of peace deals with provisions on customary land rights in the last three decades apart from the Philippines include Colombia, Guatemala, Bosnia and Herzegovina, Rwanda, and South Africa. Conversely, the devastating effects of ambiguity or overt mishandling of land and property issues before and after the signing of a peace agreement feature in Nicaragua, Mozambique, El Salvador, and notably, the Palestinian-Israeli conflict.

<sup>3</sup> The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) comprises the mainland provinces of Lanao del Norte, Maguindanao, the Special Geographic Area formerly belonging to North Cotabato, and the island provinces of Basilan, Sulu, Tawi-Tawi, as well as two component cities. It is officially considered the largest region in the Philippines in terms of land area. Home to approximately 4.4 million people, most of whom identify as Muslim, the BARMM has the fastest regional population growth rate in the country as of 2020. The term ‘Bangsamoro’ can refer to the people, the subregion, or the political entity. The BARMM replaced the former ARMM, itself created and shaped by the peace process with the MILF’s precursor, the Moro National Liberation Front (MNLF). A total of four peace agreements have been signed in relation to Muslim Mindanao: 1976 Tripoli Agreement and the 1996 Final Peace Agreement with the MNLF, and the 2012 Framework Agreement on the Bangsamoro (FAB) and the 2014 CAB with the MILF.

not the connotation of ‘surrender’ that the term DDR is associated with particularly among MILF political actors.

Of the seven explicit components of normalization, at least three have land-related implications: (i) the delivery of socioeconomic packages; (ii) trust-building measures and the transformation of the six acknowledged MILF camps; and (iii) transitional justice and reconciliation, which compels both parties to “work out a program for transitional justice to address the legitimate grievances of the Bangsamoro People<sup>4</sup>, correct historical injustices, and address human rights violations and marginalization through land dispossession”<sup>5</sup>. Similarly, the peace deal’s enabling law, Republic Act (RA) No. 11054, state that the enduring effects of historical land governance issues must be addressed using the 21 powers vested in the Bangsamoro Parliament and the BARMM’s ministries related to housing, land and property reform, including providing “adequate reparation to the Bangsamoro people affected by unjust dispossession of territorial and proprietary rights or customary land tenure, which may include payment of just compensation to and relocation of such people.”<sup>6</sup>, although arrangements still mirror and must be coordinated with national counterparts. This includes Constitutional social justice provisions as well as national enabling laws including RA No. 8371, the Indigenous Peoples Rights Act, and the Comprehensive Agrarian Reform Program (CARP) mandated by R.A No. 6657 and R.A No 9700, the Comprehensive Agrarian Reform Law (CARL). Thus, urban and rural land governance reform is in line with the goal of the Bangsamoro Development Plan of ‘upliftment of the lives of Bangsamoro and establishment of the foundations of self-governance through moral governance’.

Despite the assertion that “(f)rom the perspective of the Bangsamoro and indigenous people, land dispossession and the resulting marginalization of their communities is a form of historical injustice of such gravity that it will justify secession from the Philippines,”<sup>7</sup> limited joint or unilateral action on land issues have been undertaken whether from the central government or the MILF-led Bangsamoro Transition Authority (BTA). Bottlenecks are attributed to the political and technical complexity of addressing transitional justice and land governance writ large, as well as the tensions between the Philippines’ colonial land administration and management system and the multiple customary land practices that endure on the ground.<sup>8</sup> For the MILF’s revolutionaries-turned-bureaucrats, many of

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<sup>4</sup> The word ‘Moro’ refers to the indigenous peoples of Mindanao and Sulu whose forebears chose to follow Islam prior to colonization. The 2012 Framework Agreement on the Bangsamoro acknowledges ‘Bangsamoro identity’ as “those who at the time of conquest and colonization were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands including Palawan, and their descendants whether of mixed or of full blood shall have the right to identify themselves as Bangsamoro by ascription or self-ascription. Spouses and their descendants are classified as Bangsamoro. The freedom of choice of other indigenous peoples shall be respected.”

<sup>5</sup> GPH-MILF Annex on Normalization of the 2012 Framework Agreement on the Bangsamoro, signed on 25 January 2014. Section H, paragraph 1, Page 8. Components for delivery include: (a) decommissioning of former MILF combatants, (b) socioeconomic packages, (c) community policing, (d) trust-building measures and transformation of camps, (e) transitional justice and reconciliation, (f) disbandment of private armed groups, and (g) redeployment of state security forces.

<sup>6</sup> RA No. 11054 Article IX Sec 2 on Reparation for Unjust Dispossession.

<sup>7</sup> 2015 Transitional Justice and Reconciliation Commission on the Bangsamoro report

<sup>8</sup> See the 2016 TJRC and WB-IOM reports on land as well as studies on the fragmentation of the land governance and spatial planning systems in the Philippines, notably those produced under the DENR-WB- AusAid LAMP program. GPH-MILF TJRC, “Report of the Transitional Justice and Reconciliation Commission”; World Bank and International Organization for Migration, “Land: Territory, Domain, and Identity. A Report Submitted by the WB-IOM Technical Team to the Transitional Justice and Reconciliation Commission (TJRC) of the Comprehensive Agreement on the Bangsamoro.” While these issues are generally present across the entire country, the cultural, socio-economic and political dynamics that began in the early

whom have limited to no experience in government, balancing expectations and needs of the Bangsamoro's ethnically diverse communities—referred to as the 'tripeoples' of Moro<sup>9</sup>, Christian settler, and non-Moro indigenous peoples (NMIP)<sup>10</sup>—vis-à-vis political commitments to combatants and other stakeholders while setting up a new regional parliament has been difficult. High expectations of greater prosperity in the region post-CAB drive demand for land, particularly for agribusiness and extractive industries, undermining pre-colonial practices around environmental stewardship. Although skirmishes involving non-state armed groups and the Armed Forces of the Philippines (AFP) have lessened, clan feuds (referred to in the vernacular as *rido*, or *pagbanta*)<sup>11</sup> often triggered by land and resource contestation remain the dominant type of violence in the region.<sup>12</sup> Managing concepts of representation and the emotional baggage they bring is particularly fraught. Given that various groups and institutions define and perceive concepts of ownership and indigeneity differently<sup>13</sup>, explaining the concept of NMIPs is challenging given that the usual tripeoples framework of settlers-Moros-NMIPs blur around linguistic and religious lines, and the Bangsamoro peoples themselves are indigenous, with the category allowing for self-identification whether by blood or self-ascription.

Thus, while the peace deal addresses the vertical relationship between the Central Government and the Bangsamoro people and its political ramifications, actual implementation of the peace agreement must navigate horizontal, inter-communal, and inter-elite dynamics that exist at neighborhood scale. These issues are most prevalent in Central Mindanao, particularly the newly-divided province of Maguindanao.<sup>14</sup> This paper attempts to grapple with these questions using evidence from a collaborative mapping process in the province of Maguindanao del Sur in the BARMM, focusing on three sites associated with Camp Omar ibn al-Khattab and Camp Badre, which are two of the six acknowledged MILF camps scheduled for socio-economic 'transformation'. These sites are also part of a long-standing ancestral domain claim filed by the Tëduray-Lambangian ethnolinguistic group, although decades of in-migration from other regions in the Philippines, on top of waves of protracted conflict, have made existing property regimes fuzzy and complex. The presence of various 'black flag' militant groups as well as private armed groups associated with local political clans create a thick environment of inter-communal and inter-elite contestations over land and power in these sites, even as at least 40,000 members of the MILF's Bangsamoro Islamic Armed Forces (BIAF) and the Bangsamoro Islamic Women's Auxiliary Brigade (BIWAB) are scheduled to disarm.

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20<sup>th</sup> century due to colonial and neo-colonial policy and accelerated the armed conflict in the 1960's and 70's in Mindanao magnify tenure instability.

<sup>9</sup> Generally, the thirteen Islamised ethnolinguistic groups comprising the Bangsamoro ("Moro Nation") are the Iranun, Maguindanaon, Meranaw, Tausug, Yakan, Badjao, Palawani, Jama Mapun, Molbog, Kalagan, Kalibugan, Sama, and Sangil.

<sup>10</sup> The CAB specifically names the Tëduray, Lambangian, Dulangan Manobo, Higaonon, and Bla'an as the five NMIP ethnolinguistic groups of the BARMM. Although not explicitly named in the CAB and BOL, other relevant groups include: the Erumanen ne Manuvu, who already hold an NCIP-issued Certificate of Ancestral Domain Title (CADT) in the Special Geographic Area (SGA) formerly belonging to North Cotabato, and are explicitly named in the BARMM Electoral Code; approximately 17 various indigenous settler groups in Wao, Lanao del Sur; the Sama-Badjau and Sama Dilaut of BASULTA who are counted in the 13 Moro ethnolinguistic groups but identify themselves as a the "minority" (not represented) in the Tausug-dominated areas; and the Yakan of Basilan, who are also part of the 13 Moro groups but hold CADTs issued by NCIP Region IX.

<sup>11</sup> Torres, *Rido : Clan Feuding and Conflict Management in Mindanao / Wilfredo Magno Torres III, Editor.*

<sup>12</sup> Kiley, "Conflict Alert 2020."

<sup>13</sup> NCIP further lists the Erumanen ne Menuvu, Yakan, Badjao, Sama Bangingi, Jama Mapun, and Sama Dilaut as indigenous peoples within the BARMM. Another popular framework for NMIPs in Mindanao is the Cebuano antonym 'lumad', short for katawhang lumad (people of the soil).

