



Transitional Justice and Reconciliation Commission

# LAND REPORT 2017

*Dealing with the Past and Land Dispossession in the Bangsamoro*







Transitional Justice and Reconciliation Commission

# LAND REPORT 2017

*Dealing with the Past and Land Dispossession  
in the Bangsamoro*

A report prepared by the Transitional Justice and  
Reconciliation Commission (TJRC)

Cotabato City and Manila  
February, 2017

The copyright notice shall be in the form Philippine Copyright 2017 by Transitional Justice and Reconciliation Commission.

February, 2017

Publisher: Transitional Justice and Reconciliation Commission  
Tel: (+632) 357-6703  
Email: tjrc2015@gmail.com

Content Editor: Jonathan Sisson  
Technical Editor: Dr. Marita Concepcion Castro Guevara  
Photographers: Leonard G. Reyes

Design  
& graphics: Pamela Lauren C. Liban

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior written permission of the publisher.

05	<b>Preface</b>
06	<b>Foreword</b>
08	<b>Acknowledgements</b>
10	<b>1. Background: Transitional Justice and Reconciliation Commission (TJRC)</b>
11	1.1. TJRC mandate, composition, and methodology
12	1.2. TJRC report recommendations
14	1.3. Recommendations concerning marginalization through land dispossession
17	1.4. TJRC and the WB-IOM report on “Land: Territory, Domain, and Identity”
19	<b>2. Introduction: “Dealing with the Past and Land Dispossession”</b>
21	<b>3. Findings: “Dealing with the Past and Land Dispossession”</b>
22	3.1. Waves of dispossession: Historical account
26	3.2. Land dispossession and its multiple causes
27	3.3. Contemporary impacts of displacement
28	3.4. Gender, land rights, and land dispossession
30	3.5. Formal and informal land dispute settlement mechanisms
32	3.6. Prospective challenges
38	<b>4. Recommendations: “Dealing with the Past and Land Dispossession”</b>

39	4.1. Global experience and its relevance for the Philippines
40	4.2. General recommendation
41	4.2.1. Priority one measures: Political commitment and improved land governance
42	4.2.2. Priority two measures: Filling data gaps and building national consensus
45	4.3. Specific recommendations
46	4.3.1. Scenario one: “On the basis of the status quo”
46	4.3.1.1. Priority one measures: Creating the institutional and legal architecture
46	4.3.1.2. Priority two measures: Creating the political environment
48	4.3.1.3. Priority three measures: Creating conditions for prevention of land conflict
50	4.3.2. Scenario Two: “Upon the establishment of the Bangsamoro”
50	4.3.2.1. Priority two measures: Developing a policy and operational framework
54	Annex 1: TJRC Dealing with the Past framework
55	Annex 2: Chronology of key legislation and policies that impacted on land rights and land ownership in Mindanao during the American colonial period up to the Aquino Administration



## PREFACE

As chairperson of the Transitional Justice and Reconciliation Commission (TJRC), it is my pleasure to present this report on “Dealing with the Past and Land Dispossession in the Bangsamoro” as an outcome of the important research and recommendations that emerged from the year-long consultation process which the TJRC conducted in accordance with its mandate.

In addition to this current report and the technical report on land dispossession “Land: Territory, Domain, and Identity” prepared by the World Bank and International Organization for Migration on behalf of the TJRC Study Group on Marginalization through Land Dispossession, the TJRC is also planning to publish a report presenting the findings of its community-based Listening Process.

These publications are intended to supplement and substantiate the findings and recommendations of the March 2016 TJRC report and, at the same, to serve as an impetus to the Government of the Philippines and the Moro Islamic Liberation Front to implement the recommendations of the TJRC report and to continue to engage in the process of normalization.

**Ms. Môt Bleeker**  
Chairperson, TJRC




## FOREWORD

It is a privilege for me as a member of the Transitional Justice and Reconciliation Commission (TJRC) and convener of the TJRC Study Group on marginalization through land dispossession to write a foreword for the TJRC report on Dealing with the Past and Land Dispossession in the Bangsamoro. The publication of this report is in itself an event of historical significance. It marks the first time that an independent commission in its official capacity, in this case as mandated by the Philippine government and the Moro Islamic Liberation Front (MILF), has examined and made recommendations concerning the issue of marginalization through land dispossession in the Bangsamoro as a historical injustice in need of remedy.

