



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

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LAND GOVERNANCE AS MORAL GOVERNANCE

Options for housing, land and property policy
reform in the Bangsamoro transition

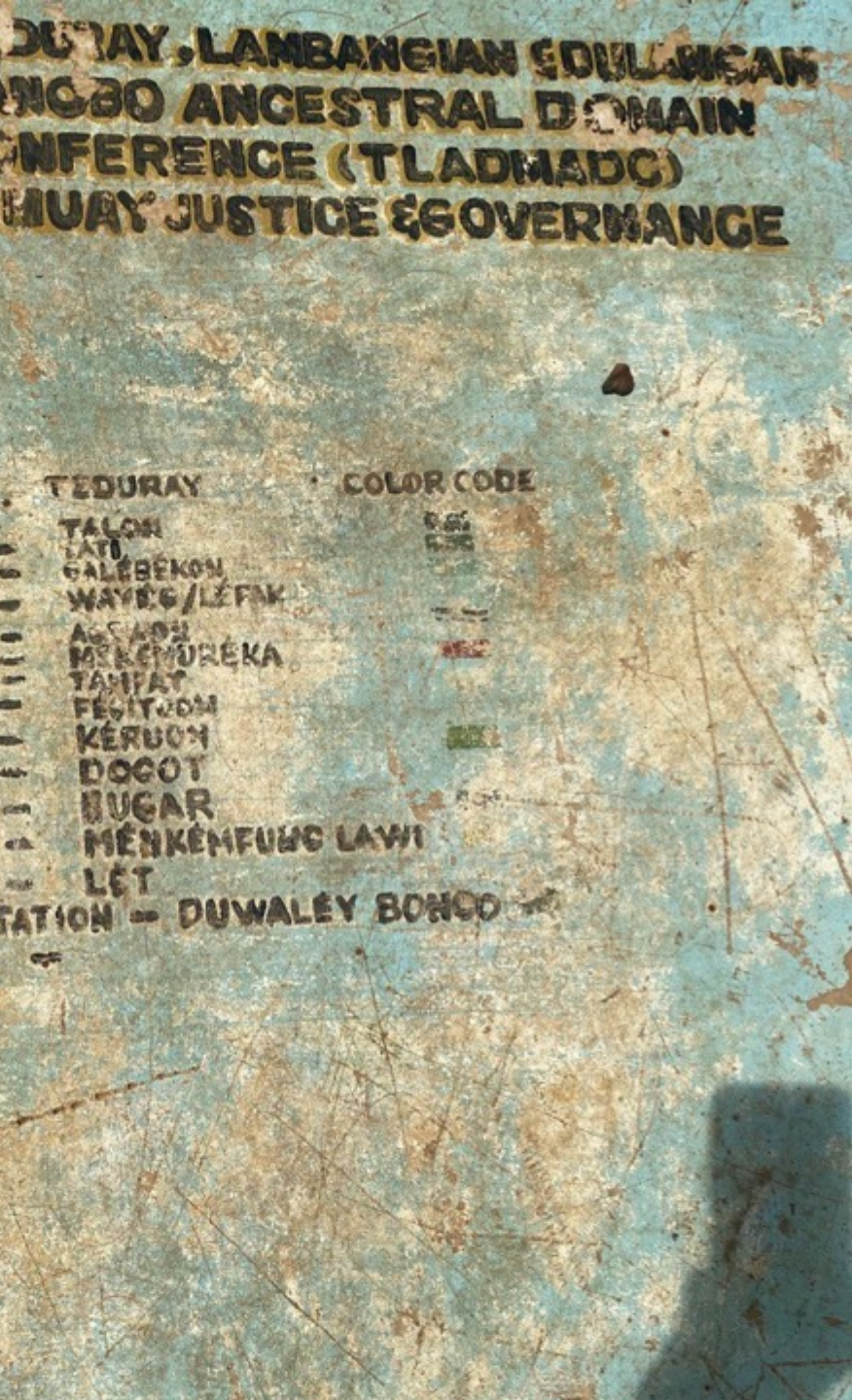
A Policy Brief



Land Rights, Displacement, and Transitional Justice in the Bangsamoro

Insights from household-level mapping
in Marawi City and Maguindanao

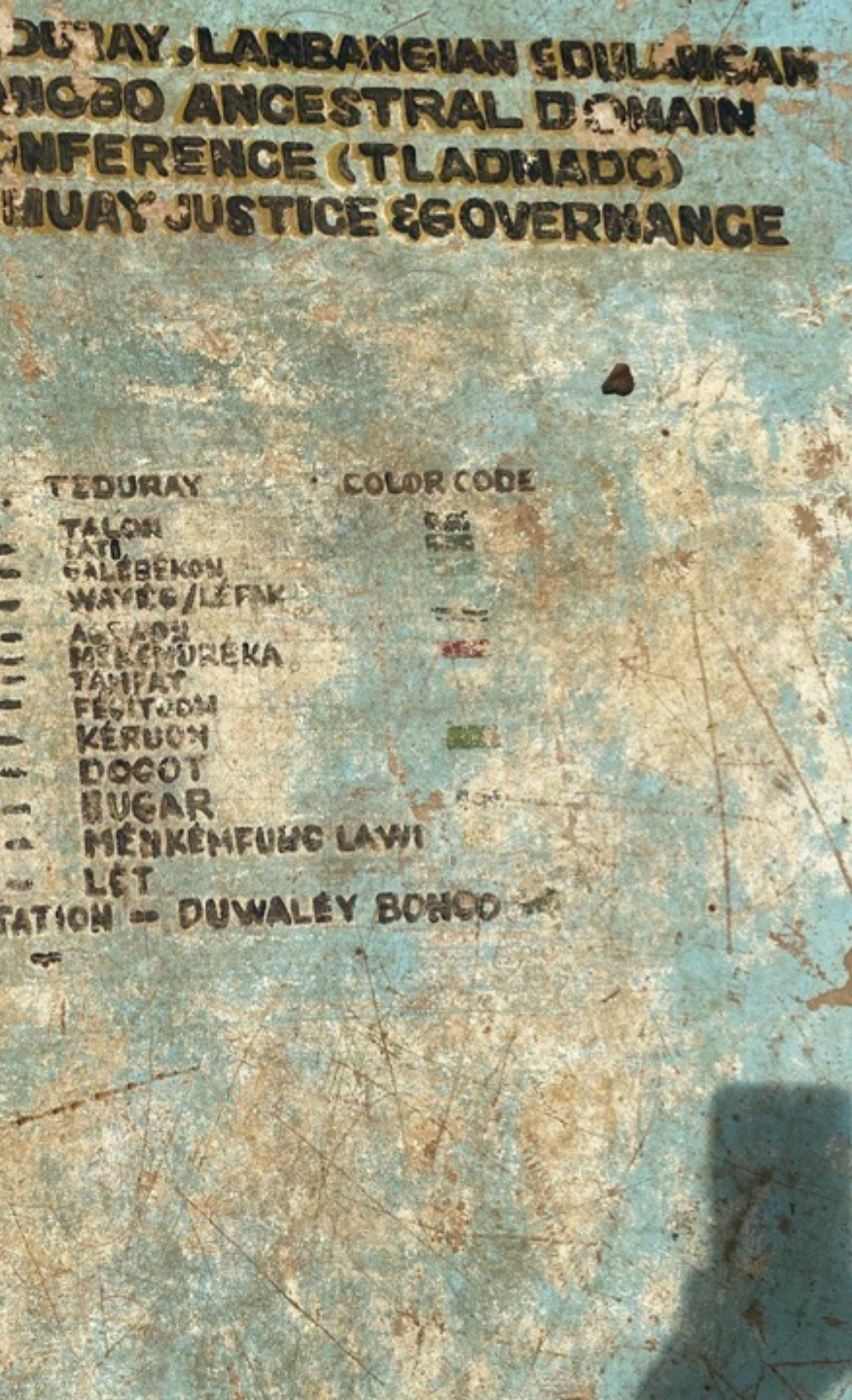
SUMMARY REPORT
March 2023



On land claims and peace deals

Most contemporary peace agreements have commitments related to **land conflict, forced displacement, post-crisis reconstruction, environmental resource management, land reform**

- Most attention on territorial scope and “**peace dividends**” for former combatants and communities
- **less on plural (Torrens + pre-colonial customary + informal) property regimes and overlapping tenurial claims**



On land claims and peace deals

What happens when **multiple indigenous groups have contesting legal, historical, and use claims** over the same areas at the same time?

What **spatial and collaborative methods** can we use to constructively surface and navigate these dynamics?



Philippine national law and administrative policy

RA No. 11054 + IGR implications
Existing Agrarian Reform + HLP legislation
Pending N/RTJRCB Bill
Pending N/RIDP law
Pending NMIP Code

RA No. 11696 s. 2022, Marawi Siege Victims Compensation Act
RA No. 8371 s. 1997, IPRA
Pending IDP Law

International frameworks
on HR/IHL

HLP rights of IDPs, IPs

**Legal
and policy
frameworks on
housing, land and
property in the
BARMM**

BTA Legislation and issuances

Peace process commitments (GPH-MNLF, GPH-MILF)

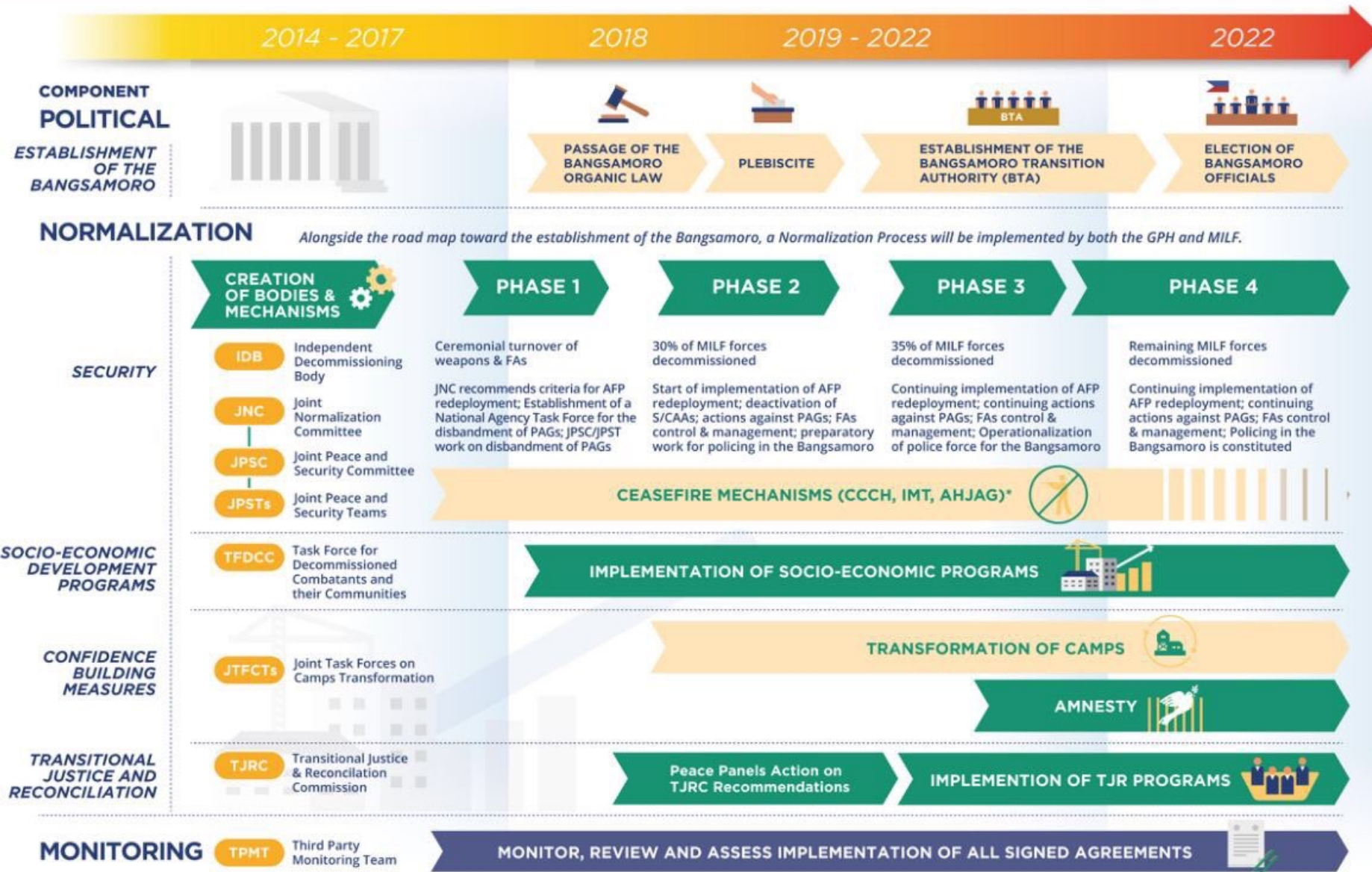
'durable solutions'
Criminalisation of arbitrary displacement

Traditional practice
Adat, customary law
Izma, taritib
Shari'ah



IMPLEMENTATION OF THE COMPREHENSIVE AGREEMENT ON THE BANGSAMORO

Signed 27 March 2014



*The Parties shall determine the transition of these mechanisms into other appropriate mechanisms in the Normalization Process