<sup>14</sup> LGSPA (2009)



The analysis presented in this paper is framed within the literature that acknowledges land conflict that emerges from the inherently contested nature of property rights, as opposed to land merely being a proxy for identity-based resource contestation.<sup>15</sup> As an attempt to navigate thorny ideological debates regarding the political project of the indigenous Bangsamoro homeland and existing national legislation protecting non-Moro indigenous land rights, the project uses a combination of household- and parcel-level collaborative and participatory mapping to visualise evidence regarding the way actual residents occupy and use these contested spaces regardless of the origins of their claims, and by doing so, use the visual documentation to elicit conversations around viable ways forward.

The paper proceeds in four sections. Section two provides context to the plural frameworks of land governance in Central Mindanao, focusing on contesting land claims in the municipality of South Upi and areas surrounding Mt. Firis in Maguindanao del Sur. Section three describes the methodological choices taken. The core empirical section describes the results from historical, area, and parcel-level analysis in three sites: Barangay Kuya and Sitio Manguda in Barangay Itaw in South Upi, and Sitio Bagong in the foothills of Mt. Firis. I discuss the implications of these results to ongoing efforts in navigating the current tensions regarding ancestral domain claims, before concluding with recommendations for the use of spatial data for conflict mediation and systematic adjudication to surface and address land contestation when implementing a peace deal.

## 2. Context

### 2.1 Central Mindanao, normalization, and multiple ancestral claims

Much of the literature on land dispossession in the Bangsamoro as a result of national policy and intermittent warfare since the 1960's is drawn from the experience of Central Mindanao, particularly the previously-undivided province of Maguindanao.<sup>16</sup> Key features include: (i) a heterogenous population comprising the so-called 'tri-peoples' of Moros, Christian settlers, and non-Moro indigenous peoples, each with a plurality of practices and legal-customary traditions particularly on land use and property rights; (ii) more rural and peri-urban displacement, given that places such as Cotabato City tend to receive IDPs but have not been a direct arena of armed conflict with non-state armed groups; and (iii) annual displacements driven by both the presence of armed actors and seasonal inundations from the Rio Grande de Mindanao as it flows into the Ligawasan Marsh and out towards Illana Bay. As a result, the frequency and magnitude of conflict and climate-related displacements in this area historically outstrips that of any other province in the BARMM. A 2011 regional survey recorded over 40% of respondents from Central Mindanao as having been displaced at least once between 2000 and 2010, either due to armed conflict or flooding.<sup>17</sup> While the numbers vary depending on the year, reporting cycle, and specific location, UNOCHA citing BARMM MSSD data as of February 2024 estimate around 96,000 reported IDPs due to natural hazards across the

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<sup>15</sup> Marx differentiates between 'land in conflict' or land conflict as a proxy for other identity-based 'distributional' inequalities, and 'land and conflict', referring to contested property rights and claims. Marx, "Extending the Analysis of Urban Land Conflict: An Example from Johannesburg."

<sup>16</sup> LGSPA (2009)

<sup>17</sup> World Food Program and World Bank, 2010

BARMM, split as a 65%-35% ratio between environmental hazard-induced displacement and armed conflict-reduced displacement.<sup>18</sup>

Generally speaking, technical processes for land-related dealing-with-the-past-in-the-present are hindered by basic issues, among them: (i) multiple and contesting practices and norms related to land rights and land justice; (ii) multiple data systems, data discrepancies, and data gaps at multiple levels; (iii) multiple and unclear processes for addressing overlapping claims; and (iv) multiple protracted displacements and vulnerabilities spanning years, if not decades.<sup>19</sup> While these are focused on the BARMM, these issues have implications for other similarly-situated areas nationwide, as well as the issues related to the long-pending national land use act. Given the unique context of the Bangsamoro, however, many national policies and guidelines may not be strictly applicable, or may omit elements that are crucial to BARMM. At the same time, post-BOL consultations indicate the need for more culturally-appropriate forms of land governance and redistribution in the BARMM,<sup>20</sup> as well as the harmonization of customary and statutory laws on tenure applicable to the region. The BARMM also has a plural justice system covering the traditional courts, Shari'ah courts, and IP justice mechanisms, not to mention informal mechanisms such as the pre-CAB shariah courts administered by the MILF as a revolutionary organisation.

The BOL's provisions on indigenous peoples rights and customary rights and traditions state that "customs, beliefs, and traditions of the Bangsamoro people are hereby recognized, protected, and guaranteed".<sup>21</sup> In sites that are highly diverse and non-homogenous, however, what customs, beliefs, and traditions should hold sway? Thus, at the heart of the issue are tensions between two frameworks of ancestral domain—the Bangsamoro framework of a political homeland for the 13 Islamized groups of Southern Philippines and all those who might self-identify as Bangsamoro, whether by blood or self-ascription; vs. the concept of ancestral domain for non-Moro Indigenous Peoples (NMIPs), which is tied to existing Philippine laws governing Indigenous Peoples and Indigenous Cultural Communities. Both are protected by the 1987 Philippine Constitution, which has explicit mention of IP/ICC ancestral land as well as provisions for an autonomous region in Muslim Mindanao. From the BARMM perspective, the accepted political formula is that the Bangsamoro is one united ancestral domain, but with plural ancestral lands within the region. The challenge lies in places where both rights overlap.

The term lumad, short for katawhang lumad, has been used as an autonym since 1986 by the non-Moro indigenous peoples of Mindanao in order to differentiate themselves from their Moro brethren.<sup>22</sup> The term 'lumad' appears in Republic Act No. 6734, the law that created the ARMM. These issues are not a function of religion, but of political identity; it is generally understood that the Indigenous Peoples Rights Act of 1997 refers to non-Moro IPs although there are NMIPs who reverted

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<sup>18</sup> This is disaggregated as 43,200 in Maguindanao del Norte and Maguindanao del Sur, 8,000 in the Special Geographic Area formerly belonging to North Cotabato, and 1,200 in Basilan involving state and non-state forces, between NSAGs, and unresolved clan feuds, mostly around land.

<sup>19</sup> DENR Land Administration and Management Program II assessment cited in Fernandez, "Land Governance as Moral Governance: Options for Housing, Land and Property Policy Reform in the Bangsamoro Transition. A Policy Brief"; Fernandez, *Land Rights, Displacement and Transitional Justice in the Bangsamoro: Insights from Household-Level Mapping in Marawi City and Maguindanao*.

<sup>20</sup> See Fernandez (2021, 2023) and Sangcopan (2023)

<sup>21</sup> R.A. 11054 Article IX, Section 4

<sup>22</sup> The original 15 groups that participated in the June 1986 Lumad Mindanaw Congress in Kidapawan, Cotabato and came up with the term 'katawhang lumad' are the Subanen, B'laan, Mandaya, Higaonon, Banwaon, Talaandig, Ubo, Manobo, T'boli, Teduray, Bagobo, Tagakaolo, Dibabawon, Manguangan, and Mansaka.

to Islam, in the same way others practice Christianity or various versions of animism. Nevertheless various frameworks highlighting the kinship between Moro and lumad groups exist, including the Central Mindanao narrative of siblings Mamalu and Tabunaway, referring to the ancestors of the Tëduray-Lambangian and the Maguindanaons, respectively. These concepts are acknowledged in the 2014 GPH- MILF peace agreement, which specifically names the non-Moro IPs in the Bangsamoro as the Tëduray, Lambangian, Dulangan Manobo, Higaonon, and Bla'an. The National Commission on Indigenous Peoples (NCIP) further lists the Eruumanen ne Menuvu, Yakan, Badjao, Sama Bangingi, Jama Mapun, and Sama Dilaut as indigenous peoples within the BARMM, although the latter four are included in the 13 Islamized groups. In practice, sensitivities abound. This is partly due to an uncomfortable history of subjugation and slavery done against NMIPs by their own neighbors in the centuries prior to colonization, and partially due to other conflicts that have arisen over the last fifty years. While Bangsamoro peoples are technically indigenous to the Philippines, the common choice to not self-ascribe as 'indigenous persons' or members of 'indigenous cultural communities' is also driven by deep-seated biases that are difficult to transcend or ignore.

While the policy and legal frameworks are still being threshed out, both national and BARMM governments must continue to deliver land tenure improvement investments, as well as socioeconomic programs and projects that have land tenure implications. This includes the CAB commitments under the ambit of the GPH-MILF Joint Normalization Committee (JNC) and its government component, the Inter-Cabinet Cluster Mechanism on Normalization (ICCMN).<sup>23</sup> However, while the JNC and its sub-components was created by the peace deal in 2014, and the ICCMN convened under Duterte in 2019, it was only in 2021 that the JNC's Joint Task Force on Camps Transformation (JTFACT) approved a six-year Plan to "transform" into "peaceful and productive communities" the six previously-acknowledged camps of (i) Camp Abubakar as-Siddique in Maguindanao del Norte; (ii) Camp Bilal in Lanao del Norte and Lanao del Sur; (iii) Camp Busrah Somiorang in Lanao del Sur; (iv) Camp Rajamuda, which mostly straddles North Cotabato and Maguindanao; (v) Camp Omar ibn al-Khattab, mostly in Maguindanao del Sur; and (vi) Camp Badre, mostly in Maguindanao del Norte.

