



EVACUEES IN THEIR OWN LAND: INDIGENOUS PEOPLES' STRUGGLE FOR RECOGNITION IN THE BANGSAMORO

BRIEFING NOTE

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“In such displacements, these innocent non-combatants are considered by the direct combatants (e.g., state and non-state or anti-state groups) as part of the natural collateral costs of the conflict. The systematic placement of humanity in an area that creates the conditions for the marginalisation and minoritisation of the indigenous collective population can also provide the trigger for the onset as well as the continuation of violent conflicts.” (Tigno 2006)

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The start of the new year brought news of violent skirmishes between the government and secessionist forces in south-central Mindanao. On 8 January 2021, non-Moro indigenous peoples (NMIPs) in Maguindanao within the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM), found themselves once more displaced from their communities. On the first day of the year, an armed group burned down thirteen houses and the rice harvest of several Lambangian families. Pongan Diwan, an 80-year-old elder, died from the aggravation, community members report. On the third day of the year, rural health workers and the South Upi mayor were ambushed along the border of Barangay Pandan and Pilar, after conducting relief operations for the displaced families. The Bangsamoro Islamic Freedom Fighters (BIFF) claimed responsibility for the ambush. An additional number of families have evacuated, totaling 517 families. National media have barely covered these incidents experienced by NMIPs, also known as Lumads.

The spate of violence had actually began earlier. The previous year, amid the brutal COVID-19 pandemic, the eruption of armed conflicts had forced communities to evacuate from their communities. Reports of harassment of civilians, both of Lumads and Moro peoples, were recorded by the local government of South Upi. Incidents included the harassment of communities and several shooting of unarmed civilians by armed groups.[1] The situation significantly intensified in March 2020, upon the start of the implementation of enhanced community quarantine (ECQ) by the local government unit (LGU).[2]

By July, the number of internally displaced persons (IDPs) had reached 3,300 from affected eleven conflict sites within the Téduray and Lambangian ancestral domain areas in the Maguindanao and Sultan Kudarat provinces. The number continues to increase.

Contested territories

The recent reports are only the current ones in a long history of conflict in the fusaka inged (ancestral domains) of the Téduray, Lambangian and Dulangan peoples. In the 1970s, communities fled the Mt. Feris complex, considered a sacred mountain by the indigenous peoples in the area, because of the armed conflict between the predominantly Christian Ilaga and the Moro Blackshirts (Kaufman 2011). It was not the first, nor would be the last, of their forced displacement. The forced displacements of the Lumads track a historical conflict that goes as far back as the Spanish and American colonizations (Majul 1973), and further intensified by the Philippine government's encouraging of Christian Filipinos to migrate to the South in what would be a continuation of the Spanish "colonization by proxy" (Wan Kadir Che Man 1990). From 1903 to 1970, the Homestead Program ushered in a wave for Christian migration in Mindanao (Åkebo 2020).

The government took advantage of the absence of land titles to give away lots in Mindanao to poor farmers and migrants from other parts of the country. The new homesteaders were mostly tenant farmers in search of their own land. By the 1950s, Ilongos, Ilocanos, Tagalogs, and others were settling in North Cotabato and South Cotabato and Lanao del Norte and Lanao del Sur provinces, where their influx was taken as a systematic encroachment depriving Moros and Lumads of their lands and which further contributed to the tensions with and mistrust against the Philippine government (Kaufman 2011; Tigno 2006).