The material presented in this report was produced in connection with the TJRC consultation process that resulted in the publication of the TJRC report in March 2016. First and foremost, it contains recommendations to address outstanding issues relating to land dispossession and the ensuing marginalization of large sectors of the Moro and indigenous people in Mindanao from a 'dealing with the past' perspective. In this regard, it highlights the TJRC recommendation to establish a National Transitional Justice and Reconciliation on the Bangsamoro (NTJRCB) and focuses on the function of the proposed Sub-Commission on Marginalization through Land Dispossession or some other more long-term body of a similar nature. Most of the findings in the body of the report are culled from research conducted on behalf of the TJRC Study Group on Marginalization through Land





The importance of this report lies in the acknowledgement that unjust land dispossession, both historically and currently, serves as a key driving factor for conflict in Mindanao and in the Sulu archipelago.

Dispossession by a technical team of the World Bank (WB) and the International Organization for Migration (IOM) and by Professor Faina Abaya-Ulindang, rapporteur of the TJRC Study Group. The technical report produced by the WB-IOM team will be issued as a separate publication.

The importance of this report lies in the acknowledgement that unjust land dispossession, both historically and currently, serves as a key driving factor for conflict in Mindanao and in the Sulu archipelago. As such, the report presents both a narrative to understand and a policy framework to address long-standing grievances in such a way as to provide a measure of restorative justice for those who have been politically, socially, and economically marginalized through land dispossession in the Bangsamoro, in many cases over generations.

It is my hope that this report, together with the companion WB-IOM report, entitled “Land: Territory, Domain, and Identity”, will contribute to a broader understanding of the phenomenon of land dispossession of the Bangsamoro as a legitimate grievance and historical fact among the population in the Philippines, especially among the younger generation who may be hearing the details of this tragic cycle of violence for the first time.

Cotabato City, 10 October 2016

**Atty. Ishak V. Mastura**

Member, TJRC

Convener, TJRC Study Group on Marginalization through Land Dispossession

المسجد الخامسة الإبدائية

## ACKNOWLEDGEMENTS



*An old rundown school at Maguindanao turned into an evacuation site for more than 200 refugees. (© Leonard Reyes)*

This report was produced based on materials prepared by the Study Group on Marginalization through Land Dispossession of the Transitional Justice and Reconciliation Commission (TJRC) and by a technical team from the World Bank (WB) and the International Organization for Migration (IOM), which worked in support of the TJRC Study Group on Marginalization through Land Dispossession.

The TJRC Study Group comprised the following persons: Atty. Ishak Mastura (Convener), Mr. Guiamel Alim (Member), Atty. Anwar Malang (Member), Ms. Fatima Kanakan (Member), Dr. Francisco Lara (Member), and Dr. Faina Abaya-Ulindang (Rapporteur).

The WB-IOM technical team was led by Mr. Matt Stephens, while the lead author of the WB-IOM report was Dr. Fermin Adriano. In addition, the WB-IOM technical team included the following persons (in alphabetical order): Ms. Arnelyn Abdon, Ms. Nelia Agbon, Mr. Assad Baunto, Ms. Ica Fernandez, Mr. Elmer Mercado, Atty. Erwin Tiamson, and Mr. Peter van der Auweraert.

The following individuals: Ms. Mary Louise Castillo, Dr. Marita Concepcion Castro- Guevarra, Atty. Raissa Jajurie, Ms. Pamela Lauren Liban, Ms. Karen Paje, Dr. Ma. Lourdes Veneracion-Rallonza and Mr. Leonard G. Reyes.

The funding partners of the Transitional Justice and Reconciliation Commission: United Nations Development Programme, Facility for Advisory Support for Transition Capacities (FASTRAC), UN Women, and the Federal Department of Foreign Affairs of Switzerland; and in particular, the following individuals: Ms. Maricel Aguilar, Ms. Hanny Cueva Beteta, Ms. Sabrina Buchler, Ms. Alma Evangelista, Ms. Faith Evangelista, Ms. Rizza Torado, and Mr. Lloyd Yales.

Special tribute to Her Excellency Andrea Reichlin and His Excellency Ivo Sieber, from the Embassy of Switzerland to the Philippines for their unwavering support to work for the TJRC.