As of 2024, the parties have jointly agreed to prioritise investments in 36—previously 33—'inner core' sitios and barangays, without prejudice to municipalities defined as 'outer core' and 'influence' areas. The BARMM's Bangsamoro Development Plan also identifies an additional 33 base camps "subscribed" to the MILF's Central Committee that are not included in the 36 inner core barangays but are nevertheless locations where combatants reside. While the Camps Transformation Plan, 2021-2026 is a public document, certain elements remain fuzzy and controversial. The Plan purports to 'transform' three aspects of the camps: (i) the space, area, or territory associated with the Camp; (ii) the individuals and groups residing in them; and (iii) the natural resources in these sites, including ensuring that war materiel held by the MILF-BIAF is put 'beyond use'. In contrast to typical military camps with hard boundaries and palisades, these sites are porous civilian communities. The MILF-BIAF is not a formal standing army. Its estimated 40,000 members<sup>24</sup> comprise networks of armed grassroots supporters and volunteers organized as 'base commands' held together by ideological, ethnolinguistic, and kinship ties. Very few arms are owned by the MILF per se—most are personal or clan assets. Information on combatants and weaponry for decommissioning are held by a third-party

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<sup>23</sup> Created by Executive Order No. 79 s. 2019.

<sup>24</sup> Officially, 40,000 members of the BIAF and BIWAB are to be decommissioned under the peace deal. Previous estimates have placed the true number as closer to 12,000.

Independent Decommissioning Body (IDB)<sup>25</sup> and the Department of Social Welfare and Development with oversight from a Joint Task Force for Decommissioned Combatants (TFDCC). However there is limited information on their location, and how many of these combatants reside or intend to reside within the camps. More importantly, the scope of the camps themselves has been difficult to define.

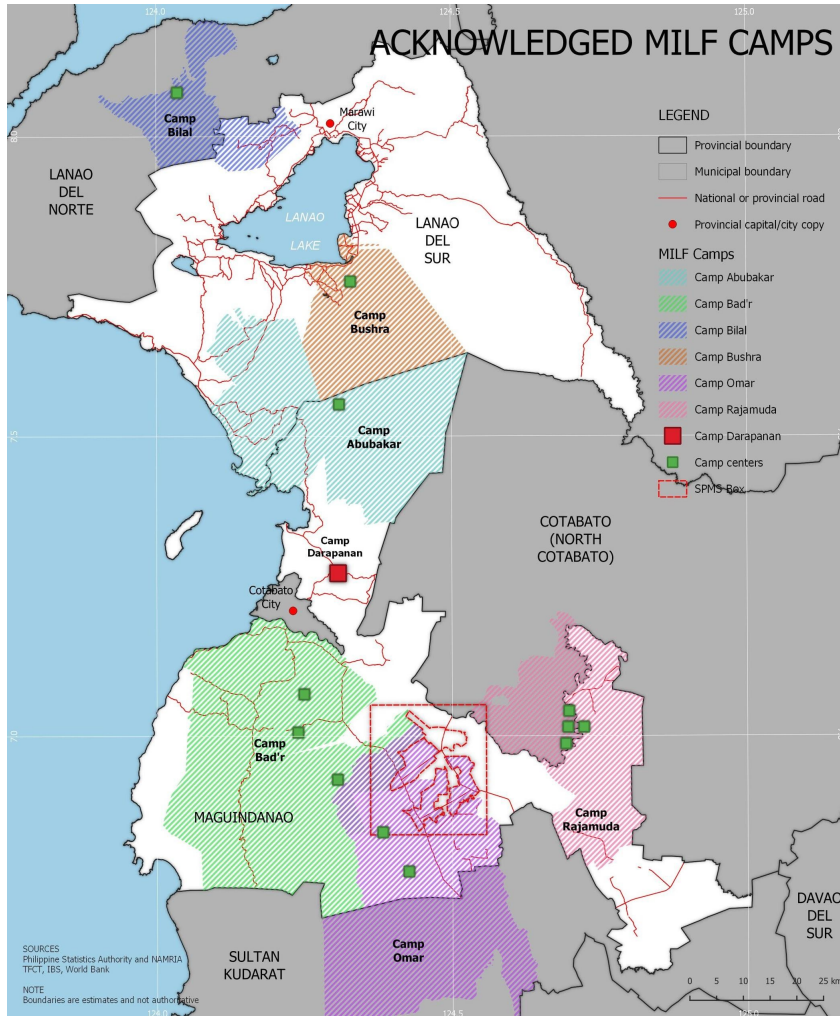


Figure 1. Acknowledged MILF Camps

Source: OpenBangsamoro.com (2019)

Note: 'Camp centers' marked here have some differences with the final 36 barangays as of 2024

Thus, 'camp acknowledgment' stems from security-related ceasefire agreements between the GPH and the MILF, including the rough definition of 'areas of temporary stay'—a nebulous term denoting "safe havens" considered "under MILF control". Safe movement required coordination between the JCCCH and the now-defunct International Monitoring Team. Until the 2021 CTP and the final list of 33 (now 36) inner core barangays were defined, there were no final lists of barangays related to camp coverage; prior to the CAB, definitions took the form of 'gentleman's agreements' between the MILF and AFP ground commanders about their training areas, and/or where "MILF forces are actually

<sup>25</sup> The IDB comprises three foreign experts from Turkiye, Norway, and Brunei, and four local experts jointly nominated by the parties.

situated”. As the peace process progressed, some of these sites were opened to development projects, whether through the World Bank administered multi-donor Mindanao Trust Fund Reconstruction and Development Program, or the joint government-MILF Sajahatra Bangsamoro initiative.

Uncertainties around land ownership began to accelerate shortly after the 2014 peace deal was signed, long before the passage of its enabling law in 2018 and its popular ratification in 2019. With intensified expectations around high-value natural resource exploitation, peace process-related investments and ‘peace dividends’, fears began to circulate that inclusion in the coverage of the CTP means that the land is now “owned” by the MILF, Meaning, that sites for land or housing projects related to normalization would considered ‘terra nullius’ with no existing occupants or claims, and that Christian settlers, for example, might be expelled despite the clear provision in the CAB that all vested tenurial rights would be respected. These tensions have been particularly marked in the areas associated with an outstanding ancestral domain claim under IPRA filed by the Teduray-Lambangian indigenous group, and its overlaps with Camp Badre and Camp Omar, mostly in the areas around South Upi as well as the foothills of Mt. Firis.<sup>26</sup>

## 2.2 The Tëduray-Lambangian Ancestral Domain Claim (TLADC)

The latest Philippine census (PSA CPH 2020) records the then-undivided province of Maguindanao as having the largest population in the region (1,342,179, or 30% of the 4.4 million official residents of the BARMM). Most of the 138,646 individuals who formally identify as Tëduray-Lambangian reside in this province. Although their current numbers are only 10% of the total BARMM population, pre-ARMM devolution records show that the Tëduray previously had the highest population share among 21 ethnolinguistic groups residing in Region 12.

Figure 2 below shows the boundary map covering 91 barangays in Maguindanao and Sultan Kudarat being claimed by the Teduray-Lambangian tribal government as part of their ancestral domain, spanning 289,268 hectares. In 2002, the Tëduray and Lambangian tribal government, through conversations convened by the baglalan (tribal title holders), decided to formally incorporate as Timuay Justice and Governance (TJG, or Késéfa-nangguwit Timuay). TJG was acknowledged as an indigenous political structure under ARMM Muslim Mindanao Act (MMA) No. 241 s. 2008 and NCIP Certificate of Confirmation CO-R12-2017-12-014 through a 22 December 2007 en banc resolution. Initial efforts towards a unified ancestral domain claim in Central Mindanao were jointly pursued by the Tëduray-Lambangian and Erumanen ne Manuvu<sup>27</sup> leadership, but this was later split into two separate claims. Processing of the Tëduray-Lambangian Ancestral Domain Claim (TLADC) with NCIP was initiated during the Aquino era and the push towards the passage of the Bangsamoro Basic Law under the 1st Bangsamoro Transition Commission, but it was encouraged that delineation and titling be pursued under the auspices of a new Bangsamoro government to manage sensitivities, and in acknowledgment of regional autonomy as well as Moro-IP kinship. There are other non-Teduray residents in the area covered by the unified claim filed by TLADC in 2005 that NCIP began processing

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<sup>26</sup> As of April 2024, the five core sites of Camp Badre for the CTP are Brgy. Datalpandan in Maguindanao del Sur, and Brgys Sifaran, Kinebaka, Bugawas, and Sibutu, all in Datu Odin Sinsuat, Maguindanao del Norte. Camp Omar, on the other hand, has its official core sites as Brgys. Talibadok, Tuayan, Limpongo in Datu Hofer, Brgy. Saniag in Ampatuan and Brgy. Kabingi in Datu Saudi Ampatuan, all in Maguindanao del Sur.

<sup>27</sup> The Erumanen now hold a formal CADT in Carmen, North Cotabato.





Sultan Kudarat to the east; Lebak, Sultan Kudarat to the south, and Datu Blah Sinsuat to the west.<sup>28</sup> At present, there are overlapping boundary claims between LGU South Upi and the municipalities of Datu Unsay and Datu Hofer, which were both carved out from Shariff Aguak in 2003 and 2009, respectively.