The struggle for Bangsamoro autonomy was waged mainly by the Moro National Liberation Front (MNLF) beginning in the 1960s. Armed conflict with the government ensued. Peace talks were ventured in 1972 between the government and the MNLF. It would be decades later, in 1997, under the Ramos Administration, that a peace deal would be signed, paving the way for a semblance of autonomy for the region (Åkebo 2020). The Moro Islamic Liberation Front (MILF), adopting a more overtly Islamic position and breaking away from the MNLF in 1976, did not accept the accord and conflict continued between them and the Armed Forces of the Philippines (AFP) (South and Joll 2016; Williams 2010). The breakdown of peace talks became the precursor to the declarations of “all-out-wars” in 2000, 2003, and 2008 by various administrations (Williams 2010: 122; Åkebo 2020: 12). Further disagreements later led to the formation of other splinter groups such as the BIFF. In 2014, the government reached an agreement with the MILF with the foregrounding of the formation of the Bangsamoro autonomous region. In the negotiations for peace, even as many of the violent conflicts occurred in the ancestral domains of Lumads, they were left out of the negotiations. Recent events present an alarming foreboding for the safety and the rights of Lumads in the region.



The second anniversary of the Lambangian Remfing Fenuwo (a cluster of villages). Credit: Joolia Demigillo.

Struggle for recognition

In order to gain formal government recognition of their ancestral domain, the Timuay Justice and Governance (TJG) began their application for Certificate of Ancestral Domain Title (CADT) at the National Commission on Indigenous Peoples (NCIP) in 2005. The Kësëfanangguwit Timuay refers both to the indigenous leadership title of the Téduray and Lambangian indigenous peoples of south-central Mindanao and their form of governance[3], which they have been practicing since time immemorial, through voluntary participation in the timfada limud or fënuwo limud (village assemblies). Following the passage of the Indigenous Peoples Rights Act (IPRA), the TJG was formalized as the indigenous political structure (IPS) of Téduray and Lambangian indigenous peoples in south-central Mindanao, along with their application for CADT.



A group of Teduray women in their ancestral land. Credit: Jayson Ulubalang.

The Kēsēfanangguwit Timuay began the process much earlier in 1996 when they applied for a Certificate of Ancestral Domain Certificate (CADC), through the Department Administrative Order (DAO) 2 of the Department of Environment and Natural Resources (DENR) in what was then the Autonomous Region of Muslim Mindanao (ARMM). Over two decades since, the application is still pending with the NCIP. Having fulfilled all the requirements, they now ardently await the formal conferment of the title.

In September 2019, the Bangsamoro Transition Authority (BTA) issued Resolution 38, enjoining the NCIP to cease and desist from the delineation process and the processing of the issuance of CADT in Maguindanao. It founded its contention on the interpretation of the Bangsamoro Organic Law (BOL) as granting it the exclusive power and authority over indigenous peoples' rights within the jurisdiction of the BARMM. A reading of the organic act for the BARMM will show that the BARMM cannot prevent the NCIP from processing applications while the BARMM is in transition. Even after the transition is completed, laws enacted from the BARMM cannot be inconsistent with the IPRA, or at least, cannot provide lesser rights that are recognized by the law. The resolution adds unwarranted tension to the already tenuous situation in the Bangsamoro and the insecure position of the Lumads in the area. It puts into question the promised inclusion in the peace and development processes for all in the Bangsamoro.

The Lumads in Maguindanao and Sultan Kudarat areas have been embroiled in the political tensions of the Moro autonomous movement. Their ancestral domains are within the areas demarcated for the Bangsamoro. First, the Regional Autonomous Regions (RAGs) in Central and Western Mindanao were initiated in the 1970s under Ferdinand Marcos. These later morphed into the ARMM under the Aquino Administration in the 1990s. In 2008, the Arroyo Administration sought to have the Memorandum of Agreement on Ancestral Domain (MoA-AD) passed to create the Bangsamoro Judicial Entity. The government would later backtrack and recall its support of MoA-AD. The Supreme Court would also decide against the Agreement's constitutionality (Supreme Court 2008: 58). Under the Duterte Administration, the ARMM gave way to the formation of the BARMM.

Increasingly becoming a minority within a minority, the Lumads of southern Mindanao have done their best to follow the peaceful path in the assertion of their rights. In ensuring that their rights are recognized in the BOL, they supported the passing of the then proposed BOL and lobbied for the inclusion of indigenous peoples' rights and the recognition of the IPRA in the BOL.[4] The BOL, which recognizes the rights of indigenous peoples, was passed by Congress in 2018. The real success of their efforts, however, can only be actualized when said provisions of the law are given life. The TJG has been engaging the government towards this goal. Government response on the other hand has been wanting.