The members of the TJRCO Team: Ms. Mariecris Araga, Ms. Cindy Bullan, Mr. Sahraman Disomimba, Mr. Evir Galleon, Ms. Sophia Dianne Garcia, Ms. Carla Micaela Honasan, Ms. Donna Nessa Macaraeg and Ms. Maria Mikkoh Ortuoste-Samba.

And our deepest gratitude to the persons that we do not name here, but know what their contributions have been.



# 1 BACKGROUND: TRANSITIONAL JUSTICE AND RECONCILIATION COMMISSION (TJRC)

## 1.1. TJRC mandate, composition, and methodology

The Transitional Justice and Reconciliation Commission (TJRC) was established as part of the Normalization Annex of the Framework Agreement on the Bangsamoro (FAB) and, as such, was mandated **to undertake a study and to make recommendations** with a view to promoting healing and reconciliation among the different communities affected by the conflict in Mindanao and the Sulu archipelago.

The Government of the Philippines (GPH) and Moro Islamic Liberation Front (MILF) Peace Panels constituted the membership of the TJRC as follows:

Chairperson: Ms. Mô Bleeker, Special Envoy, Swiss Federal Department of Foreign Affairs;  
 GPH Delegate: Atty. Cecilia Jimenez-Damary;  
 GPH Alternate Delegate: Atty. Mohammad Al-Amin Julkipli;  
 MILF Delegate: Atty. Ishak Mastura;  
 MILF Alternate Delegate: Atty. Abdul Rashid Kalim;  
 Senior Adviser: Mr. Jonathan Sisson, Swiss Federal Department of Foreign Affairs.

The TJRC is supported by office staff based in Manila and in Cotabato City and by a senior gender adviser, Dr. Ma. Lourdes Veneracion-Rallonza.

The TJRC was mandated to propose appropriate mechanisms:

- To address **legitimate grievances** of the Bangsamoro people;
- To correct **historical injustices**;
- To address **human rights violations**;
- To address **marginalization through land dispossession**.

The TJRC subsequently designed and implemented an elaborate **consultation process** that focused on the four topics of its mandate and involved community-based “listening process” sessions, study group reviews of existing research, as well as key policy interviews. Additional independent research projects on particular subjects related to its mandate were also carried out. In all, the TJRC conducted “listening process” sessions in more than 210 Moro, indigenous, and settler communities in Mindanao and the Sulu archipelago, involving some 3,000 community members and local officials. The TJRC also engaged with a wide range of experts from the Bangsamoro region

and at the national level, including peacebuilding and human rights practitioners, community and religious leaders, academics and scholars of Bangsamoro history and culture, government officials, and representatives of the security and private sectors. Based on the findings of the consultation process, the TJRC produced its own analysis of the issues related to its mandate and of the root causes of the current conflict. In the view of the TJRC, the four topics of its mandate are interrelated and intertwined: The Bangsamoro narrative of historical injustice is based on an experience of grievances that extends over generations, particularly with respect to land dispossession and its adverse effects on their welfare as a community as well as their experience of widespread and serious human rights violations. Moreover, the TJRC came to the conclusion that these issues are the result of **three interlocking phenomena—violence, impunity, and neglect—which, in turn, are rooted in the imposition of a monolithic Filipino identity and Philippine State by force on multiple ethnic groups in Mindanao and the Sulu archipelago that saw themselves as already pre-existing nations and nation-states.**

## 1.2. TJRC report recommendations

The TJRC report was submitted to the Peace Panels in December 2015 and published in March 2016.<sup>1</sup> For its main recommendation, it proposed the creation of a National Transitional Justice and Reconciliation Commission on the Bangsamoro (NTJRCB). The overall mandate of the NTJRCB shall be to implement a holistic framework for “dealing

<sup>1</sup> The TJRC published its report in March 2016 in two separate editions. One version in a larger format was published in a print edition and is available online. A second version in a smaller format with a different pagination is only available in a print version. In the following, references will be made to both editions of the report. The Report of the Transitional Justice and Reconciliation Commission shall be cited as ‘TJRC Report March 2016.’ with two page numbers: The page number of the larger print and online version without parentheses and the page number of the smaller print version in parentheses.