AFP - Armed Forces of the Philippines
AHJAG - Ad Hoc Joint Action Group

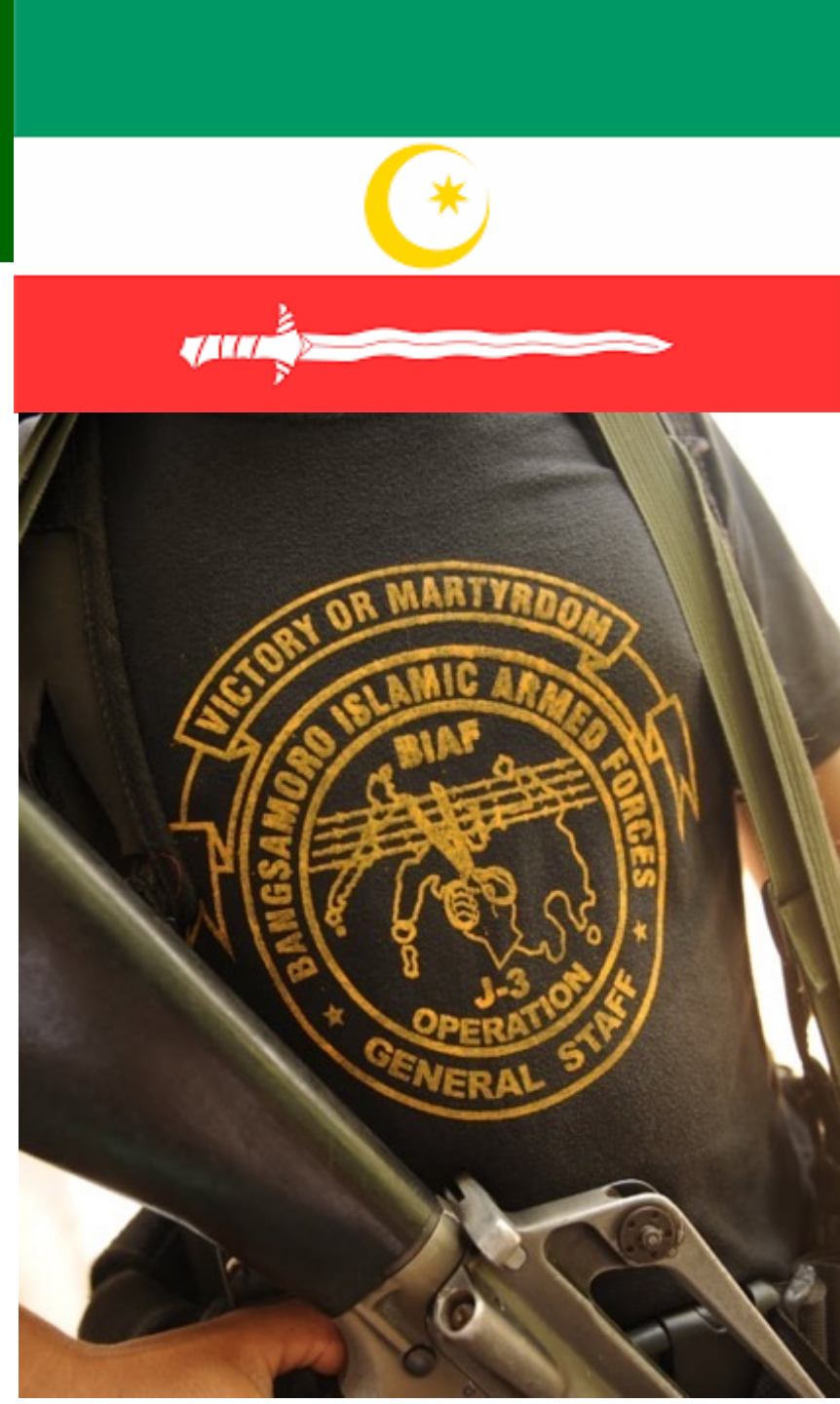
CCCH - Coordinating Committees on the Cessation of Hostilities
FAs - firearms

GPH - Government of the Philippines
IMT - International Monitoring Team

MILF - Moro Islamic Liberation Front
PAGs - private armed groups

S/CAAs - Special/Civilian Active Auxiliaries

Program for Normalization



1. Security Aspect
 - a. Policing
 - b. Transitional security arrangements
 - c. Decommissioning of MILF forces and weapons
 - d. Redeployment of AFP units and troops
 - e. Disbandment of private armed groups (PAGs)
2. Socio-Economic Development
3. Transitional Justice and Reconciliation
4. Confidence-Building Measures

Location of 6 Previously Acknowledged MILF Camps

6 previously-acknowledged MILF camps

1. Camp Abubakar as-Siddique
(*Maguindanao*)

2. Camp Busrah Somiorang
(*Lanao del Sur*)

3. Camp Rajamuda (*North
Cotabato and Maguindanao*)

4. Camp Badre (*Maguindanao*)

5. Camp Bilal (*Lanao provinces*)

6. Camp Omar ibn al-Khattab
(*Maguindanao*)

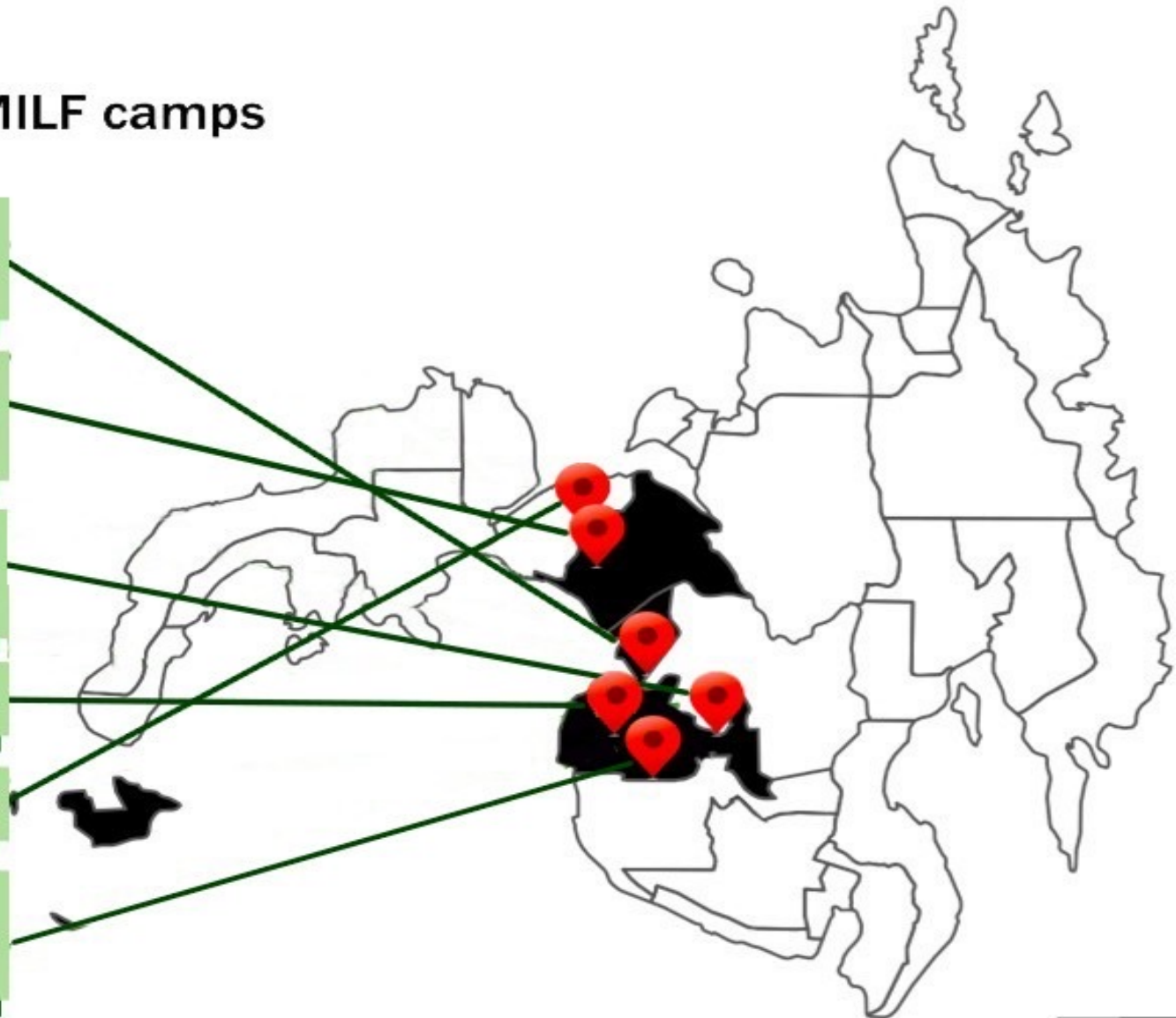
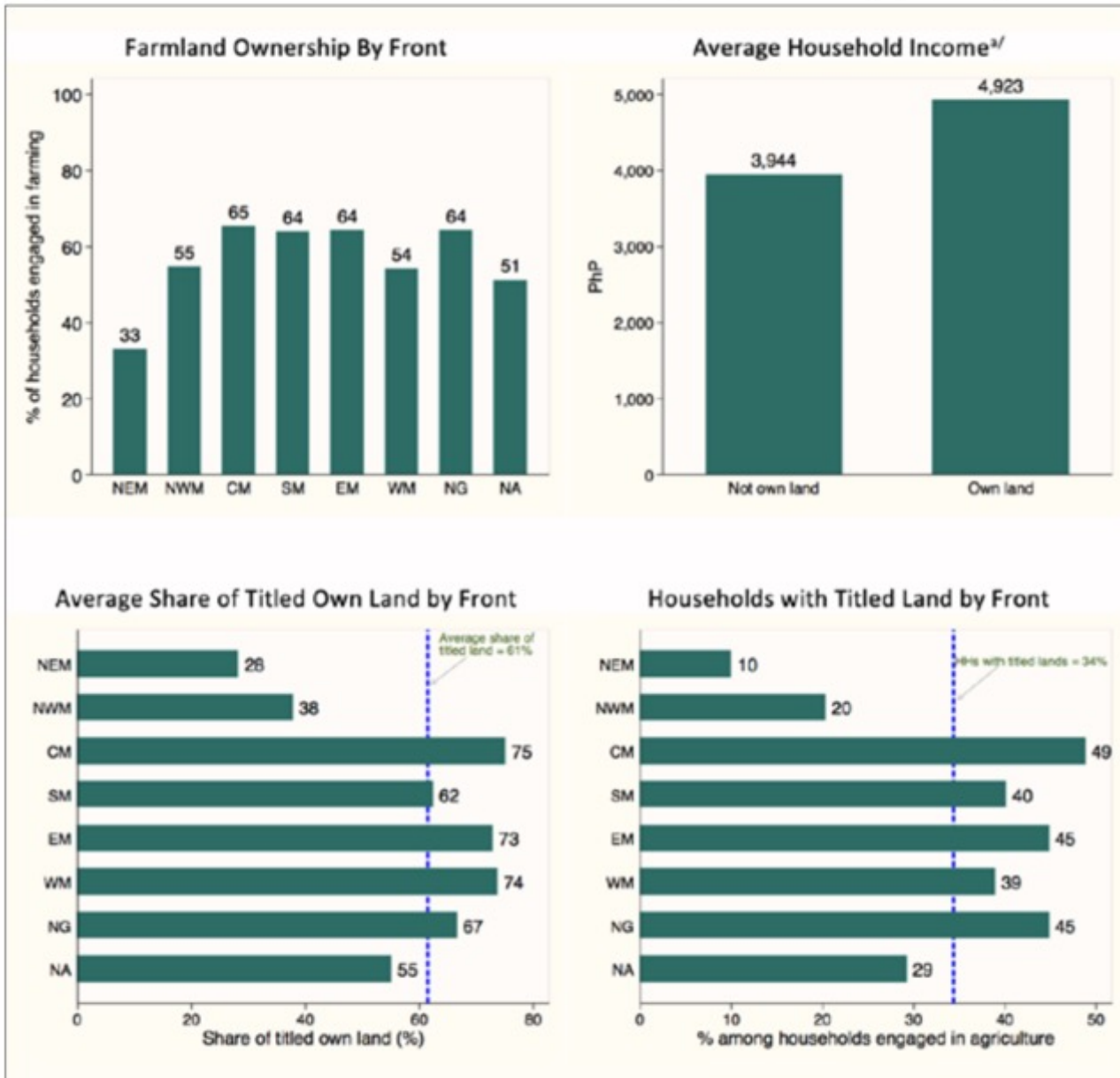
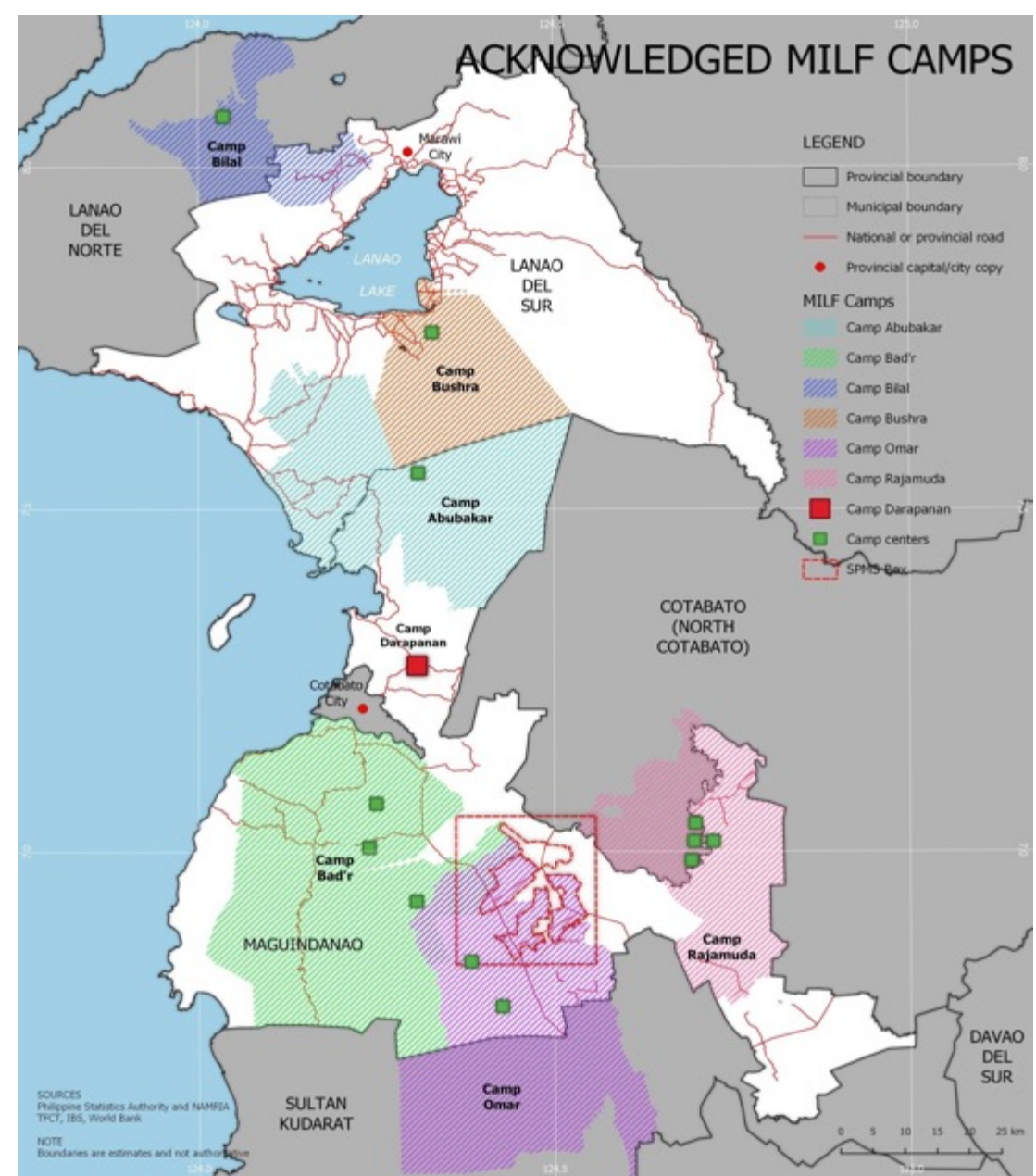