Timuay Alim Bandara in the Téduray and Lambangian ancestral domain. Credit: LRC.

Land rights

The conflict in southern Philippines can be understood against the backdrop of the history of colonial struggle involving government policies that were considered unfavorable by the Muslim population in Mindanao (McKenna, 2002). The separatist struggle is largely grounded on identity claims, foregrounded by the political, economic, and cultural marginalization of the Moro people (Buendia 2004). The claim highlights particular territories in Mindanao claimed by the Moros (Åkebo 2020: 10). These are the very claims that Lumads also assert but which are glaringly absent in discourse of peace in Mindanao. Some of the territories under contention involve, if not are the very heartland of, ancestral domains of the Lumads.

The Lumads are some of the most marginalized groups in Mindanao. At stake in the assertion for their ancestral domains is their cultural integrity, if not their very survival. Throughout the Mindanaoan history of peace initiatives, the legitimate needs of Lumad stakeholders have been given little regard, and in some cases deliberately weakened, due in large part to the perception of their political frailty and insignificant arms power (Paredes 2015). For peace to be meaningfully realized in Mindanao, addressing land rights is a requirement. Peace should be understood not merely as the absence of conflict, but as resulting from the coming-together of factors such as economic opportunity and access to justice. The right of the Lumads to self-determination, to determine their own development framework following their cultural paradigm, is an integral ingredient to achieving equitable and sustainable development and peace.

The threats of encroachment have become more apparent with the acceleration of economic globalization that drives the expansion of areas for resource exploitation. These are also shaped by the tenuous character of a nascent BARMM government, which is eager to promote opportunities for development to external and internal actors. This development paradigm runs the risk of increasing the influence of corporate interest on land and resource decisions, and undermine policies envisioned to promote the public good. It risks not only undermining the time immemorial ecological practices of the Lumads but also the destruction of the land of promise.

Land rights ensure traditional land and resource rights of communities against the threats of encroachments and usurpation. In the history of Mindanao, land has been at the root of armed conflicts, its lore replete with numerous conflicts involving Lumads and Moros against colonizers and, in contemporary times, settlers, and corporate interests. At its core is the skewed ownership and control over land (Gutierrez and Borrás 2004) and natural resources and the consequent persisting suffering of the rural poor – Lumad and Moro alike.

The lack of land has been a source of discontent and economic and social insecurity. On the other hand, the possession and granting of land has been used as a placatory policy measure (Magdalena 1977). An imbalance through particularistic, if not onerous, grant of land rights only serves to sow deeper discord and escalate conflicts.

Lumad rights

The confluence of several political and economic causes aggravates the conditions of conflict in the Lumad struggle (Perez 2019). The Philippine government's counter-insurgency programs, Moro armed groups who regard the Lumads as second-class citizens, and business interests who exploit the land and natural resources contribute to the precarity of Lumads – these actors drive the systemic discrimination against and oppression of the Lumads.

The BARMM elevates the Moro identity as a cultural homogenous group with legal recognition within a specific territory. This conception, however, can serve to magnify the current Lumad discrimination by institutionalizing it in a political device (Paredes 2005: 179). Given the Moro's historical resistance within the ARMM to implement IPRA, discrimination against Lumads may be exacerbated if under the governance of the BARMM there is no meaningful recognition of the Lumads' struggle for land rights and cultural integrity, and there is no reorientation of programs structured with particularity to address Moro concerns alone (2005: 179). Undermining the Lumad voice in BARMM is a critical flaw that, if not addressed carefully, will cause serious new problems that may intensify ethno-territorial conflict as the Bangsamoro crystallizes (2005: 168). In a region enmeshed in conflicts, rife with contested truths and memories, a deeper understanding and appreciation of its past and present contexts is needed to be responsive to calls for reconciliation, reparation, and justice.