The online version of the TJRC Report March 2016 is available at: [http://www.tjrc.ph/skin/vii\\_tjrc/pdfs/report.pdf](http://www.tjrc.ph/skin/vii_tjrc/pdfs/report.pdf) (accessed on 30 September 2016).

with the past” with a view to promoting healing and reconciliation.<sup>2</sup> To this end, it proposed the establishment of four Sub-Commissions to undertake the following tasks in cooperation with relevant existing institutions and actors:

- **Sub-Commission on Bangsamoro Historical Memory** to realize public and confidential hearings with the participation of victims of the conflict, to investigate serious violations of international human rights and international humanitarian law, and to implement remedies;
- **Sub-Commission on Land Dispossession in the Bangsamoro** to contribute to the resolution of outstanding land disputes in conflict-affected areas in the Bangsamoro, to address the legacy of land dispossession, and to implement remedies;
- **Sub-Commission against Impunity, for the Promotion of Accountability and Rule of Law in the Bangsamoro** to contribute to the dismantling of impunity, the promotion of accountability, and the strengthening of the rule of law in relation to past and present wrongdoings, and to implement remedies;
- **Sub-Commission on Bangsamoro Healing and Reconciliation** to promote healing and reconciliation among the different communities affected by the conflict.

<sup>2</sup> The TJRC employed its own approach to transitional justice, based on a framework developed by the Swiss Federal Department of Foreign Affairs and the Swiss Peace Foundation, which, in turn, is based on the principles against impunity as developed by the UN Human Rights Council. For an overview of the TJRC conceptual approach to “dealing with the past,” see: Transitional Justice and Reconciliation Commission (TJRC), Report of the Transitional Justice and Reconciliation Commission (Makati City: TJRC, March 2016), pp. 119-124 (cited afterwards as the “TJRC Report March 2016”). Available at: [http://tjrc.ph/skin/vii\\_tjrc/pdfs/report.pdf](http://tjrc.ph/skin/vii_tjrc/pdfs/report.pdf) (accessed on 14 June 2016). The diagram illustrating the TJRC framework for Dealing with the Past is included as an appendix to this report.

The terms “transitional justice” and “dealing with the past” are used interchangeably in this report. For a discussion of the two terms and the preference of the TJRC for the term “dealing with the past,” see: TJRC Report March 2016, p. 94 (116), footnote 8.



### 1.3. TJRC recommendations concerning marginalization through land dispossession

The TJRC formulated the mandate of the **Sub-Commission on Land Dispossession in the Bangsamoro** in accordance with international standards pertaining to the right to reparation, which acknowledges the right of individual victims or their beneficiaries to reparation and the duty of the State to provide satisfaction. In this regard, the proposed Sub-Commission shall fulfill the following tasks:

- Address issues related to land dispossession, use, and tenure in the conflict-affected areas in the Bangsamoro by developing and/or implementing a dispute resolution mechanism for land conflicts, including claims of indigenous peoples on ancestral domains, and for identifying lands where there are competing claimants;
- Create a database on actual land ownership in the Bangsamoro and on land dispossession that can be used to support legal proceedings and restitution/ reparation programs, including cadastral, geo-tagged, and community-based participatory mapping sets;



- Support the overall redesign of land services in the Bangsamoro, including changes in the legal framework and all procedures related to land titling, registration, taxation, and management, including claims of indigenous peoples on ancestral domains.

In pursuit of its mandate, the Sub-Commission on Land Dispossession in the Bangsamoro shall seek the support and cooperation of governmental and nongovernmental bodies, including the following: The GPH and MILF Peace Panels, the future Bangsamoro authorities,<sup>3</sup> the Office of the Presidential Adviser on the Peace Process (OPAPP), the Department of Justice (DOJ), the Commission on Human Rights (CHR), the National Commission on Indigenous Peoples (NCIP), the Integrated Bar of the Philippines (IBP), NGO/CSO representatives, justices of the Supreme Court, the Department of Environment and Natural Resources (DENR), the Land Management Bureau (LMB), the Department of Agrarian Reform (DAR), the Department of Agriculture (DA), the Department of National Defense (DND), the Armed Forces of the Philippines (AFP), the Department of Budget and Management (DBM), and the National Economic and Development Authority (NEDA).

In addition, the TJRC report formulated the following specific recommendations to be realized by the Sub-Commission on Land Dispossession in the Bangsamoro in collaboration with various government agencies.