Figure 16. Farmland Ownership And Titled Lands Among Households Engaged In Agriculture



a/ Among households engaged in agriculture
Source: BIAF Needs Assessment 2015

IBS, 2018



Fernandez, Baunto and Villasper, 2019
OpenBangsamoro.com



Camp Transformation P L A N

Abubakar

Bushra

Rajamuda

Badre

Bilal

Omar

1. SPACE (AREA OR TERRITORY)

- a. Core and Outer Core: from the training areas to areas of production, protection and participation.
- b. Influence Areas: from areas of responsibility/ operations to areas of cooperation and partnership

2. PEOPLE

As individual and groups

- a. In terms of capacities:
 - i. Mindset (from being war-focused to being peace-oriented)
 - ii. What they can do (from war skills to life skills)
- b. In terms of their state
 - i. Better access to livelihood opportunities and services
 - ii. More participation in governance
 - iii. More secure
- c. In terms of relationship
More inclusive

3. RESOURCES

- a. War materiel is “put beyond”
- b. Natural resources are utilized and protected

TIER 1 PROGRAMS

Agri-Livelihood Support for Camps Program



Community Infrastructure Support Program



Resettlement and Housing Program



Cooperative Development Program



Community Resilience Enhancement Program



Social Cohesion Promotion Program



Environmental Management Program

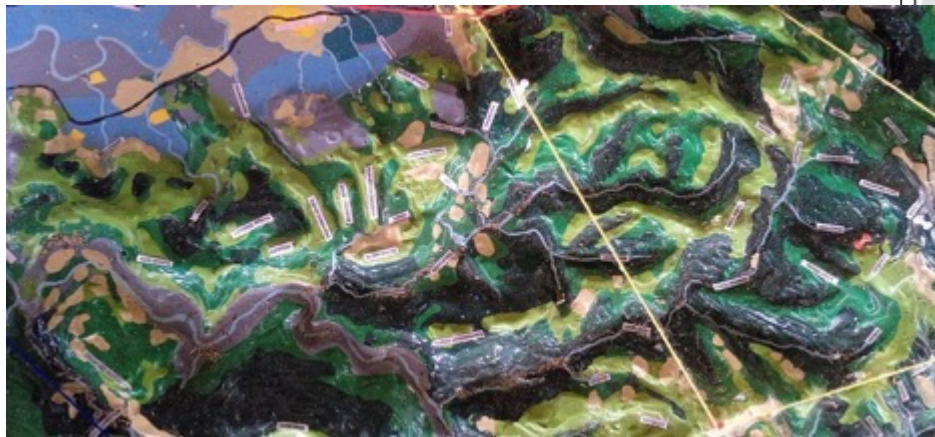


Spiritual & Cultural Preservation and Promotion



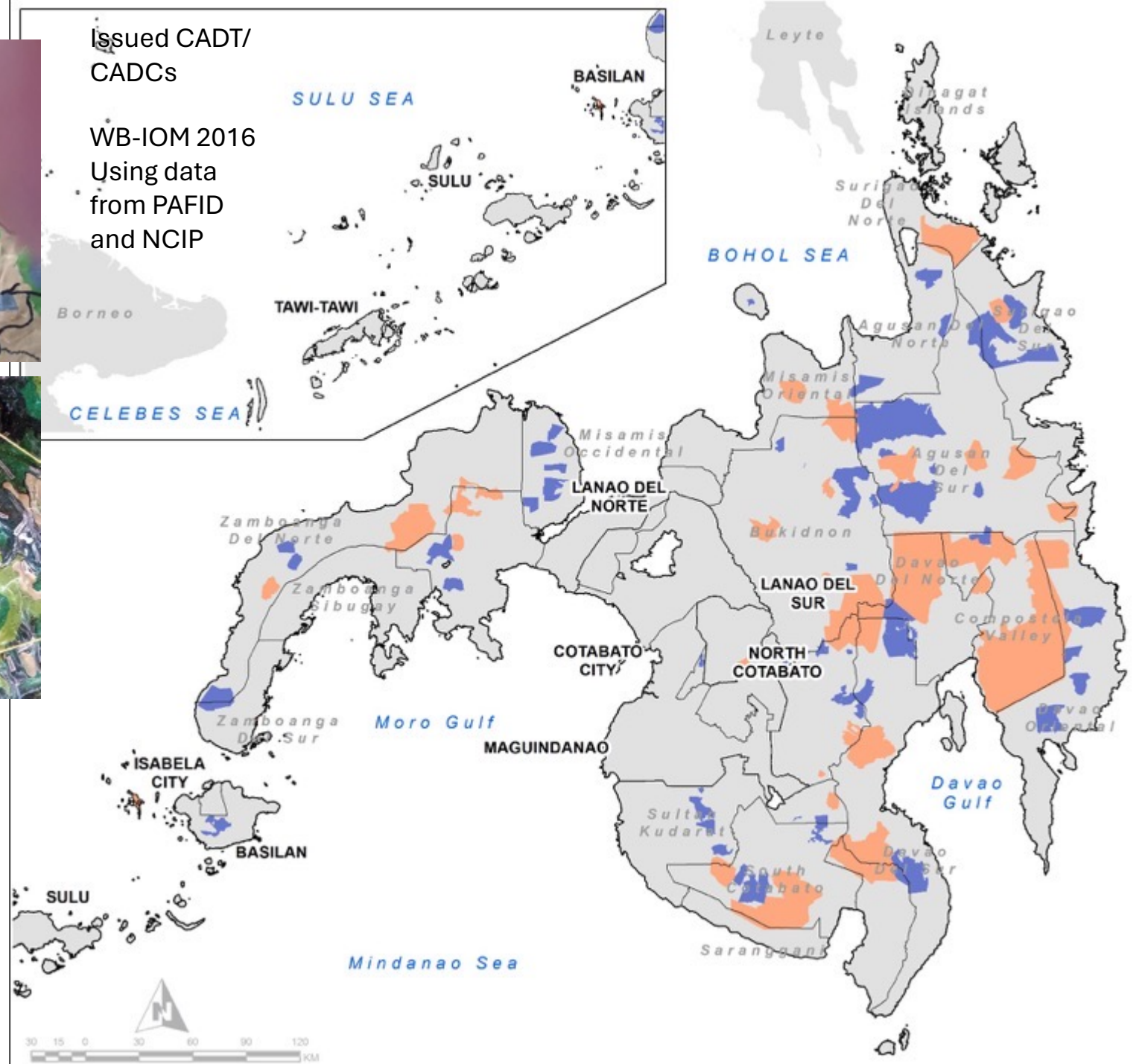
Leadership and Values Transformation

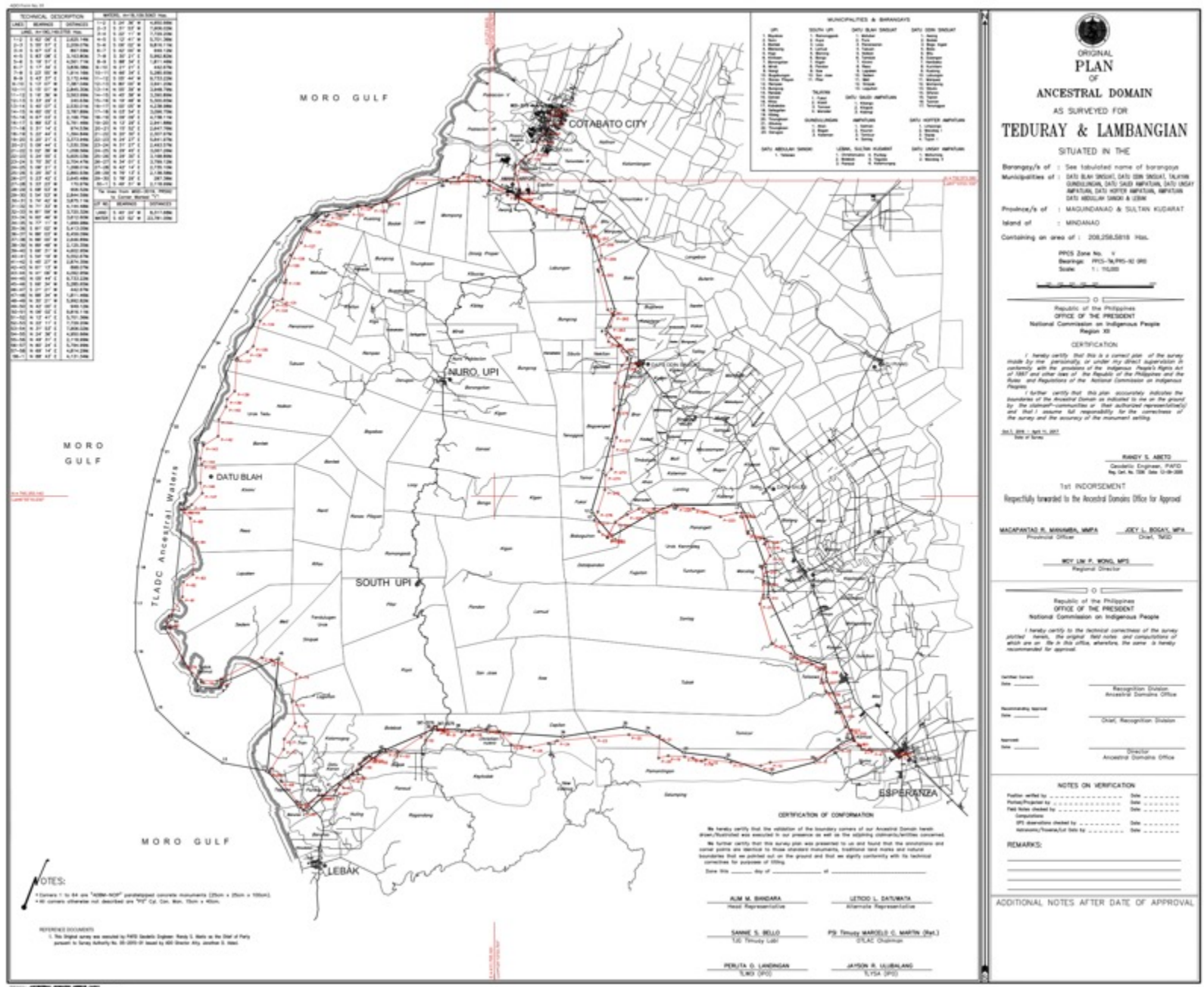




Issued CADT/
CADCs

WB-IOM 2016
Using data
from PAFID
and NCIP





Boundary survey submitted to NCIP.

Validation will require technical accounting of existing vested tenurial rights and instruments within the boundary.

However, the boundary is important for historical acknowledgment and its implications for IPMR assignation at the LGU level.

Definition ng NMIP sa CAB/BOL

- Teduray
- Lambangian
- Dulangan Manobo
- Blaan
- Higaonon**

Special cases

- *Erumanen ne Manuvu – with CADT, nasa electoral code
- *Wao: others – 17
- *Sama-Badjau, Sama Dilaut (“minority” ICC, not represented)
- **Yakan – with CADT

Key issues in proposed legislation

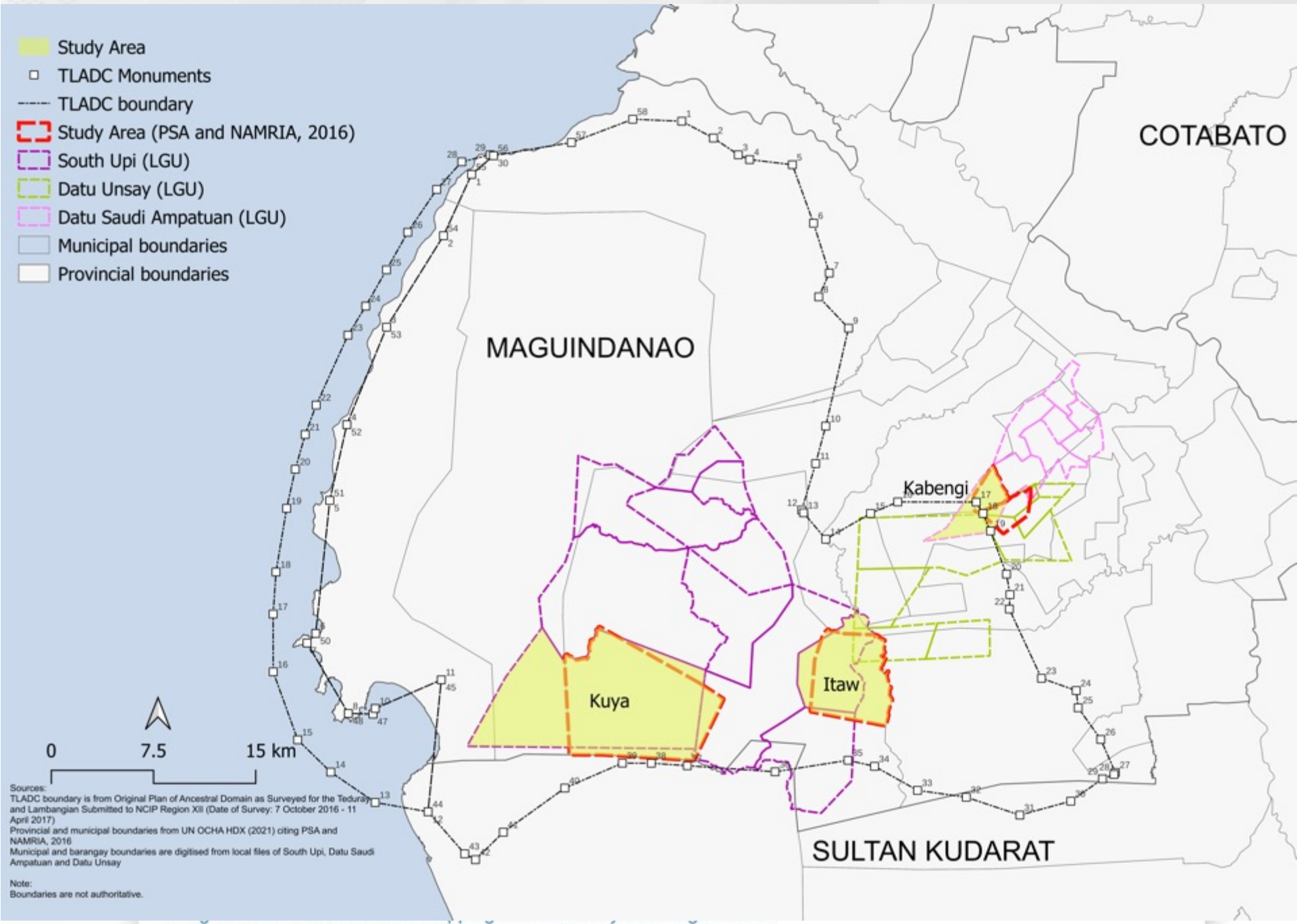
- Parliament Bill No. 273, “An Act to Recognize, Develop, and Protect the Indigenous Peoples in the BARMM, Strengthening the Ministry for Indigenous Peoples Affairs, ...”
- “Non-Moro IP” vs. IP vs. ICC; naming by MIPA
- Identity, Ancestral Domain, Indigenous Political Structures (vs MIPA Tribal Councils)
- New tenurial instruments: Certificate of Fusaka Inged Title (CFIT); Certificate of Ancestral Lands Title (CALT)
- Creation of a Fusaka Inged Development Authority (FIDA)
- Tribal Justice System