Mt. Firis, which spans the second-district municipalities of Datu Unsay, Datu Saudi Ampatuan, Shariff Aguak, Talayan, and Guindulungan, is considered as a holy mountain by both the Tëduray-Lambangian and Dulangan Manobo, with oral records reaching back well prior to the turn of the century. Contemporary reports describe this place as adjacent to contested areas between the AFP and the MILF and more recently the BIFF and other armed groups and paramilitaries. However, Tëduray and Lambangian oralists trace decades of almost-continuous displacement reaching back to skirmishes with the MNLF, the Blackshirts, and their forebears. Firis is also significant given oral and written accounts from Tëduray leaders stating that the areas around these sites were ‘borrowed’ by the MILF for jihad, particularly after 1996 when Camp Badr and Camp Omar were transferred from their original locations in Buldon within Camp Abubakar then to Talayan and Mt. Firis. These accounts hold that the occupation was unilateral and post-facto agreed with the Tëduray community, and that the general agreement that the training sites would be returned once the war with national government was won.

Following the principle that national laws will have regional applicability even within an autonomous region, the TLADC claim was pursued with NCIP, albeit plagued by technical issues such as the problematic transmittal of certificate of recognition in October 2020. With the creation of the Bangsamoro Transition Authority in 2019, another major issue is BTA Resolution No. 104/38 s. 2019, which ordered NCIP to cease and desist TLADC delineation pending the passage of the Bangsamoro IP Code. This triggered discussions at the level of the Intergovernmental Relations Body between NCIP and MIPA. Another development is the ongoing MIPA delineation of a second Firis Complex claim using AO 3 s. 2021 despite the lack of an IP Code. Based on verbal reports from MIPA, the Firis Complex claim filed by primary claimant Timuay Alex Ulama covers areas in the municipalities of Talayan, Guindulungan, Datu Saudi, Datu Unsay, and Datu Hofer adjacent to Mt. Firis, although delineation is not complete and has been delayed by the reappointment of new MPs under the Marcos Administration.

Ultimately, the lack of a regional law that is consistent with IPRA facilitating the delineation and titling of indigenous lands is the main stumbling block. Basilan is currently the only province in the Bangsamoro region with awarded Certificates of Ancestral Domain Titles (CADTs) since it only joined the ARMM during the 2001 plebiscite, and therefore was under the jurisdiction of the National Commission on Indigenous Peoples (NCIP) Region IX from 1997 to 2001. The now-defunct ARMM’s counterpart agency, the Office of Southern Cultural Communities (OSCC), did not have the power to issue CADTs. Although a national law such as IPRA is assumed to have applicability in any region of the Philippines, pending CADT applications in Maguindanao and other areas were held in abeyance until the new BARMM could be created due to the aforementioned sensitivities. An Administrative Order No. 3 was released by MIPA in May 2021 providing guidelines on the delineation of ancestral domains and lands, but the delay in the passage of a BARMM IP code and continued uncertainty has serious implications for communities, notably in Maguindanao. Even as all parties await the passage of the new Bangsamoro IP Code in 2024, multiple streams of technical work needs to be done. Part of this is validating at the parcel level the TLADC boundary survey submitted to NCIP,

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<sup>28</sup> South Upi CLUP

by doing a technical accounting of existing vested tenurial rights and instruments within the boundary. This will protect existing title holders, while balancing historical acknowledgment of AD claims as well as the basis for assigning indigenous peoples municipal representatives (IPMR) within covered LGUs. At the same time, these will have to be reconciled with ongoing and pipeline development and investment plans, such as the provincial and municipal CLUPs and CDP-ELAs, private sector agricultural in tenants, and the camps transformation plans under the GPH-MILF normalization agreement.

### 3. Methodology

#### 3.1 Approach

Previous assessments of the BARMM's land issues have recommended a parcel-based, plot-by-plot accounting of existing claims that to generate evidence for the mediation and systematic adjudication of land conflicts. This process pilots a approach to test that assumption, which was co-designed iteratively with the Philippine government, representatives of the MILF peace process mechanisms, and NGOs deemed acceptable to both Maguindanaon and Teduray-Lambangian stakeholders on the ground.<sup>29</sup>

Given the multiple customary practices around land--tied to *kitab* (or shari'ah law) and the *adat-betad* (customary law and traditions) comprising *igma*, *taritib*, and other vernacular knowledge systems, as well as multiple frameworks of ancestral domain currently being legislated, the agreed method was through a visual, map-based participatory process that could combine both government administrative and community-generated information. Three specific issues were addressed: (i) perceived data poverty or scarcity and conflict areas; (ii) top-down processes, and the lack of access and control of IDPs around their own data; (iii) longstanding challenges in integrating formal and legal data with community knowledge, while reconciling overlaps. To do so, the team initiated a community- implemented, and co-designed process of household-level data collection to visualize both formal and traditional claims, first through analogue tarp and sketch maps, which were then digitized and layered using GIS software. Concretely, this meant that geolocated data was gathered and validated using large basemaps of both government boundary data and commercially-available high-resolution satellite imagery. These basemaps were printed on tarpaulins given the rough weather conditions in the field sites. Plastic sheeting, permanent markers, and stickers were then used to allow respondents to draw information as part of individual interviews and FGDs. These maps were then photographed and digitised in GIS software to allow community inputs to be overlaid with other administrative and thematic information. Several validation processes were then used to validate these layers. Iterative community validation processes were used to cross-check historical

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<sup>29</sup> A memorandum of agreement with the Philippine Office of the Presidential Adviser on Peace, Reconciliation and Unity (formerly the Office of the Presidential Adviser on the Peace Process) the primary national government ministry overseeing peace negotiations, was signed in November 2020. The tribal government of the Teduray-Lambangian indigenous community, provided prior and informed consent (FPIC) for collaborative field research when the proposed design was presented during the Indigenous Peoples Leaders Convergence Conference on 30 July 2021. The actual implementation of field activities from October 2021 to March 2022 was enabled by a larger research partnership managed by a local NGO, Initiatives for International Dialogue, with United Youth for Peace and Development (or UNYPAD, an NGO) and the tribal government of the Teduray-Lambangian tribe, Timuay Justice and Governance, and the Teduray Lambangian Womens Organization, Inc. Almost all members of the field data collection teams were locals, and had experienced forced displacement at least once in their lifetimes.



narratives (including cross-validated accounts and transcribed interviews in original languages) and parcel-level map data within the specific sites, producing ‘thick’ and grounded information despite limited time and resources. All instruments were co-designed with the parties, and were translated to the vernacular languages of Tagalog, Maguindanaon, and Tëduray.

### 3.2 Site selection

Three sites in the then-undivided province of Maguindanao<sup>30</sup> were prioritized due to ongoing and cyclical land-related violence involving communities mostly populated by non-Moro indigenous peoples (NMIP). Brgy. Kuya and Sitio Manguda, Brgy. Itaw were selected in South Upi. The third site, Sitio Bagong, is mostly situated within Brgy. Kabengi, Datu Saudi Ampatuan, but has spillovers in at least two other municipalities of Maguindanao that span the foothills of Mt. Firis, including Datu Unsay and Datu Hofer. Of these three sites, Brgy. Kuya and Sitio Manguda are considered outside the core areas of the camps, and are merely ‘influence’ areas with some presence of MILF-BIAF in the peripheries. However, Sitio Bagong is considered an inner core area of Camp Omar. In Kuya, data collection with Maguindanaon stakeholders was conducted in partnership with UNYPAD, while the Teduray-Lambangian interviews and mapping sessions were facilitated by TJG and TLWOI. Both Itaw and Kabengi were run directly by TJG and TLWOI, although UNYPAD participated in the late-stage validations with regional stakeholders.