### **To the future Bangsamoro authorities and DENR:**

- a. Conduct an inventory of corporate firm leaseholds or grants for reforestation projects that cut across ancestral domain and land claims.
- b. Rationalize forest reservation at the regional level.
- c. Authorize the NTJRCB to access data from the Presidential Commission on Good Government (PCGG) on:
  - i. Cases involving concessions granted by the Marcos dictatorship over State-controlled land in Mindanao for timber, mining, or

<sup>3</sup> While mention is made of the “future Bangsamoro authorities” as foreseen in the draft Bangsamoro Basic Law (BBL), the TJRC is of the opinion that many of the tasks of the NTJRCB can be undertaken in the circumstances prevailing under the current ARMM administration.

other natural resource exploitation to individuals or business entities owned or controlled by those considered as business associates of the Marcos family under Executive Order Nos. 1, 2, and 13.

ii. Cases involving the purchase, lease, or takeover of coconut farms or coconut oil production facilities in provinces within the Autonomous Region in Muslim Mindanao (ARMM), using the Coconut Industry Investment Fund (CIIF) and related coconut levy money.<sup>4</sup>

**To the relevant institutions concerned with land issues in the national government and the future Bangsamoro authorities:**

a. Address claims related to ancestral domains, implement the Indigenous Peoples Rights Act (IPRA), and devolve the National Commission on Indigenous Peoples (NCIP) in ARMM.<sup>5</sup>

**To the future Bangsamoro authorities and the agency members of the National Steering Committee on Women, Peace, and Security (NSCWPS):**

a. Institutionalize capacity building for women in the Bangsamoro towards their empowerment and the recognition of the integrality of their rights, including property rights.<sup>6</sup>

**To the AFP:**

a. Assess the process of appropriation and legal ownership of property occupied by military camps and seek ways to restore that property to its rightful owners or to provide adequate compensation, when warranted.<sup>7</sup>

<sup>4</sup> TJRC Report March 2016, p. 87 (109).

<sup>5</sup> TJRC Report March 2016, p. 89 (111).

<sup>6</sup> TJRC Report March 2016, p. 89 (111).

<sup>7</sup> TJRC Report March 2016, p. 90 (113).



© Leonard Reyes

**To the local government units (LGUs) in cooperation with the future Bangsamoro authorities, the National Economic and Development Authority (NEDA), the Mindanao Development Authority (MINDA), and the Bangsamoro Development Agency (BDA):**

- a. Set up a ‘one-stop shop’ assistance center for Bangsamoro and indigenous peoples to focus on the problem of landlessness and access to public services.
- b. Create a moratorium on the distribution of public lands and prevent the declaration of public lands as alienable and disposable.<sup>8</sup>

#### **1.4. TJRC and the WB-IOM report on “Land: Territory, Domain, and Identity”**

In support of the Study Group on Marginalization through Land Dispossession, which the TJRC set up as part of its consultation process, the TJRC requested the World Bank (WB) and the International Organization for Migration (IOM) to conduct research on land issues in Mindanao. Building on the findings of an earlier report on land disputes in conflict-affected areas of Mindanao published by the WB-IOM in 2013, the research team was asked to explore the impact of land

<sup>8</sup> TJRC Report March 2016, p. 91 (114).

dispossession upon the affected communities and to assess the efficiency of formal and informal land dispute settlement mechanisms.<sup>9</sup> As such, the findings of the report “Land: Territory, Domain, and Identity” substantiate and compliment the findings on land dispossession in the TJRC report and the recommendations made therein.<sup>10</sup> In preparing its final report, the TJRC was careful to review preliminary drafts of the WB-IOM report in formulating its recommendations on land dispossession based on a holistic understanding of “dealing with the past.” In this way, the TJRC was able to elaborate what it calls the “Bangsamoro opportunity”—a unique pathway to address the deep physical, mental, and spiritual wounds caused by historical injustices, while providing technical and transformative solutions to the root causes of conflict and their current manifestations in the Bangsamoro, for example in the area of marginalization through land dispossession.

In view of the importance that the resolution of land disputes bears for sustainable peace in the Bangsamoro, the TJRC decided to publish two separate reports on land dispossession as a supplement to its final report: the present report, which focuses on “dealing with the past” and land dispossession in the Bangsamoro, and the WB-IOM report entitled “Land: Territory, Domain, and Identity.” The present text is a composite, culled in part from the WB-IOM report and in part from material prepared by Professor Abaya-Ulindang as rapporteur of the TJRC Study Group on Marginalization through Land Dispossession. In addition, original material has been included, notably on the issue of gender and with respect to the recommendations.