Approach: hybridity, legibility

- Research design initiated by request by Government peace process ministry (OPAPRU) in December 2020
- Joint GPH-MILF mapping process deemed not possible yet in early 2021
- Community-level parcellary research initiated with consent of parties and affected communities, including FPIC from third quarter of 2021 to March 2022, implemented through MILF and Teduray-affiliated NGOs + INGO/donor funding (IID, GCERF, Netherlands)
- Parallel regional-level policy analysis on BARMM land governance issues through the Bangsamoro Transition Authority and the Institute of Bangsamoro Studies from April to December 2021 (TAF, USAID)



- Study Area
- TLADC Monuments
- TLADC boundary
- Study Area (PSA and NAMRIA, 2016)
- South Upi (LGU)
- Datu Unsay (LGU)
- Datu Saudi Ampatuan (LGU)
- Municipal boundaries
- Provincial boundaries



Sources:
 TLADC boundary is from Original Plan of Ancestral Domain as Surveyed for the Teduray and Lambangian Submitted to NCIP Region XII (Date of Survey: 7 October 2016 - 11 April 2017)
 Provincial and municipal boundaries from UN OCHA HDX (2021) citing PSA and NAMRIA, 2016.
 Municipal and barangay boundaries are digitised from local files of South Upi, Datu Saudi Ampatuan and Datu Unsay

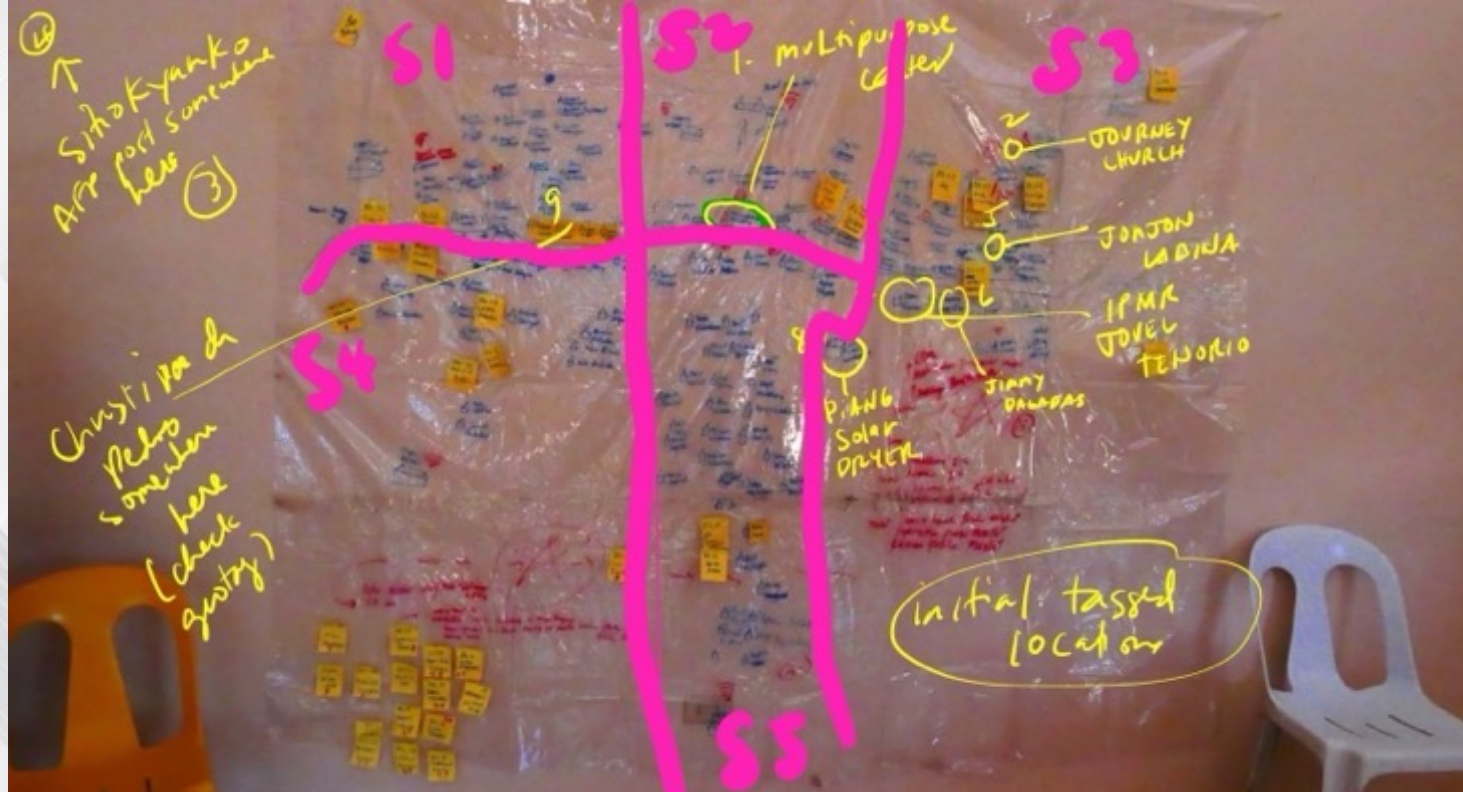
Note:
 Boundaries are not authoritative.

Issues	Approach
Data poverty / scarcity in conflict areas	Surfacing and making legible local knowledge, experiences, expertise
Top-down processes, lack of access for and control by IDPs	Participatory and peer-led design, implementation and analysis
Difficulty in integrating formal/legal and community data while reconciling overlaps <ul style="list-style-type: none">- Missing or uneven physical framework data- Fuzzy parcel-level information (homelot and farmlot)- Spatial and temporal effects of cyclical displacement (“kefererey beketin”)- Contested narratives and framewprls	Cross-validation of: <ol style="list-style-type: none">1. Historical narratives (including cross-validated accounts and transcribed interviews in original languages)2. Maps3. Household-level geostatistics4. Plural legal frameworks



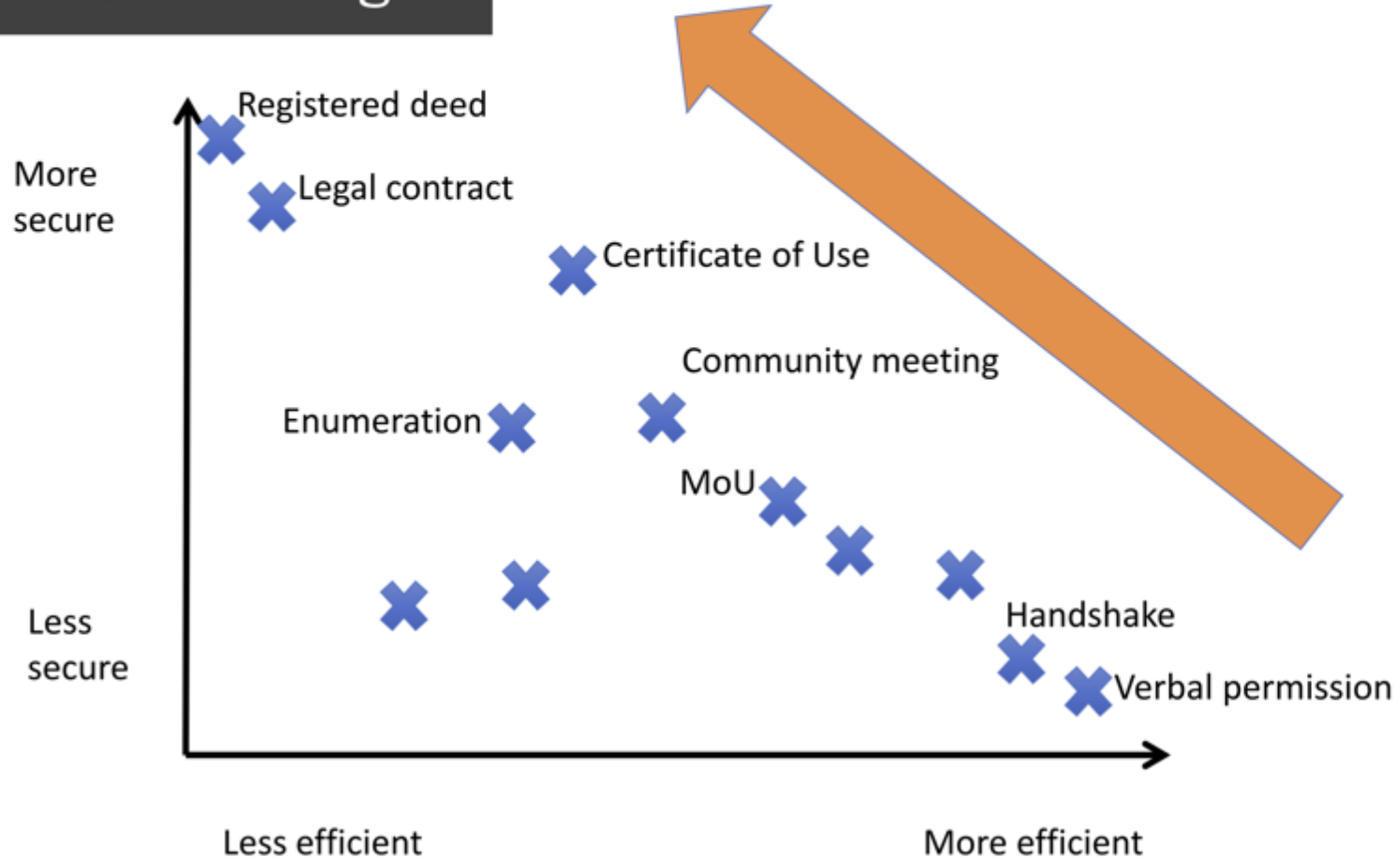
Participatory mapping processes

Land rights, displacement, and transitional justice in the Bangsamoro: Insights from household-level mapping in Marawi City and Maguindanao



Mapping the Local Context

What is 'Secure Enough'?



Source:
UNHCR

	Kuya	Manguda	Bagong
Georeferenced HH interviews	62 georeferenced interviews 35 – TJG 27 – UNYPAD	35 (TJG)	34 (TJG)
Parcels	202 parcels	87 houselots 77 farmlots	153 houselots 98 farmlots
Land area	11,775.8 ha	2,751.1465 ha	No official data
Typology	Mixed settler and IP; Maguindanaons still displaced MILF-BIAF community	Lambangian community; settler political leaders and middlemen. LGU contestation	Host community for Teduray IDPs from Mt. Firis
Violent incidents	1958, 1959, 1962, 1972 (Cmdr. Toothpick – Sitio Kitol) 1973 – MNLF 1983-1991 – displacement of Mag. 2016, 2017, 2019 – armed groups	2000, 2012, 2020	Post-2005, 2008, 2017, History of jizya
Other issues	Drought Rat infestation	Food insecurity Development aggression BIFF / DI ?	Development aggression Continued harassment – BIFF / DI