Of their worsening condition brought about by the recent armed conflicts, harassments, and encroachments on their lands, the Baglalan (tribal title holders) stated that the "fusaka inged (ancestral domains) is currently in a state of guboten (under siege)".[5]

The tribal elders recount the story of the two brothers, Mamalu and Tabunaway, who deciding to go on their separate ways (the former remaining true to his indigenous beliefs and the latter embracing Islam) drew a treaty between them. This treaty was an understanding and promise to respect each other's choices and to remain as brothers in allegiance to protect each other and live in peace. This was the way of their common ancestors; as it was in the past, so such shall it pave the way for future peace.

The BTA is at a critical juncture. The BOL's provisions should be interpreted in a manner that truly promotes peace in order to be meaningful as a revolutionary reform instrument. The notion of inclusive peace was what brought the Lumads to support the Bangsamoro enterprise in the first place. As a historical instrument, the BOL must not itself be an instrument of oppression that institutionalizes the marginalization of what has largely been considered second-tier minorities in the region. Instead, the Lumad's right to self-determination must be realized through the recognition, respect, and protection of their right to practice and develop their economic, social, and political institutions within their ancestral domains.

The journey to peace in Southern Mindanao is certainly complicated and arduous, but it cannot to be achieved without the recognition of and respect for the rights of all peoples in the land.*

TIMELINE OF EVENTS

January 19, 2020

- Civilians fled to Sitio Lihon from various communities within and nearby the Mount Firis Complex, where MILF camps Omar and Badre are situated. This would be their second evacuation in just three weeks from their prior displacement in December 2019.

March 19, 2020

- Coinciding with the Covid-19 lockdown, a farmer in Barangay Pilar was ambushed by an armed group, according to reports from the community. Barangay Pandan and Pilar sounded the alert on the arrival of different armed groups. Increased tension in the areas.

March 25, 2020[i]

- 432 Téduray and Lambangian families evacuated from four (4) sitios (Purok Niyog, Legoden, Tumfok, Kiatong) in Barangay Kalamongog in Lebak, Sultan Kudarat[ii].
- According to a police report, an armed group led by Ustadz Mamacol Gubel[iii] shot at Kalamongog Barangay Captain Nolasco Zamora Ado, barangay officials, and health workers at the Enhanced Community Quarantine Pre-emptive Lockdown Control Point at the border of Purok Ilang-ilang, Sitio Kiatong, Barangay Kalamongog, Sultan Kudarat and Barangay Laguitan, Datu Blah Sinsuat, Maguindanao. Residents from Maguindanao were prohibited from crossing into Sultan Kudarat.
- The displaced families had to move three times from different evacuation sites (Sitio Tapudi, Kalamongog elementary school grounds, and Sitio Gandung) due to the presence of armed groups.

May 29, 2020[iv]

- 428 Téduray and Lambangian families from nine (9) sitios (Nuling, Dakeluwan, Walew Ideng, Furoh Wayeg, Langa-linga, Dara/Uget, Buludan/Selak, Sefe Madew, Megelaway) in Barangay Kuya, South Upi, Maguindanao[v] evacuated due to gunfire and mortar shelling between the Philippine army and the Moro Islamic Liberation Front (MILF) group[vi]. Communities in Barangay Pandan and Barangay Kuya were both affected.

June 20, 2020

- Firefight in Barangay Pandan and Pilar in South Upi Maguindanao erupts causing further displacement (Source: UNHCR). By July 2020, the number of IDPs was 3,300 in 11 conflict areas within the Teduray and Lambangian ancestral domain areas in portions of Maguindanao and Sultan Kudarat provinces, according to community reports.