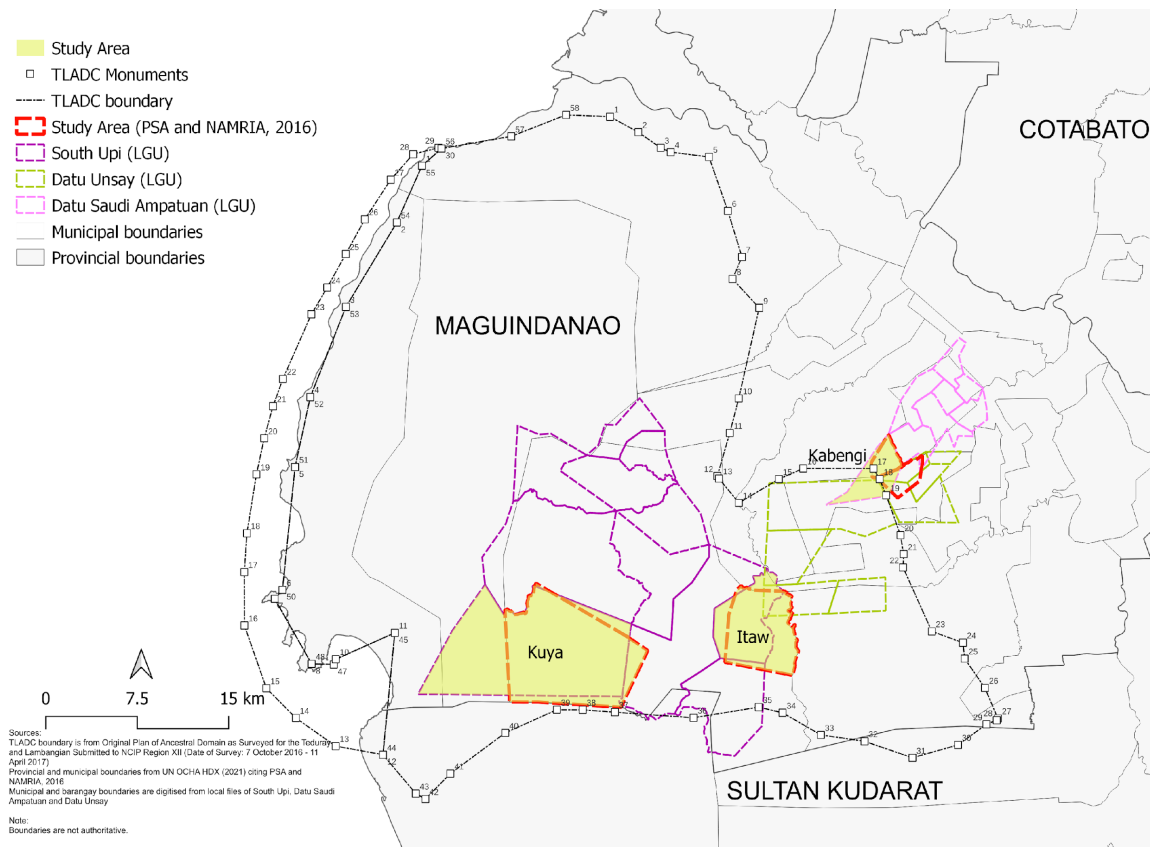


Figure 3. Site selection

<sup>30</sup> With the successful September 2022 plebiscite, both South Upi and the municipalities surrounding Mt. Firis are now part of the new province of Maguindanao del Sur under RA No. 11550, although its implications on ongoing disputes and claims remains uncertain.

Georeferenced barangay, sitio, and household and farmlot-level information were gathered in all three sites. Due to unreliable political boundary data, sessions focused on visualizing community knowledge regarding sitio locations and their natural boundaries such as major rivers, streams, and mountains; before collecting parcel-level data for houselots, farmlots, and communal areas. Most place-names are predominantly Tëduray, but some sitios have different names in Tëduray and Maguindanaon. A total of 131 IDPs in Maguindanao participated in georeferenced household surveys, complementing broader FGDs and validation processes involving a broader swath of residents, community leaders, and stakeholders in each site. Efforts were taken to cross-reference and triangulate narratives and timelines from Tëduray-Lambangian, Maguindanaon, and settler residents and stakeholders particularly in Brgy. Kuya, in order to disaggregate different types of conflict, and tailor solutions based on the specific case and parties involved.

Some methodological adjustments had to be taken per area. The participatory mapping process undertaken by the research allowed local stakeholders to map out for the first time all 47 of Brgy. Kuya's sitios, of which only 43 are currently acknowledged by the LGU based on definition that 1 sitio = minimum 50 households. In Sitio Bagong, security conditions made longer fieldwork difficult. As a shortcut, MENRE-generated farmlot data was used, along with household records held by the local IPMR.



Figure 4. Figure 5. **Community mapping and validation activities in Maguindanao**

#### 4. Results

The next section discusses the results of the community mapping, dialogues, and validation sessions in Barangay Kuya, Sitio Manguda, and Sitio Bagong.

##### 4.1 Barangay Kuya, South Upi

Barangay Kuya is the largest barangay in the municipality of South Upi, province of Maguindanao. It came to widespread attention in 2017 when violence connected to land occupation and use triggered the displacement of hundreds of families, many of whom were Tëduray-Lambangian. Since then, annual or bi-annual recurrences have caused residents to evacuate for months at a time, either staying with nearby relatives or in makeshift evacuation centers in poblacion basketball courts. By 2020-2021, multiple government agencies, donors, and NGOs stepped in to provide humanitarian support and facilitate dialogues amongst affected Tëduray, settler, and Maguindanaon residents.

These dialogues focused on six conflict-affected rural sitios: Walew Ideng, Furo Wayeg, Nuling/Nara, Dara/Uget, Langa-Langa, and Selaklak. All of these sites are upland farming communities adjacent to the left-hand side tributaries of the Rifao river. complexity of claims and inter-group relationships in Brgy. Kuya can be traced to at least five waves of history: i) recorded oral history dating back to the 1930s; ii) the height of the wars in the 1960s and '70s, especially the era of the infamous Feliciano Luces, alias Commander Toothpick; iii) decline in inter-group relationships in the 1980s and several attempts by the Maguindanaons from Tran and Lebak to return to Kuya until the early 1990s; iv) ongoing tensions in the poblacion sites covered by the GSS-445 survey; and most recently, v) the newer tensions related to Camp Dara from 2017 to the present.

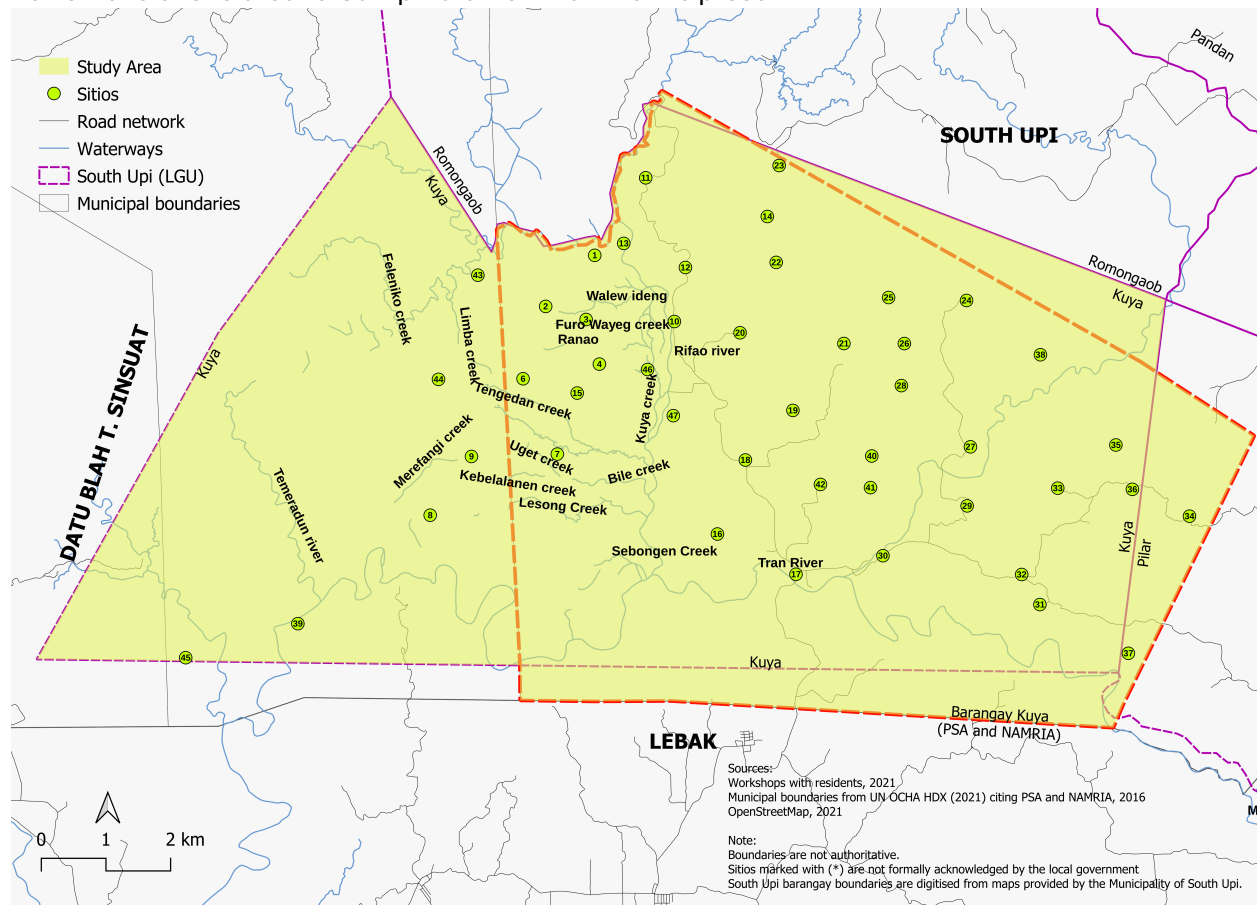


Figure 6. Sitios of Brgy. Kuya, South Upi

A large part of the work is unpacking the various (incomplete) surveys conducted in Brgy. Kuya over the years. As Maguindanaons tended to be more literate than their neighbours, they were more able to have their lands titled. At the same time, the concept of individual titling is not uniformly acknowledged even among all Tëduray-Lambangian elites, as the Torrens title system goes against tribal perspective of fusaka inged, or native title not based on legal instruments issued by the Philippine state or its colonial predecessors. Respondents identified at least five survey processes directly affecting Kuya’s residents since the 1960s:

- The first survey initiated by Mayor Datu Ugkog Sinsuat in 1962, covering Malinao in Pob. Kuya until the highway

- The Presidential Assistant on National Minorities (PANAMIN) program for Philippine cultural minorities during the Marcos I era, which included Brgy. Bahar, South Upi and Brgy. Kuya-adjacent Rifao plots in its distribution of land
- General Social Survey (GSS-445) conducted during the tenure of Mayor Labina. This covers most of the built-up areas in Kuya.
- A limited 10-lot survey conducted during Samama Calutiag’s tenure as Teniente del Barrio. This spans an area from the Tran River, partially covering parts of Lebak and Tran
- A 1993 unapproved homelot survey initiated by Catalino Ariston.