HLP issues in Brgy Kuya

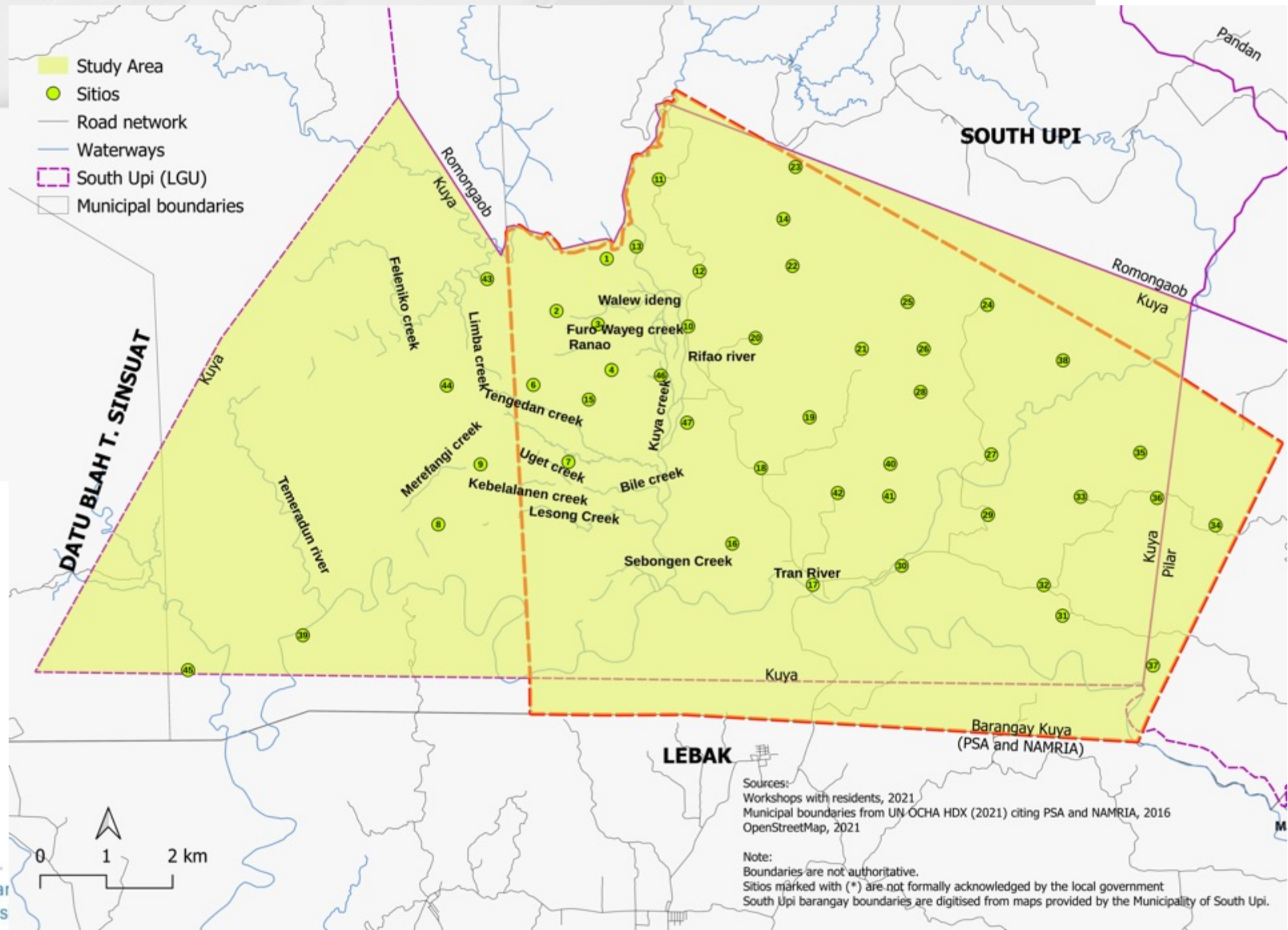
Historical

Late 80s- early 90s

Poblacion – GSS445

Camp Dara

Site 1:
Brgy. Kuya, South Upi



	Sito Name
1	Walew ideng
2	Dakelawan
3	Furuh Wayeg
4	Nuling
5	Selakak/ Buluden
6	Langa-Langa
7	Meglaway
8	Sela Madew
9	Cocob
10	Teritot
11	Simen
12	Klengkor Kukob
13	Kakak
14	Dana (Uget, Lesong)
15	Tegabul/ Angkeb
16	Cula-Cula
17	Alus
18	Gitan
19	Enros/ Anros
20	Bagbagan
21	Mengan
22	Blegen
23	Lesong
24	Kenulakula
25	Grehan
26	Bensuan
27	Siyok
28	Liboy
29	Isak
30	Kitol
31	Tumbak*
32	Kibungay*
33	Remegubrub
34	Koko
35	Kerkah
36	Bengking
37	Kubanganfatan
38	Kroon Uwa
39	Bagras
40	Ranio Badak
41	Semedi
42	Uga
43	Fengalungan
44	Mlaya
45	Bulig*
46	Malnaw*
47	

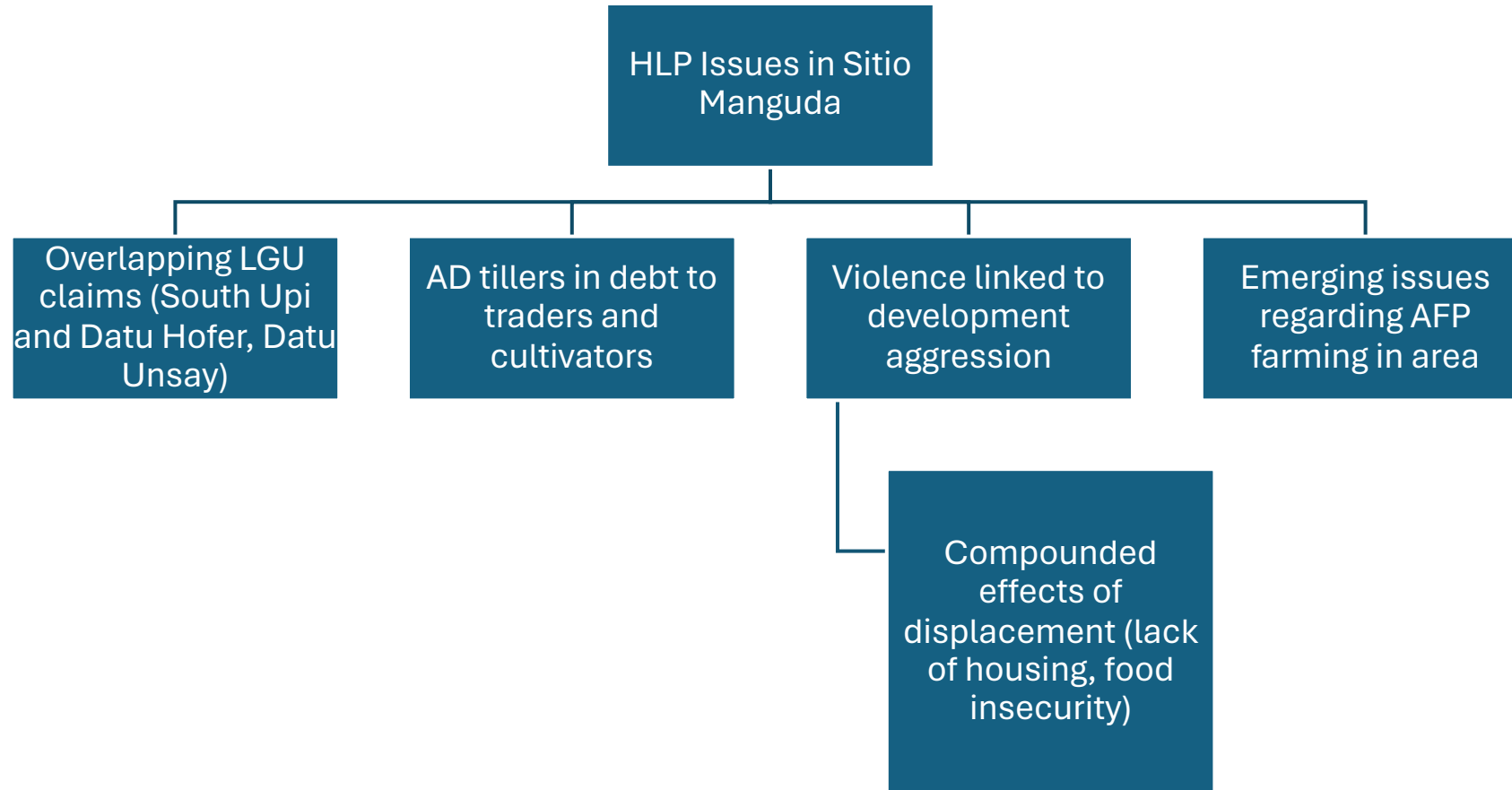
Sources:
 Workshops with residents, 2021
 Municipal boundaries from UN-OCCHA HDX (2021) citing PSA and NAMRIA, 2016
 OpenStreetMap, 2021

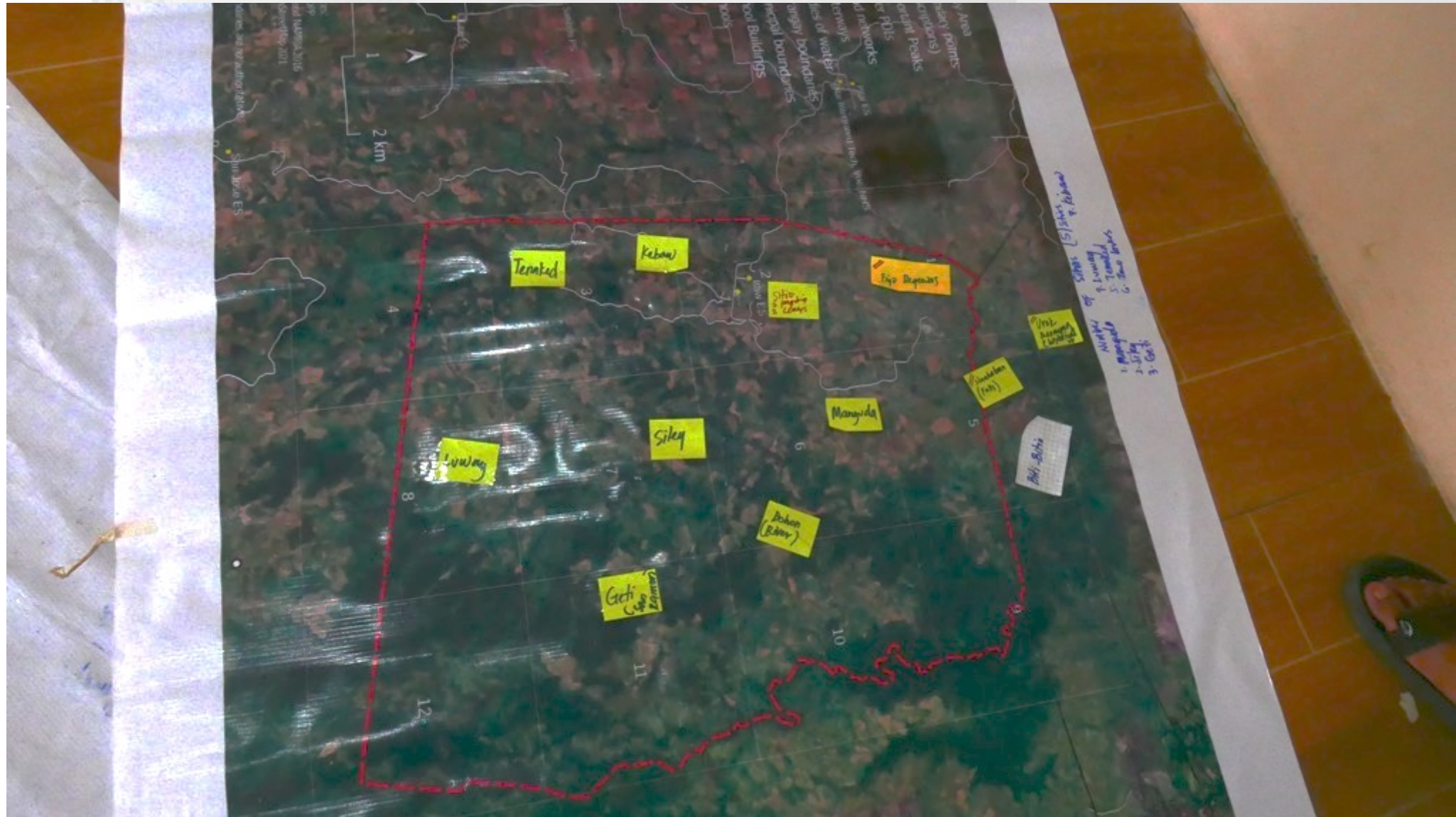
Note:
 Boundaries are not authoritative.
 Sitos marked with (*) are not formally acknowledged by the local government
 South Upi barangay boundaries are digitised from maps provided by the Municipality of South Upi.

	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		



Site 2:
Sitio Manguda, Brgy. Itaw,
South Upi

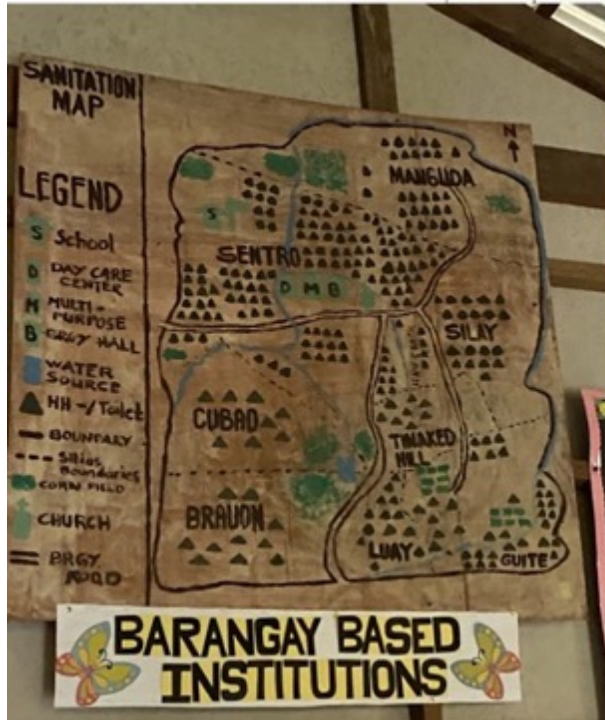




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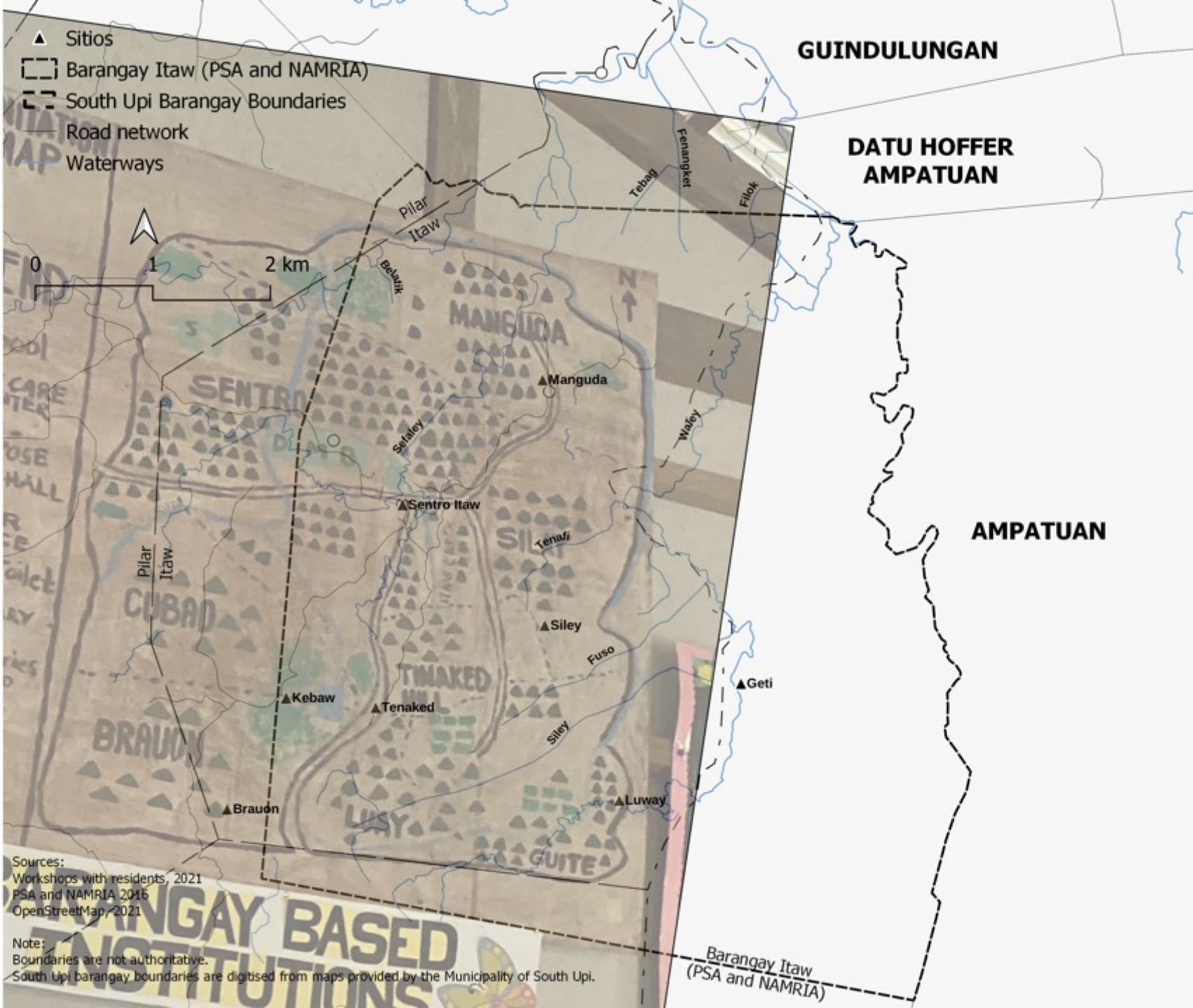
Number	Name
1	Manguda
2	Siley / Silyay
3	Geti / Gite
4	Luway / Luay
5	Tenaked / Tinaked
6	Kebaw / Kubaw
7	<u>Itaw</u>