September 18, 2020

- A major operation conducted by the Philippine army against the Bangsamoro Islamic Freedom Fighters (BIFF)[vii] forced 120 families from Sitio Macalag and Sitio Turon, Barangay Limpungo, Datu Hoffer, Maguindanao to evacuate, according to reports. In another report from UNHCR[viii], 153 families were displaced from Barangay Tuayan, Datu Hoffer. Fighter jets and mortars were heard.
 - Farm areas were severely damaged. No produce could be recovered.
 - The operation lasted until October 3, 2020.
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November 18, 2020

- Téduray and Lambangian families started fleeing Barangay Lamud, South Upi, Maguindanao due to heavy presence of an alleged Moro National Liberation Front (MNLF) group under the Misuari faction. The said group flouted their weapons to scare off villagers and in order to fast-track camp transformation under the Normalization Track of the Comprehensive Agreement on the Bangsamoro (CAB), according to reports.

December 2, 2020

- 315 Téduray and Lambangian families (320 families based on a UNCHR report[ix]) from four (4) sitios (Manguda, Geti, Seley, and Purok 2 Lovers), in Barangay Itaw, South Upi, Maguindanao fled their homes after seeing armed men march towards their community. They later found out the men were part of the BIFF. Around 12 midnight, the BIFF and the Philippine army exchanged fire in the area for around an hour.

December 7, 2020[x]

- Around 121 families from Barangay Lamud, South Upi, Maguindanao were displaced due to heightened armed confrontation. Displaced families were scattered in different evacuation sites while some families were able to build their own makeshift shelters.

December 31, 2020

- During the New Year's Eve, residents heard exchange of fire between Philippine army and BIFF in Sitio Manguda, Barangay Itaw, South Upi, Maguindanao. It started at 11:20pm of December 31, 2020 and lasted until 4am of January 1, 2021, according to reports. Around 599 Téduray and Lambangian families from Barangay Itaw and Barangay Kuya [xi] started evacuating from their homes.

January 1, 2021 [xii]

- The BIFF burned thirteen (13) houses and the rice harvests of Téduray and Lambangian families in Sitio Manguda, Barangay Itaw, South Upi, Maguindanao at around 10am and until 2pm. [xiii]

January 3, 2021

- At around 2pm, rural health unit workers and the mayor of South Upi were ambushed along the border of Barangay Pandan and Pilar after conducting relief operations for displaced families. BIFF claimed responsibility for the ambush. [xiv]

- According to reports, 517 families evacuated from Barangay Pandan, South Upi, Maguindanao: Sitio Fanang: 220; Sitio Bira: 36; Sitio Bolo: 50; Sitio Masagana: 221.

SOURCES - TIMELINE

[i] UNHCR. (2020). Lebak, Sultan Kudarat. Mindanao Displacement Dashboard. March 2020(67), 3. <http://www.protectionclusterphilippines.org/?p=2402>.

[ii] TJG (personal communication, 2020, March 29)

[iii] Tripod Cotabato [@tripod.cotabato]. (2020, April 14). As conflicts continue to displace poor populations – Our urgent appeal for the protection and assistance for the affected families [Image attached] [Status update]. Facebook. https://m.facebook.com/story.php?story_fbid=10220012425954578&id=1041300151.

[iv] UNHCR. (2020). Forced displacements in Barangay Kuya, South Upi due to armed encounter. Mindanao Displacement Dashboard. May 2020(69), 4. <http://www.protectionclusterphilippines.org/?p=2445>.

[v] TJG (personal communication, 2020, May 29)

[vi] Arguillas, C. O. (2020, June 3). Armed conflict displaces 900 Lumad families in South Upi, Maguindanao. Mindanews. <https://www.mindanews.com/top-stories/2020/06/armed-conflict-displaces-900-lumad-families-in-south-upi-maguindanao/>.

[vii] Cabrera, F. B. (2020, September 19). Roadside bomb hits military truck; 1 Marine dead; 4 injured. Mindanews. <https://www.mindanews.com/top-stories/2020/09/roadside-bomb-hits-military-truck-1-marine-dead-4-injured/>.

[viii] UNHCR. (2020). Armed conflict in Datu Hoffer Ampatuan Municipality, Maguindanao Province. Mindanao Displacement Dashboard. September 2020(73), 3. <http://www.protectionclusterphilippines.org/?p=2753>.