The WB-IOM report “Land: Territory, Domain, and Identity” will be issued separately as a technical report on land dispossession in the Bangsamoro.<sup>11</sup>

<sup>9</sup> World Bank and International Organization for Migration, “Land Disputes in Conflict Affected Areas of Mindanao: Report of the Joint World Bank – International Organization for Migration Scoping Mission,” May 2013. Available at: <https://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/Land-Disputes-in-Conflict-Affected-Areas-of-Mindanao.pdf> (accessed on 24 June 2016).

<sup>10</sup> TJRC Report March 2016, pp. 44-54, 74-79, 84-91 (56-69, 92-99, 104-115).

<sup>11</sup> The forthcoming WB-IOM report “Land: Territory, Domain, and Identity” is cited henceforth as the “WB-IOM Report 2017.”



© TJRC

## 2 INTRODUCTION: “DEALING WITH THE PAST AND LAND DISPOSSESSION”



**It is well known that conflict over land is a major source of violence in various parts of Mindanao, particularly in the proposed Bangsamoro region.** Historical accounts trace the root cause of land issues and identity-based conflict to the introduction of the Regalian Doctrine of land ownership by Spanish colonizers. During the American colonial regime at the turn of the twentieth century, dispossession of land held by the original inhabitants of Mindanao accelerated with an emphasis on titling lands for private ownership that clashed with the tradition of ancestral domain. This was further exacerbated by migration instigated by the central government, starting with the development of "agricultural colonies" in the early 1900s to 1940s, to the passage of a series of land reform laws from the 1960s until the end of the 1980s to encourage individual land titling as a strategy for agricultural development. These events radically altered land ownership patterns in Mindanao, as communal ownership of land by its original inhabitants gave way to individual titles in the possession of settlers from Luzon and the Visayas.

**The quest to reclaim their ancestral domain remains central to the Moro cause.** In its struggle in the 1970s and 1980s, the Moro National Liberation Front (MNLF) asserted a claim to 14 provinces of Mindanao (out of 24 at that time) and Palawan as part of their ancestral domain. The concept of ancestral domain does not appear as a central issue in the October 2012 Framework Agreement on the Bangsamoro (FAB) or the March 2014 Comprehensive Agreement on the Bangsamoro (CAB) between the Moro Islamic Liberation Front (MILF) and the Government of the Philippines (GPH). However, the Agreements make a number of commitments with regard to land administration, the management of disputes over land, and the need to address unjust dispossession.



© Leonard Reyes

# 3 FINDINGS: “DEALING WITH THE PAST AND LAND DISPOSSESSION”



### 3.1. Waves of dispossession: Historical account

**Dispossession of the original inhabitants of Mindanao took place in four phases or “waves”:** (a) 1898 to the Commonwealth period; (b) 1946 to the late 1960s; (c) early 1970s to the mid-1980s; and (d) late 1980s to the present. Each of these phases was characterized by a different set of policy instruments. These instruments were, in turn, driven by the political and economic development agenda of the central government at the time, whether under colonial or Philippine national administration.

**The first wave (1898 to the Commonwealth Period) laid the foundation for the systematic land dispossession of the Moros, indigenous peoples (IPs), and other original inhabitants of the country through:** (a) the affirmation of the Regalian Doctrine of land ownership; (b) imposition of the Torrens land titling system; (c) the passage of a number of laws that were prejudicial to Moro and IP ownership of land; and (d) the active promotion of settlement of Mindanao by American-owned plantations and Christian settlers from the northern islands to increase agricultural productivity and advance the sociocultural integration of various ethnic groups in the country.

**The second wave (1946 to the late 1960s) saw a massive influx of northern migrants to Mindanao, particularly areas occupied by the Moros and IPs.** This phase was initiated by government-sponsored resettlement programs, which, in turn, led to the spontaneous and uncontrolled migration of northern settlers looking to own land in Mindanao. The resettlement programs served different purposes. The immediate aim was to ease social unrest in the countryside in the northern islands of Luzon and Visayas as a consequence of widespread landlessness and exploitative share tenancy arrangements. On the other hand, the programs also served to extend the control of the Philippine authorities through the presence of settlers in areas inhabited mainly by Moros and indigenous peoples.

As a consequence, Government created a series of institutions specifically mandated to promote the resettlement of Mindanao by northern migrants under its "land to the landless" program. The massive influx of settlers changed the demographic composition of Mindanao. The Moro and IP share of the population in Mindanao plunged from 52 percent in 1903 to 18 percent by 1970.