In order to make sense of multiple layers of information, we piloted a process of systematically comparing seven sources of data to plot out the estimated 202 house and farm lots covered by GSS-445 in the poblacion. This includes both LGU assessors data, individual title information and survey returns, as well as community-generated information on occupancy gathered by TJG and UNYPAD.

Figure 7 below illustrates data from seven different sources, described in detail as Table ` . The request from both Tëduray and Maguindanaon residents is to use evidence for dialogue and problem-solving moving forward, as government attempts to find ‘win-win’ solutions for the poblacion while managing tensions in the upland sitios were suspended by the May 2022 elections. Moving forward, this kind of parcel-level documentation that combines both legal documentation and actual occupancy and use will be required to facilitate dialogues and ultimately secure and formalize rights of residents in a transparent and inclusive manner.

	Name of dataset	Source	Description		
1	List of original occupants under GSS 455 as of 1985	LGU South Upi Copy. Copied from the original submitted to the Honorable Governor Sandiale A. Sambolawan, Al Haj, on September 4, 1985, at the Kabunsuan Cultural Center Hall	37 with lot information	168 claimants	
2	Summary of Relocated Lots and Lot Status (Brgy. Kuya, South Upi, Maguindanao)	LGU - Prepared by Engr. Alan C. Devina	31 lots (plus 5 sub-lots)	151 claimants	99 with documentation, 53 with no documents - occupants only
3	Controversial Lots of Barangay Kuya	South Upi Municipal Assessors Office	15 lots (including 4 sub-lots)	28 registered claimants	no data on actual occupants

4	Lebak petition dated 17 June 2020 sent to Mayor Insular for preferential rights	Lebak Group petition submitted to Mayor Insular	63 lots (2 sub-lots, 3 unnamed)	74 petitioners	5 petitioners claiming multiple lots; 9 lots with multiple claimants
5	Lots with survey plan data provided to research team for digitisation	Provided by claimants to research team	6 lots	7 petitioners	
6	Community list of actual occupants	Gathered by TJG in March - April 2022	84 lots		
7	Community list of actual occupants	Gathered by TJG in March - April 2022	80 lots		
8	Community list of claimants	Inputs from UNPAD session	27 individual surveys + group validation		

Table 1. GSS-445 datasets triangulated in Brgy. Kuya

	Sitio Name
1	Waken' Idang
3	Furch Wayeg
4	Nuling
10	Cocob
12	Simon
13	Klengkol' Kukob
16	Togaduhall' Angkob
17	Gulle-Gulla
18	Atus
19	Bituen
20	Enrokol' Anrokol
21	Bagbagan
22	Mengagan
24	Diesang
25	Kemakulusia
26	Grehen
27	Benuan
28	Siyok
29	Utby
30	Itak
31	Kiril
32	Tumfoik*
33	Kibunguy*
35	Kolo
36	Kerkah
37	Bangkog
38	Kutanganlitan
40	Bagras
41	Ranao Badak
42	Semedi
46	Bulug*
47	Malnaw*

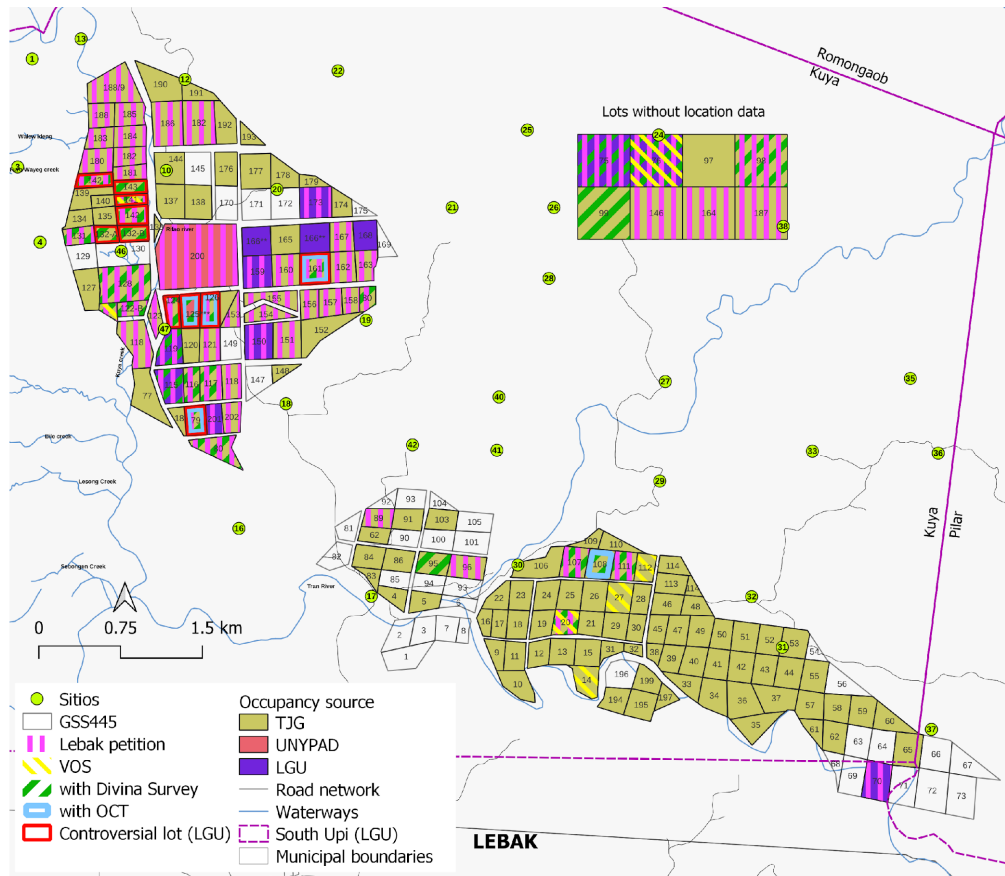


Figure 7. Contested lots in built-up areas, Brgy. Kuya, South Upi

#### 4.2 Sitio Manguda, Barangay Itaw, South Upi



Itaw is one of the most sparsely populated barangays in the municipality, second only to Kuya, largely due to its remoteness many political overlaps in the former second district of Maguindanao, Itaw also has overlaps with the municipality of Datu Saudi Ampatuan, notably Brgy. Fenangkhet, which claims the land covered by Sitio Manguda, although there are no direct road openings between these barangays. Land issues are also prevalent in the eastern border with Ampatuan municipality, notably the area covered by the DM Consunji logging corporation.

Although there are multiple contested sites in the eight sitios of Barangay Itaw, we focus on Sitio Manguda, arguably one of the most hard-to-reach areas of South Upi. Oral history states that Sitio Manguda was founded by the Tëduray-Lambangian clan leader Lukes Manguda for his eight wives and their children, setting up small shanty-homes (tenines) by the forest clearing. Currently, however, the more affluent traders and local officials in Itaw are settlers who moved to Itaw from Lebak during the Martial Law era. Community members were deeply affected during the time of the Ilaga led by Kumander Toothpick, as well as other atrocities during Martial Law. The elders shared that during that time, they hid in the forest that was still part of their ancestral land because they were afraid. The 1970s also saw the arrival of settlers from Lebak in Manguda. The selection of Sitio Manguda was driven by recent events, but residents shared major attacks from unnamed Moro armed groups in 2000 and 2012. These attackers burned houses, stole animals and other properties, and harmed key sitio leaders.

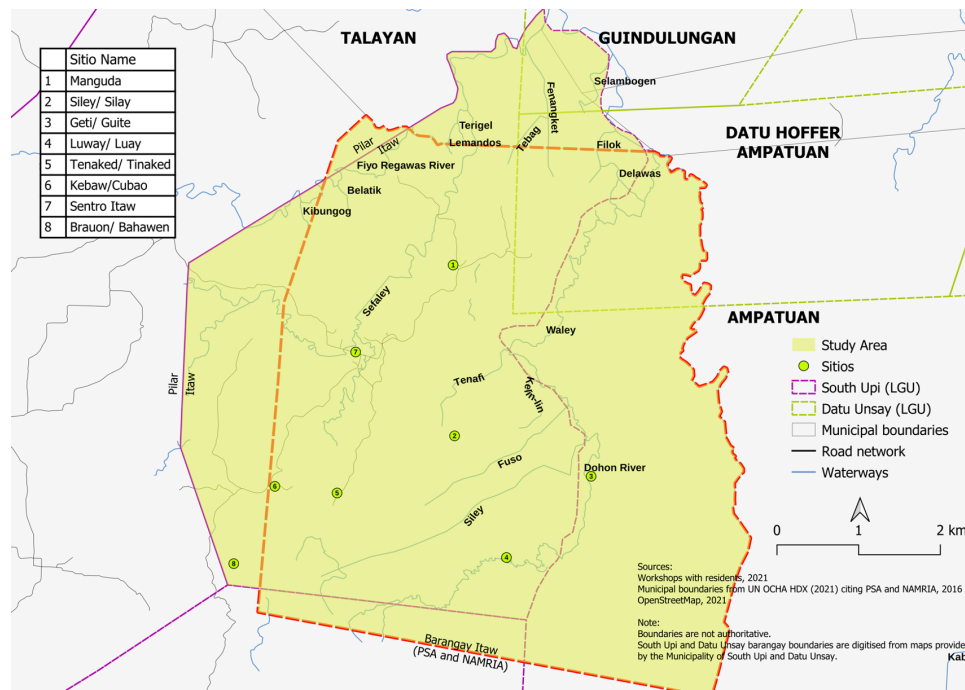


Figure 8. Brgy. Itaw, South Upi

The mapping and community dialogues surfaced at least three layers of contemporary land issues. The first layer is related to the major displacement that occurred in December 2020 when unidentified armed men attacked Sitio Manguda and torched homes and fields, forcing the community to evacuate. Residents have reason to believe that the attack was related to development aggression, as leaders had refused to give way to agribusiness investors. The process allowed Sitio Manguda residents to map out the locations of the 87 households and at least 78 farmlots, which include communal-use areas where the homes are located. In the absence of a formal surveyor,

residents identified accepted boundaries such as ravines and trees, as well as the agreed ordering of lots, which range anywhere from 5 hectares to at least 2 hectares for each family. The georeferenced houselots as well as the tribal halls are located in the communal area. Designated communal lands are also identified for young people who would like to farm but had yet to secure a separate farmplot. Spaces were also reserved for members who were displaced by conflict and had yet to return.