Sentro
Itaw
& BRAVON

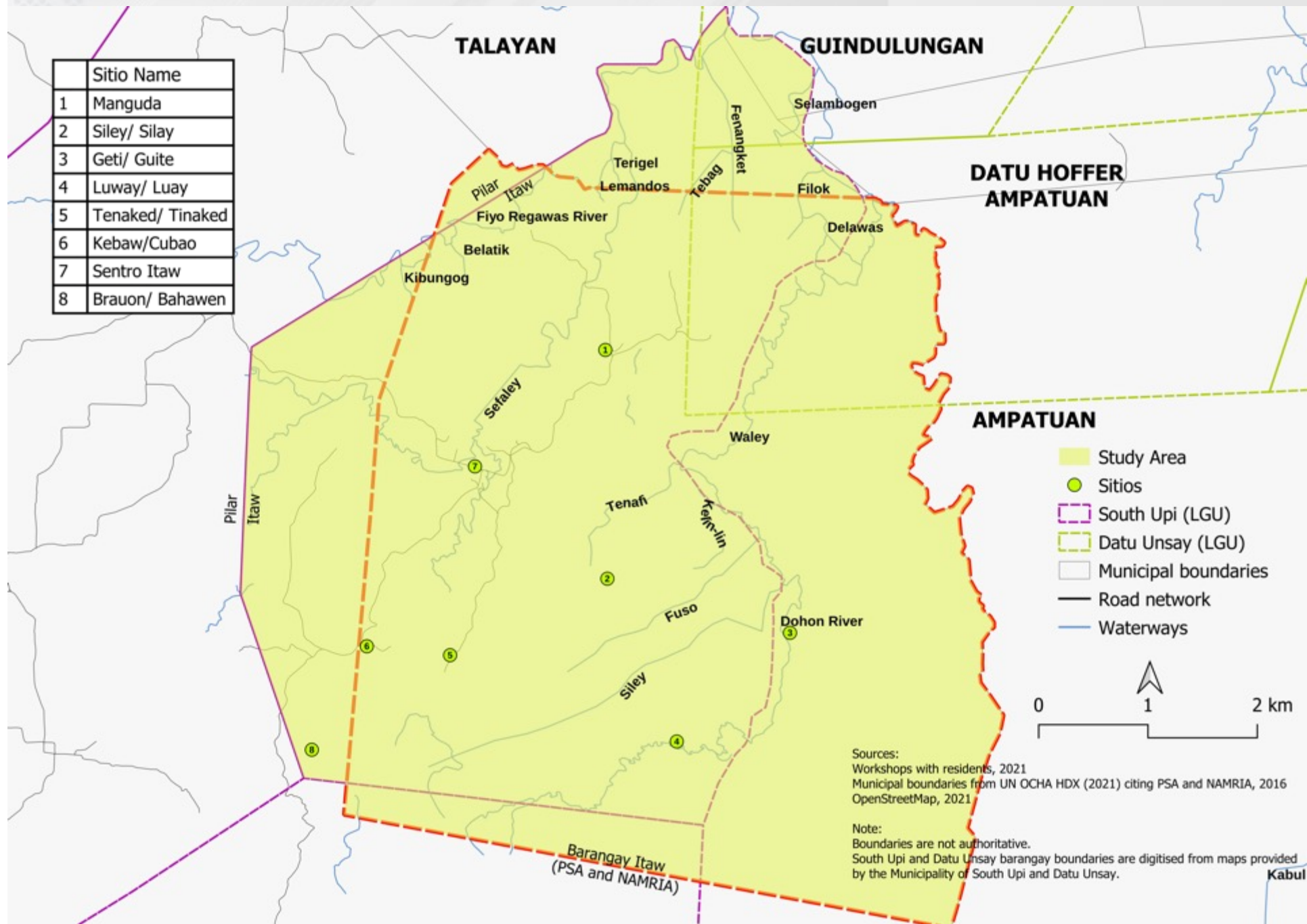


Digitized from maps provided by the Municipality of South Upi.

Number	Name
1	Manguda
2	Siley
3	Geti
4	Luway
5	Tenaked
6	Kebaw
7	Sentro Itaw
8	Braun

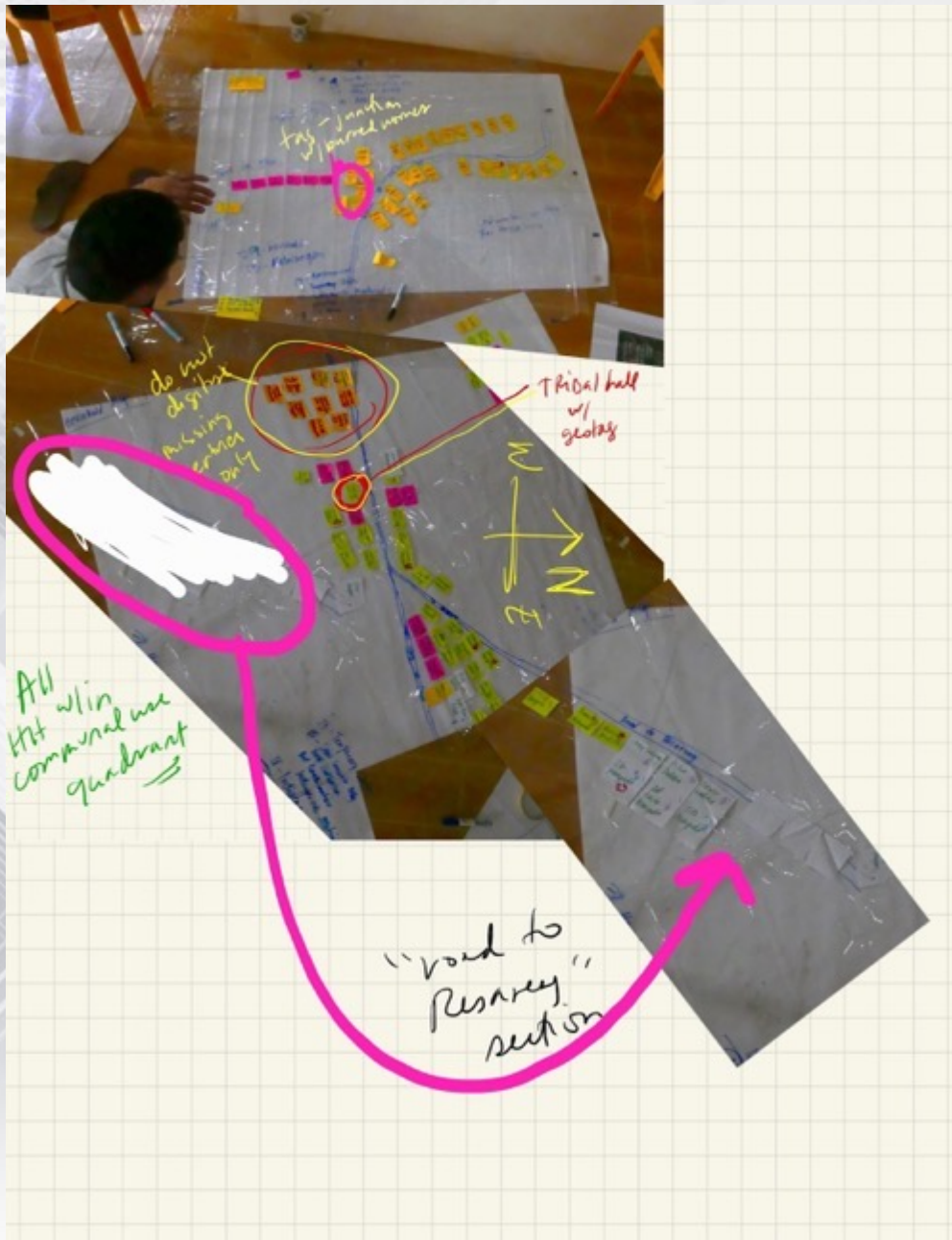


	Sitio Name
1	Manguda
2	Siley/ Silay
3	Geti/ Guite
4	Luway/ Luay
5	Tenaked/ Tinaked
6	Kebaw/Cubao
7	Sentro Itaw
8	Braun/ Bahawen



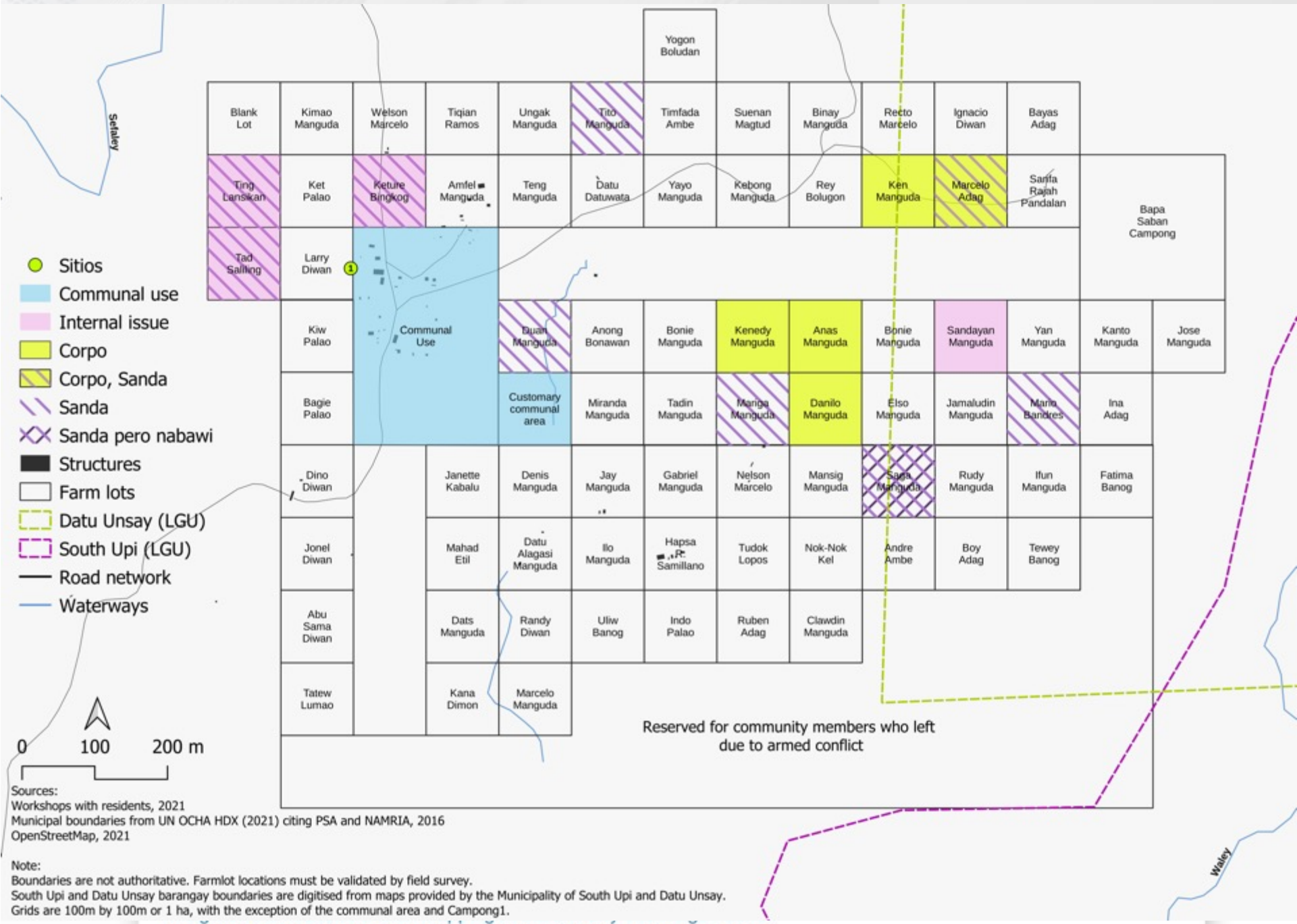
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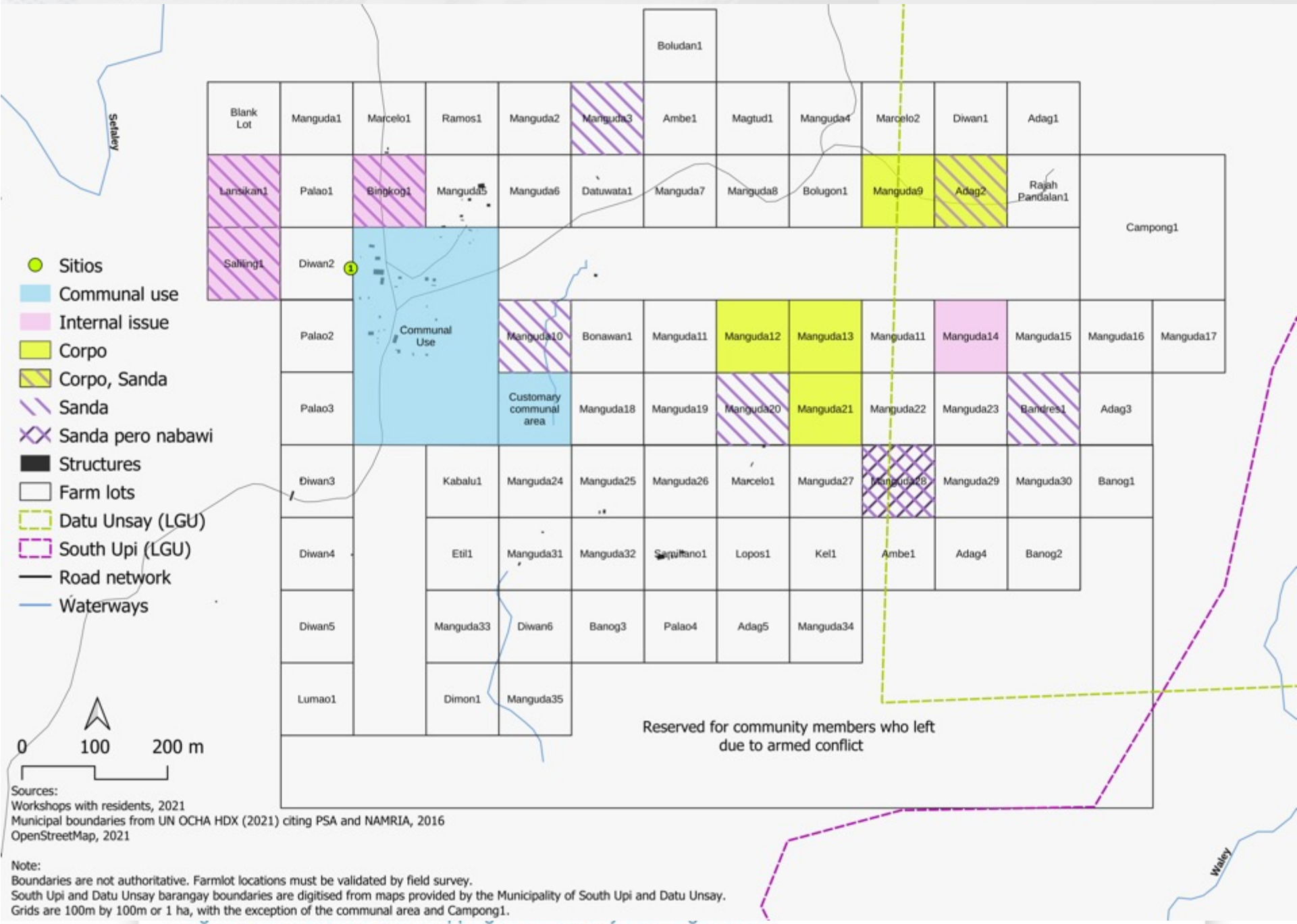
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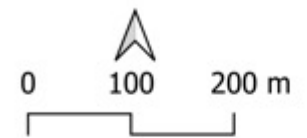