[ix] UNHCR. (2020). Displacement in South Upi Municipality, Maguindanao Province due to armed conflict. Mindanao Displacement Dashboard. December 2020(76), 4. <http://www.protectionclusterphilippines.org/?p=2936>.

[x] UNHCR. (2020). Displacement in South Upi Municipality, Maguindanao Province due to clan feud. Mindanao Displacement Dashboard. December 2020(76), 4. <http://www.protectionclusterphilippines.org/?p=2936>.

[xi] UNHCR. (2020). Displacement in South Upi Municipality, Maguindanao Province due to armed conflict. Mindanao Displacement Dashboard. December 2020(76), 4. <http://www.protectionclusterphilippines.org/?p=2936>.

[xii] UNHCR. (2020). Group A: Displacement in December. Mindanao Displacement Dashboard. December 2020(76), 4. <http://www.protectionclusterphilippines.org/?p=2936>.

[xiii] Unson, J. (2021, January 4). Hundreds displaced by gun attacks in Maguindanao town. Philstar.com. https://www.philstar.com/nation/2021/01/04/2068077/hundreds-displaced-gun-attacks-maguindanao-town?fbclid=IwAR2-c9CupR4N_5hcnqP_WNKn4Z_9r9Pf8l7mx99l4Ue1vr2iR9GDyh6yZXs.

[xiv] Cabrera, F. B. (2021, January 4). BIFF claims responsibility for ambush on Maguindanao mayor's convoy. Mindanews. <https://www.mindanews.com/top-stories/2021/01/biff-claims-responsibility-for-ambush-on-maguindanao-mayors-convoy/>.

END NOTES

[1] Reported by the Téduray Lambangian Women's Organization (TLWOI).

[2] OPAPP memorandum dated on 15 April 2020, authored by JNC Secretariat Wendell P. Orbeso sent to Presidential Adviser on Peace, Reconciliation and Unity (PAPRU) Secretary Carlito G. Galvez, Jr..

[3] Téduray, Lambangian, Erumanen ne Menuvu and Subanon tribes in Mindanao use the Timuay/Timuey/Timuoy as tribal titles.

[4] Pertinent provisions of the BOL include the recognition and promotion of "the rights of non-Moro indigenous peoples within the framework of the Constitution and national laws" (Article 4, Section 9) retaining for the indigenous peoples "their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity", ensuring "no discrimination on the basis of identity, religion, and ethnicity" (Article 4, Section 10). Further, to ensure indigenous peoples political systems, the Bangsamoro Government must adopt mechanism that recognizes and respects "native titles or fusaka inged; indigenous customs and traditions, justice systems and indigenous political structures, equitable share in revenues from the utilization of resources in their ancestral lands; free, prior and informed consent; political participation in the Bangsamoro Government including two reserved seats in the Parliament; basic services; and freedom of choice as to their identity" (Article 9, Section 3). Moreover, that it shall "not in any manner diminish the rights and benefits of the non-Moro indigenous peoples in the Bangsamoro Autonomous Region under the Constitution, national laws, particularly Republic Act. No. 8371, otherwise known as the "Indigenous Peoples' Rights Act of 1997" (Article 3, Section 4). See <https://www.officialgazette.gov.ph/downloads/2018/07jul/20180727-RA-11054-RRD.pdf>

[5] TJG (August 9, 2020) 2020 International Day Of World's Indigenous Peoples Statement.

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Layout: Maya Quirino

Cover photo: Lambangian indigenous people flee a skirmish in Barangay Lamud, South Upi, Maguindanao, in December 2020. Credit: Prince Sialongo.

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LRC is a legal and scientific non-governmental organization that helps indigenous peoples and poor upland rural farmers entangled in resource rights issues. LRC is the Philippines member of Friends of the Earth International. For more information or any clarification about this publication, send an email to lrckskfoeph@gmail.com.