Figure 9. Torched homes in Sitio Manguda

The map below shows very indicative visualization of the spatial ordering of sitio Manguda, whose count begins from the ravine on the right-hand side of the sitio marking the beginning of the Campong family property. This ordering has been discussed extensively in the participatory mapping workshops and revised iteratively during group validation sessions with all family members and elders present.

The map also visualizes some of the debt- and fraud-related encumbrances on specific lots that will need to be addressed with support from external authorities. In order to address any threats moving forward, it is recommended that the community-accepted ordering be surveyed and formalized as soon as possible. The outstanding issue of mortgaged lands will require State intervention since residents do not have the money to pay the compounded debts. However economic recovery and staving off hunger is the top priority.

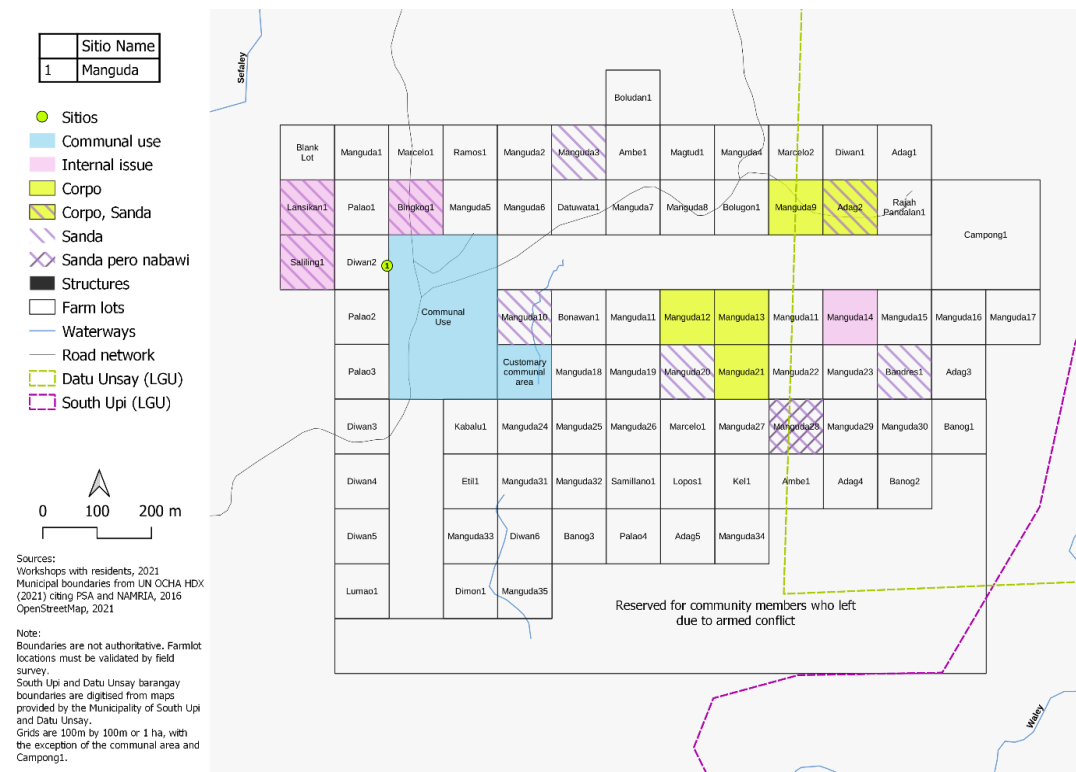


Figure 10. Encumbrances on farmlots, Sitio Manguda, Brgy. Itaw, South Upi

### 4.3 Sitio Bagong

Sitio Bagong is a semi-permanent community currently hosting just under 200 Teduray-Lambangian families displaced from the foothills of Mt. Firis, which is considered a sacred mountain in Teduray cosmology. While their clans were forced to periodically move and scatter due to outbreaks of violence over the last sixty years, the sacredness of Firis ensures that they cannot leave the area. The metaphor used by respondents for these cycles of displacement is ‘kefererey bekhetin’—in the same way that striking a sow will temporarily force the piglets to scatter but said piglets will always circle back and return, so it is with the Teduray and Mt. Firis.

Thus, many families still maintain farmsteads around the holy ‘batew (rock)’ even if their children remain in Bagong and surrounding ‘host’ sitios for safety. Many of the families in Bagong were previously located in the military-designated Hill 224 after succeeding waves of violence involving MILF breakaway groups such as the Bangsamoro Islamic Freedom Fighters and various private armed groups and purported ‘lost commands’ in 2000, 2005, and 2008. Even after moving to Bagong and other sitios in the Firis Complex, residents remain exposed to violence due to its proximity to the so-called SPMS box<sup>31</sup> and the recent spike in development aggression after 2017. Families are unable to harvest their crops unarmed. As a result, many residents have joined the CAFGU, whose checkpoints surround the community perimeter.

<sup>31</sup> “SPMS box” is a military term referring to a highly-contested cluster of areas located near the Ligawasan marsh area in Maguindanao del Sur that is bounded by Barangay Salbu in Datu Saudi Ampatuan, Barangay Pagatin in Datu Salibo, and the towns of Mamasapano and Shariff Aguak, Gerrymandering and spillover security challenges link these sites to the contiguous towns of Datu Unsay, and parts of Datu Piang, Rajah Buayan, Sultan sa Barongis, and Shariff Saydona Mustapha.



There are at least four layers of land conflicts in Bagong. The first is related to the overlapping political boundaries of at least four municipalities previously belonging to the second district of Maguindanao, now Maguindanao del Sur. Most government and military maps locate Bagong on the border of Datu Unsay and Datu Saudi Ampatuan municipalities. The majority of the homes straddle Barangay Kabengi, Datu Saudi Ampatuan, hence the appointment of Sitio Bagong’s community leader as the Datu Saudi Ampatuan Indigenous People’s Municipal Representative (IPMR) The second layer involves development aggression, where various investors and clan-affiliated private armed groups have attempted to secure titles over the area’s fertile agricultural land. The third is related to Sitio Bagong and Mt. Firis’s inclusion in the core areas of Camp Omar, which is one of the six MILF-BIAF camps acknowledged for socioeconomic ‘transformation’ under the 2014 CAB. Community narratives and various research pieces establish how the area was ‘borrowed for jihad’ after 1996, but the lack of legal documentation as well as misunderstandings regarding the impacts of ‘acknowledgment’ by the joint ceasefire committee on customary tenure creates an uncertain environment particularly for displaced Tëduray residents. The fourth layer of land conflict is the unresolved issue of ancestral domain in the Bangsamoro, although even in the absence of a BARMM IP Code, the MIPA has begun delineating specific sitios and barangays in Firis under its AO No. 3, Sitio Bagong included. A fifth emerging issue is the claim of members of an influential political clan that they currently hold Torrens titles for Mt Firis and surrounding areas themselves, although it is unclear as to how these titles were issued, and the true extent of said coverage.