	Sitio Name
1	Manguda

- Sitios
- Structures
- Farm lots
- Waterways
- Road network
- Datu Unsay (LGU)
- South Upi (LGU)



Sources:
 Workshops with residents, 2021
 Municipal boundaries from UN OCHA HDX (2021) citing PSA and NAMRIA, 2016
 OpenStreetMap, 2021
 Satellite imagery from Bing Virtual Earth accessed as tile layers, 2022

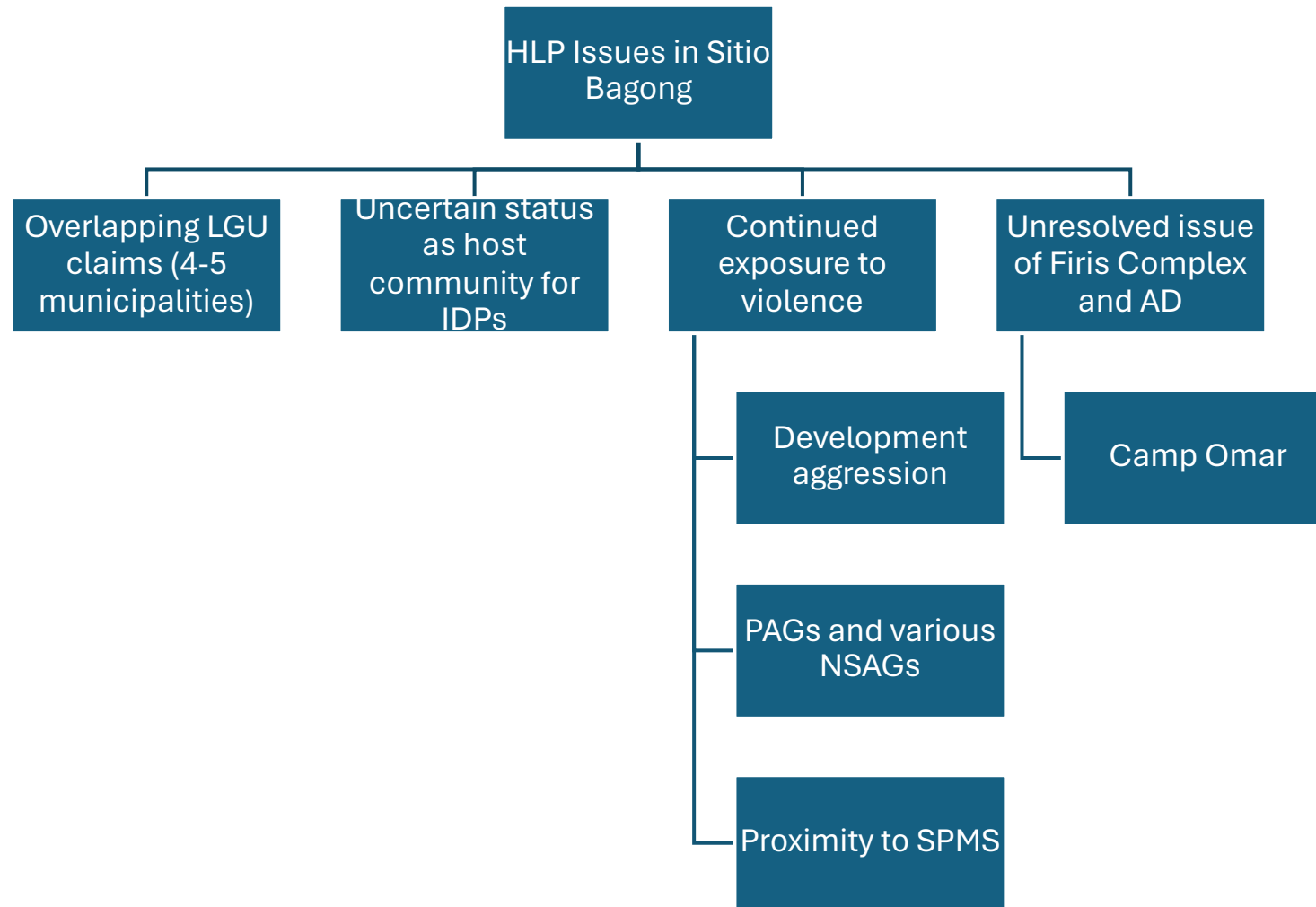
Note:
 Boundaries are not authoritative. Farmlot locations must be validated by field survey.
 South Upi and Datu Unsay barangay boundaries are digitised from maps provided by the Municipality of South Upi and Datu Unsay.
 Grids are 100m by 100m or 1 ha, with the exception of the communal area and Campong1.

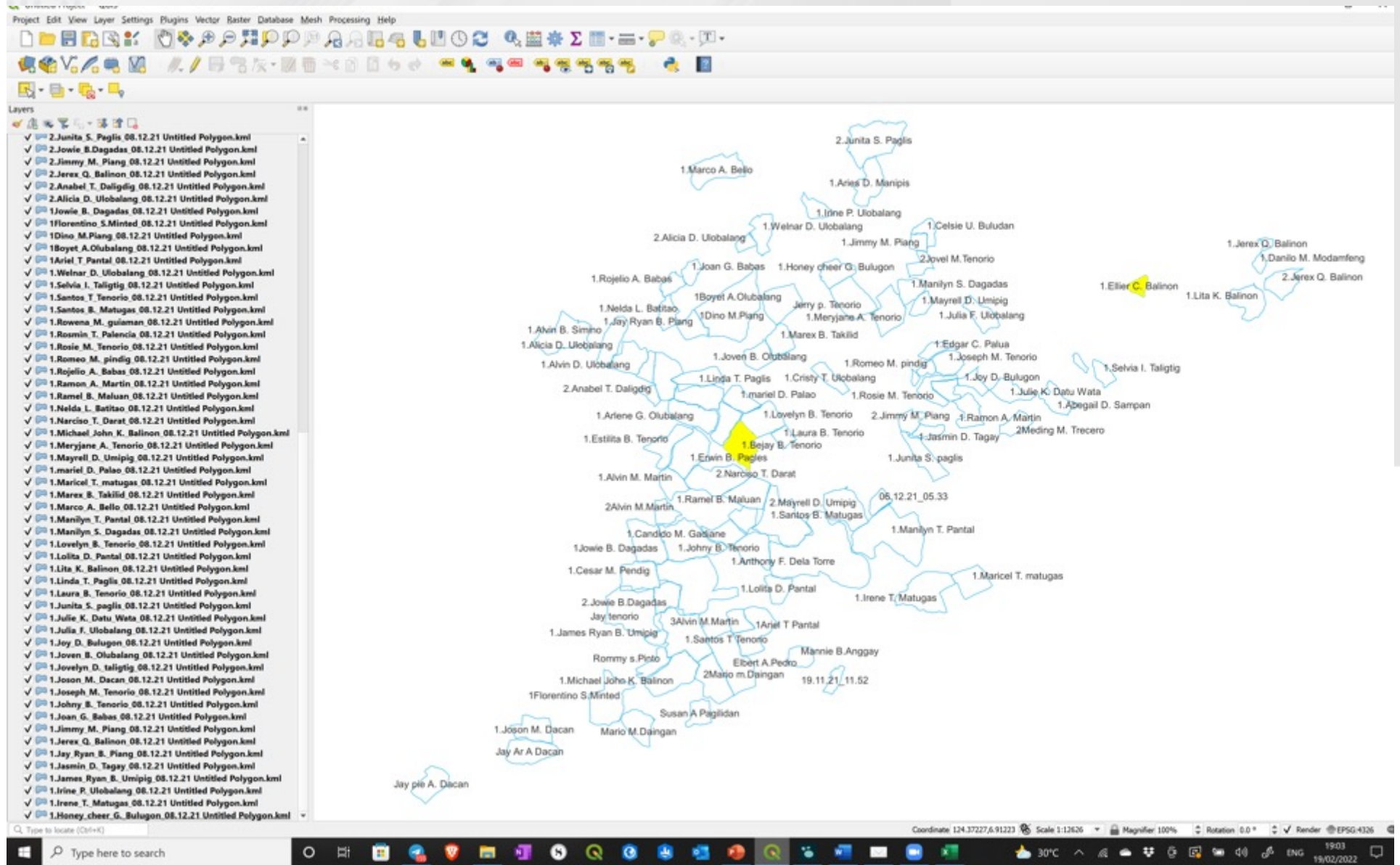




Site 3:
Sitio Bagong
Brgy Maitumaig / Brgy
Kabengi
Datu Saudi Ampatuan /
Datu Unsay

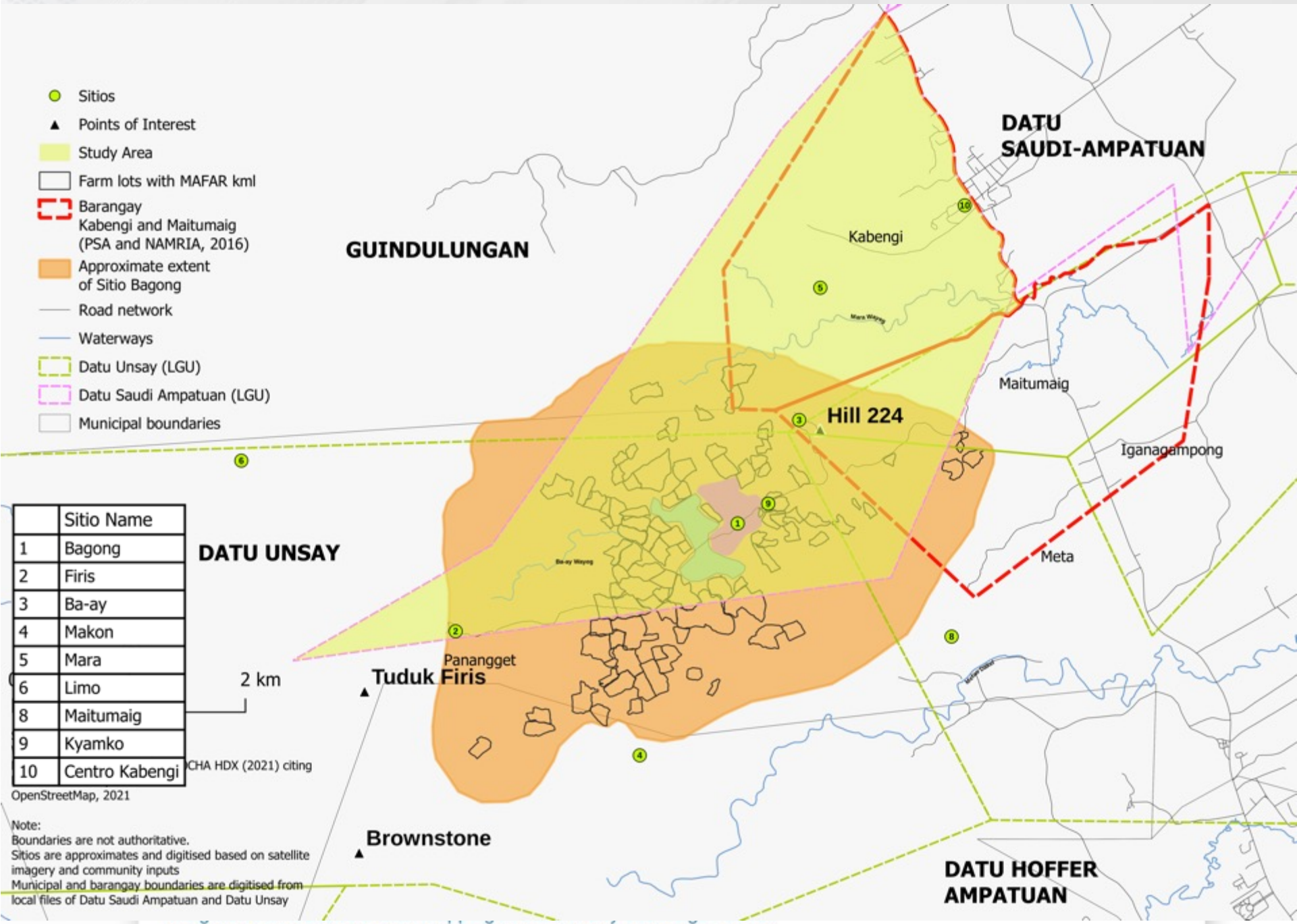
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- Sitios
- ▲ Points of Interest
- Study Area
- Farm lots with MAFAR kml
- Barangay Kabengi and Maitumaig (PSA and NAMRIA, 2016)
- Approximate extent of Sitio Bagong
- Road network
- Waterways
- Datu Unsay (LGU)
- Datu Saudi Ampatuan (LGU)
- Municipal boundaries



	Sitio Name
1	Bagong
2	Firis
3	Ba-ay
4	Makon
5	Mara
6	Limo
8	Maitumaig
9	Kyamko
10	Centro Kabengi

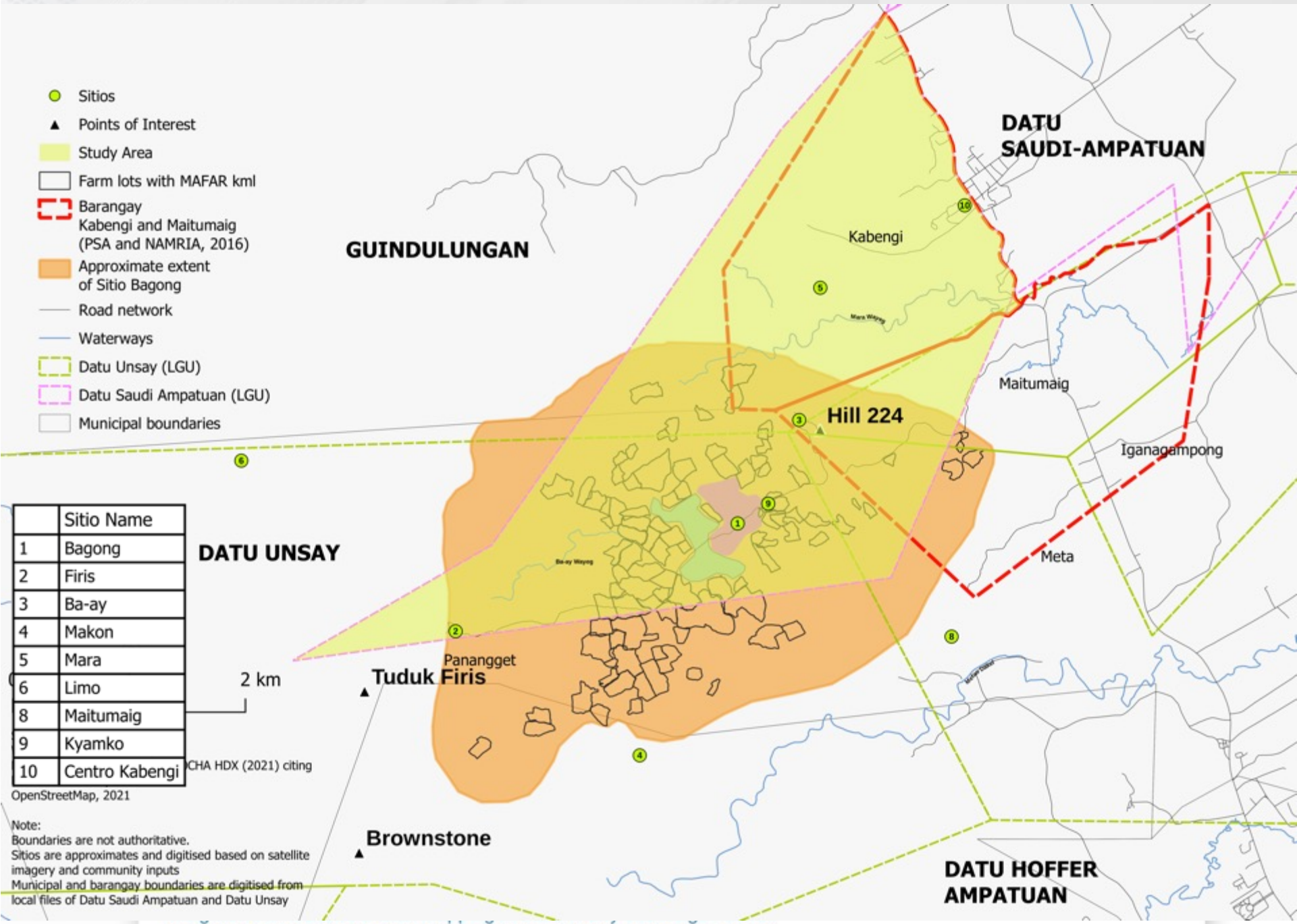
DATU UNSAY

CHA HDX (2021) citing

OpenStreetMap, 2021

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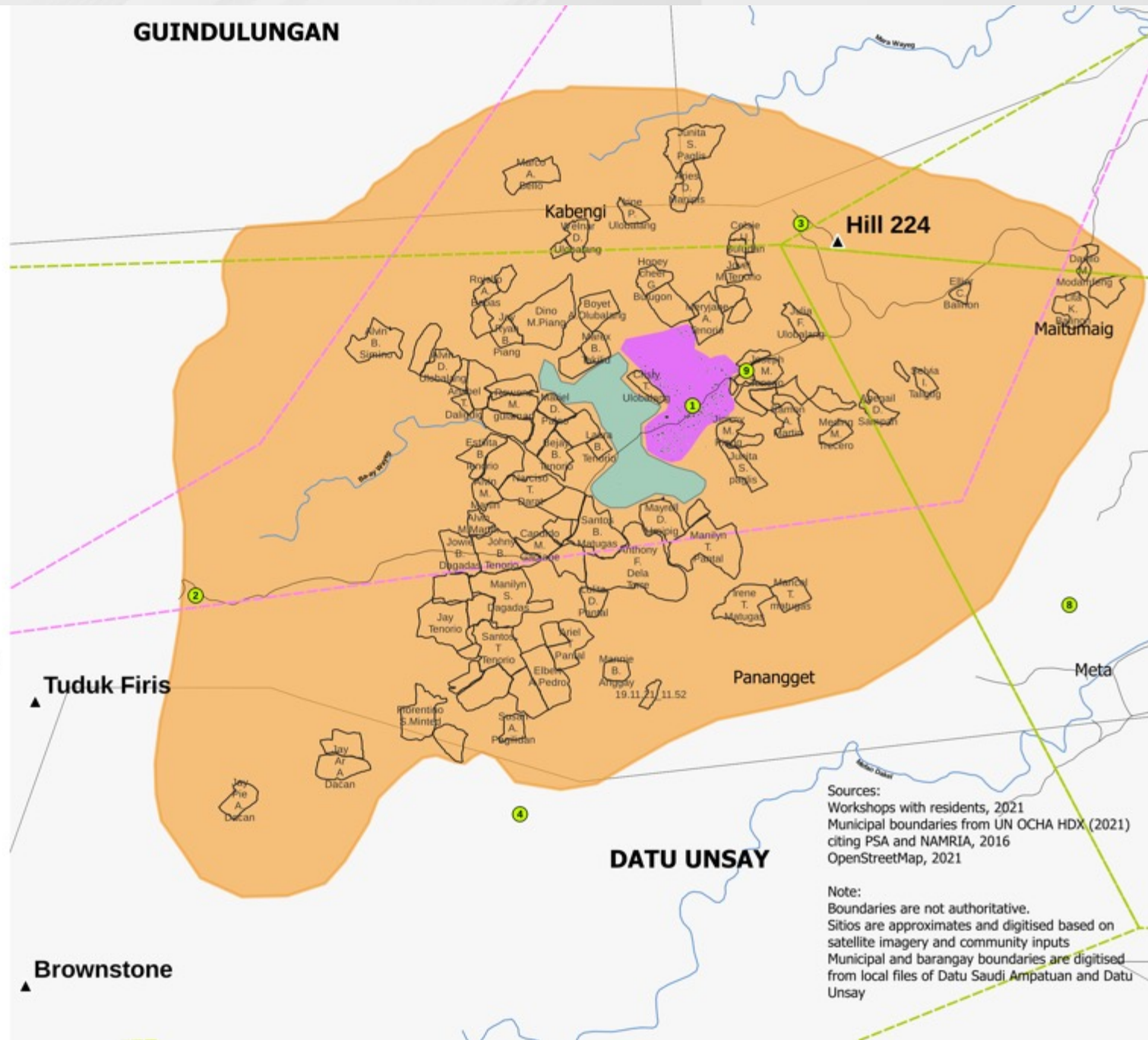
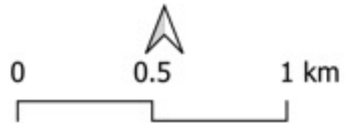
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2 km

	Sitio Name
1	Bagong
2	Firis
3	Ba-ay
4	Makon
8	Maitumaig
9	Kyamko

- Sitios
- ▲ Points of Interest
- Basak area (communal)
- Housing area
- Structures
- Farm lots with MAFAR kml
- Approximate extent of Sitio Bagong
- Road network
- Waterways
- Datu Unsay (LGU)
- Datu Saudi Ampatuan (LGU)
- Municipal boundaries



Implications

1. On parcel-level traditional practices around delineation, transfer, control, and conflict resolution
2. On BARMM/IPRA and from ancestral domain to ancestral lands
3. On development decision-making, safeguards, and the implementation of the 'peace dividend'



Philippine national law and administrative policy

RA No. 11054 + IGR implications
Existing Agrarian Reform + HLP legislation
Pending N/RTJRCB Bill
Pending N/RIDP law
Pending NMIP Code

RA No. 11696 s. 2022, Marawi Siege Victims Compensation Act
RA No. 8371 s. 1997, IPRA
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on HR/IHL

HLP rights of IDPs, IPs

**Legal
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'durable solutions'
Criminalisation of arbitrary displacement

Traditional practice
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Development Challenge	Objective
multiple and contesting practices and norms related to land rights and land justice	Coherent framework and process for harmonizing and formalizing layers of customary land rights in the Bangsamoro at parcellary level
multiple data systems, data discrepancies, and data gaps at multiple levels	<p>Joined-up data management process based on framework</p> <p>Piloting framework and process in six acknowledged camps</p> <p>Additional test cases outside camps, notably in BASULTA for land claims adjacent to water</p>
multiple protracted displacements and vulnerabilities spanning years, if not decades	Documentation of historical displacements in relation to armed conflict (use for dialogue and settlement)
multiple and unclear processes for addressing overlapping claims	Clear alternative dispute resolution/ adjudication process for land claims that considers national laws, administrative processes, and the Bangsamoro Justice System (regular courts, Shari'ah courts, tribal justice system)

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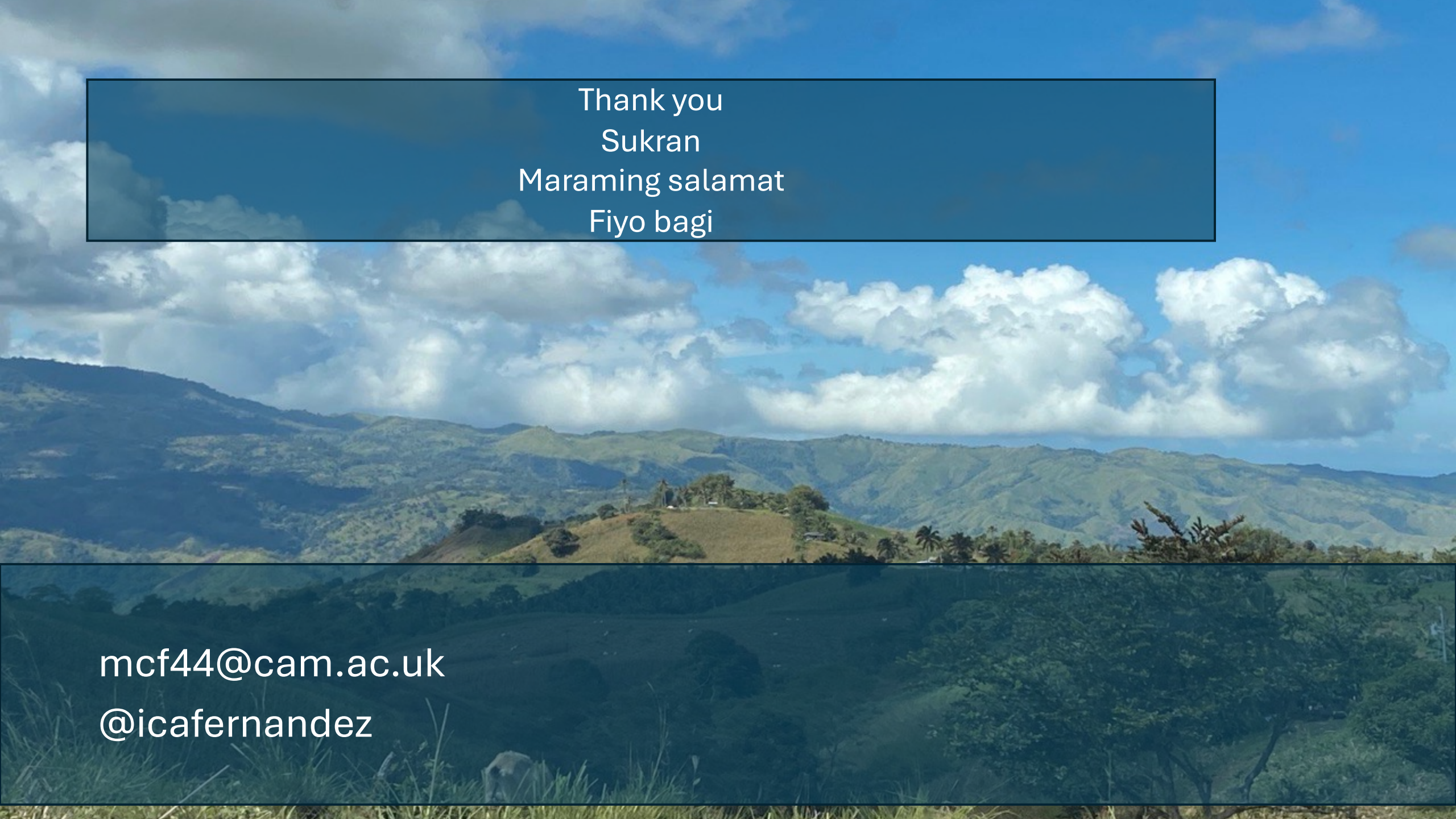


Spiritual & Cultural Preservation and Promotion



Leadership and Values Transformation





Thank you
Sukran
Maraming salamat
Fiyo bagi

mcf44@cam.ac.uk
@icafernandez