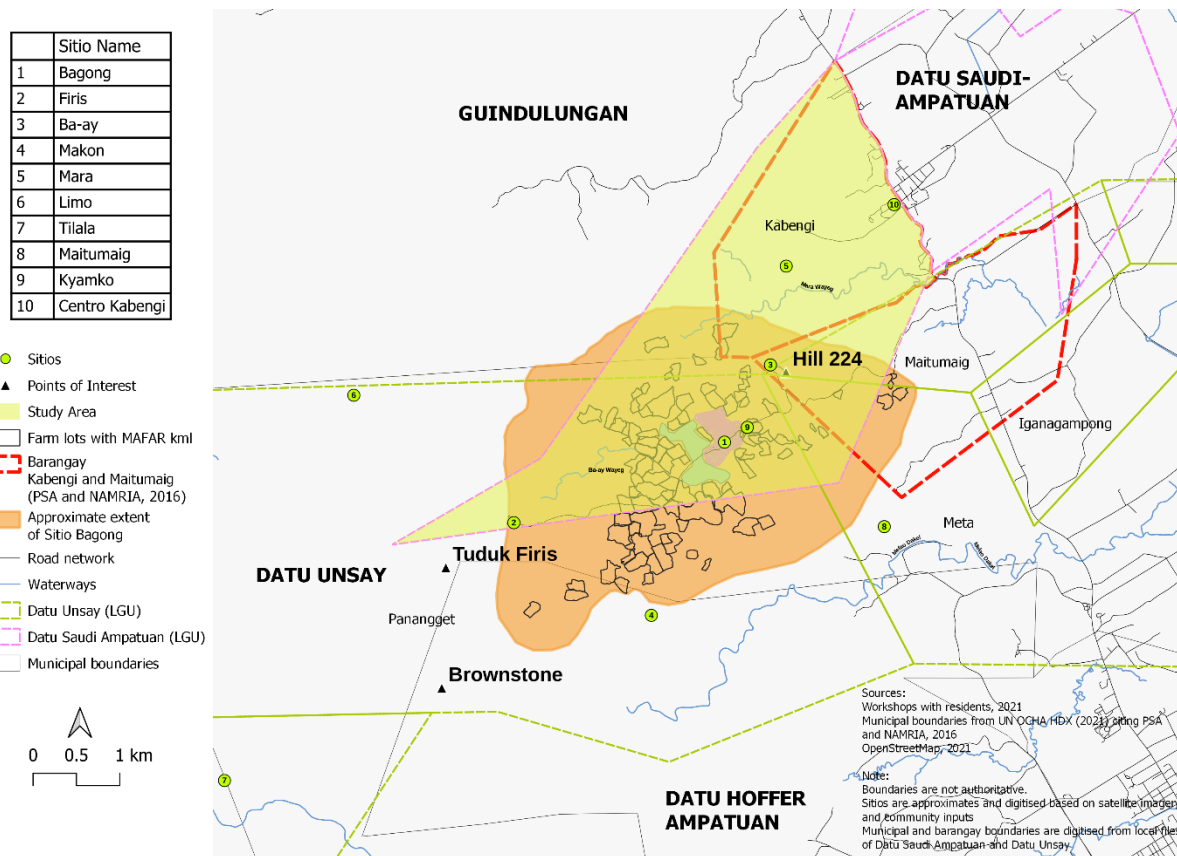


Figure 11. Overlaps in Sitio Bagong

In order to assist the residents in documenting their claims, the research team georeferenced 161 houselots in Sitio Bagong, although other families have since transferred to other nearby sitios. Ninety-eight (98) farmlots, or almost half of the total farming families have already been georeferenced by MAFAR in the course of documenting the provision of farm inputs in Bagong. The remaining farmlots have yet to agree to delineation due to fears of their land being stolen from them yet again. While the homelots and communal rice area is located in Bagong, the farms are spread across multiple sitios claimed by multiple municipalities, particularly Sitios Firis, Ba-ay (or Hill 224), Makon, Mara, Maitumaig, and Kyamko. This process of documentation can be integrated into the regular tribal and government census, and can be repurposed by the major tenurial agencies to help these residents secure their homes and livelihoods, even as the desire to return to Firis remains.

Given that the Sitio Bagong community has a generally strong internal governance structure with its own decision-making and documentation mechanisms, there are no real internal parcel-level issues, whether for the houselots, the communal rice production area (basakan), or individual family farmlots. The main problem has to do with the encroachment of other interests, mostly armed, and the lack of clarity regarding municipal boundaries and responsibilities.

## 5. Implications moving forward

The research tests a working model of how to visualize land issues in areas with multiple overlapping claims at the parcel level. We found that generating evidence related to specifically identified houselots and farmlots across an entire neighborhood can help cut through the politicised tensions that come with multiple ancestral domain claims and the implementation of a live peace deal. Detailed documentation can form the basis for dialogue and problem-solving among stakeholders, in a way that grounds site-specific challenges and opportunities in the conflict history of each site as well as the actual ongoing occupants and users of the space. It also allows for stakeholders to discuss area-specific vernacular concepts of land, and how various claimants and occupants deploy plural regimes of land delineation, transfer, and control. Thus, the key message is that there is a need to address land issues based on typology, investing in legal processes to address issues plot-by-plot, claim-by-claim in a manner that acknowledges not only existing titles but also customary and vernacular occupancy and use.

What are the implications of these results? The evidence from the three sample sites show that at the neighborhood scale, it is possible to clearly identify specific claimants and actual users and occupants of the land while teasing out the basis for their claims—whether customary, legal, administrative, or political. Moving forward, the stakeholders agreed to initiate dialogue processes based on the generated data for conflict resolution. In Brgy. Kuya, the recommendation was to begin with intimate dialogues between Tëduray and Maguindanaon elders whose families were involved when the original Maguindanaons from Tran and Lebak were given permission to settle in Upi, before expanding to other groups. Sitio Manguda and Sitio Bagong, on the other hand, will require slightly different setups given that these involve multiple overlapping municipal claims. Evidence and consensus built on evidence can then inform broader processes involving MIPA and the GPH-MILF mechanisms. In all sites however, the intention was to move towards formalization, survey and titling, and helping residents get on government census and project databases as much as practicable, while avoiding perpetuating any further marginalization and dispossession. Respondents also expressed a level of pragmatism: while the ideal trajectory is to get their land claims acknowledged in the context of ancestral domain and indigenous political structures, others pointed that out that other Teduray clans notably in North Upi have already secured their land in the

meantime using community-based forest management agreements and agrarian reform instruments. Although additional sites need to be mapped in similar fashion, it supports the hypothesis that very few places in Central Mindanao will be truly ethnolinguistically homogenous. As such, a blanket framework of *fusaka inged* (ancestral domain) may not completely apply; a more granular mapping of *fusaka fantad* (ancestral lands) at the neighborhood and clan level may be more negotiable. This will come in handy once the Bangsamoro IP code is passed, and once the parties agree to do more rigorous inventories of land claims in the 36 barangays to be developed under the Camps Transformation Program. It has been noted, in this sense, that while IPRA is a framework that provides national protection to non-Moro indigenous peoples, similar instruments do not exist for the Bangsamoro ethnolinguistic groups, who themselves are indigenous. However, until the BARMM passes its legislation appropriate to regional realities, existing national and regional issuances will apply.

While histories of violence and displacement play a role in heightening uncertainty and tenurial instability, economic pressures such as outstanding debt, pestilence, and drought are equally influential. As such, the recommendations emerging from the process is to invest in livelihood support beyond camp-based humanitarian aid to ensure that displaced communities are able to recover from shocks. Although there are existing policies and local ordinances related to non-sale of ancestral land and the protection of subsistence farmers from predatory debts and leasehold arrangements, actual implementation of these laws is another matter. A pragmatic way forward is to invest in agricultural support, access to markets, infrastructure for farmers for upland farmers to ensure that they will not go into debt and be forced to mortgage land due to shocks (rat infestation, illnesses), while assist farmers whose lands have already been seized by traders to cover compounded debts. Legal education will also be necessary to ensure that farmers are aware of their housing, land and property rights.

At the same time, many of the sites have existing residents and are not *tabula rasa* despite the occupants not having formal documentary proof of their tenurial claims, except for a handful who are hold tax declaration certificates and other state-issued documents. In the context of development projects and the implementation of the 'peace dividend', it must be clarified that the CAB has only committed to the transformation of these camps, which does not invalidate other persons' or groups' occupancy of land, or automatically translate to 'ownership' by the MILF of those camps. A missing link is investing in communications on key topics, particularly i) tempering community expectations regarding post-CAB development; ii) addressing misinformation regarding land rights. Ensure that citizens understand the provisions in the CAB and BOL guaranteeing respect for vested property rights. As projects in the CTP such as housing packages, ecotourism development, and even land titling have tenurial implications, safeguards must be put in place to ensure that these socioeconomic packages do not cause further conflict. To support this end, there will be a need to map out high-value resource areas in relation to ongoing or potential conflicts, while taking into account hyperlocal, granular information and the narratives residents tell about these spaces in order to explore viable ways forward. This should include but not be limited to beachfront property, potential or ongoing mining and quarrying areas, prime agricultural lands, water resources, energy sources, and their overlaps with culturally-relevant places. Nevertheless there will be a need to expand the discussions on community security as part of the GPH-MILF normalization process beyond decommissioning and camps transformation, while working with the Central Government, DENR, MAFAR, MILG and the Office of the Chief Minister to finalize the BARMM cadastral survey and address ongoing contestation between and among LGUs. Ultimately, efforts should go towards using conflict mediation and systematic adjudication in order to support land tenure stability whether or

not within the context of the six camps. The CAB and the Bangsamoro transition is an opportune window to do so.

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## About the Author

**Maria Carmen ‘Ica’ Fernandez** is a development professional with over 14 years of experience in the design, implementation, and evaluation of policies focusing on addressing the root causes of violence, supporting citizen power, improving service delivery, and increasing social cohesion. Her engagement the five formal peace tables between the Government of the Philippines with various non-state armed groups includes prior work in the Office of the Presidential Adviser on the Peace Process (OPAPP, now OPAPRU); advisory roles with various multilateral and bilateral development organisations, INGOs, and CSOs; as well as direct technical assistance to the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) and its precursor, the Autonomous Region in Muslim Mindanao (ARMM). She holds an MA in Urban and Regional Planning from the University of the Philippines Diliman and an MPhil in Planning, Growth and Regeneration from the University of Cambridge. As a final-stage PhD Candidate at the University of Cambridge, her work focuses on the relationship between protracted internal displacement, customary property rights, and land governance.