**The third wave (early 1970s to mid-1980s) witnessed the peak of systematic land dispossession of Moros and IPs, intensifying with the imposition of Martial Law in 1972.** A vigilante group, the Ilagas, was formed to drive Moro communities off their lands, which were subsequently taken over by settlers. The "land to the tiller" program, pursued under a series of agrarian reform laws passed during that period, to some extent legalized the takeover by migrant settlers of lands from their original owners. The Marcos Martial Law administration also granted Timber License Agreements (TLAs) covering hundreds of thousands of hectares of forest land to senior military and government officials and allied entrepreneurs to gain, reward, and consolidate support for the dictatorship. This led to the systematic and widespread clearance of virgin forests in Mindanao with particularly devastating effects for indigenous peoples.

As the demographic composition of Mindanao shifted, the settlers began to consolidate political power alongside their growing economic influence. Through a process of political gerrymandering, settler communities were gradually converted into barangays, municipalities, and new provinces. The old Cotabato and Lanao provinces were divided into several sub-units in acknowledgment of the fact that certain areas were now dominated by Christian settlers. Lanao province was divided into Lanao del Norte and Lanao del Sur in 1959. Cotabato province was gerrymandered into two provinces: Cotabato and South Cotabato in 1967. Three additional provinces—Maguindanao, Sultan Kudarat, and North Cotabato—were created out of the old Cotabato province through a Presidential Proclamation under the Marcos regime in 1973. That same year also saw the separation of Basilan from Zamboanga del Sur and Tawi-Tawi from Sulu. Thus, having become a minority in their own homeland, mainly Moros and indigenous peoples now faced a rapid diminution of local political power during this same period.

## Table 1. Gerrymandering in Lanao and Cotabato<sup>12</sup>

1959 22 May

Republic Act No. 2228 divided the province of Lanao into two distinct geographical and political units, known as Lanao del Sur and Lanao del Norte, with Marawi City as the designated capital of Lanao del Sur and Iligan of Lanao del Norte. The majority of the southern province was Muslim, whereas Lanao del Norte had a Christian majority with Cebuano-speaking residents constituting 80 percent of the population and outnumbering the Muslim population by 4 to 1.

1966 18 July

The municipality of Maganoy, Cotabato was created through Executive Order No. 47. It was carved out of the municipality of Ampatuan, which itself had been separated from Datu Piang in 1959. The municipality of Datu Piang, known originally as Dulawan, had been renamed in 1954. Dulawan was the old core of the Buayan datu's domain sa raya. Maganoy, today's Sharif Aguak, was a central Buayan settlement, which originally encompassed Mamasapano, the homeland of Datu Ampatuan Mamasapano, nephew of Datu Piang, also known as Amai Mingka (ca. 1850-1933).

<sup>12</sup> TJRC Report March 2016, p. 52 (66).

1966 18 July



Republic Act No. 4849 created the Province of South Cotabato from territory carved out of Cotabato, which had been established by the American colonial authorities in 1914 as the largest province in Mindanao. The Province of South Cotabato has a majority population of settlers. It encompasses the municipalities of Norala, Surala, Banga, Tantangan, Koronadal, Tupi, Polomolok, Kiamba, Maitum, Maasim, Tampacan and Glan, and the City of Rajah Buayan (General Santos)—all the traditional homelands of the B'laan and T'boli peoples, with the Buayan Maguindanao traditionally exerting power over the river systems and coasts. Koronadal, the epicenter of migration into Mindanao for half a century, became the capital of South Cotabato.

1973 22 November

Presidential Decree No. 341 divided the remaining territory of Cotabato into three provinces: North Cotabato, Sultan Kudarat, and Maguindanao. This presidential initiative was understood by Mindanao-based politicians at the time as yet another example of political gerrymandering, the intention of which was to create additional political units in Mindanao with a Christian majority that would guarantee a succession of Christian leaders in both elective and appointive positions.

In March 1984, Batas Pambansa No. 660 changed the name of the Province of North Cotabato to Cotabato.

**The fourth wave (mid-1980s to the present) further complicated the land ownership and land dispossession situation in Mindanao.**

Five factors contributed to this: (a) the passage of a number of land-related laws (i.e., the Comprehensive Agrarian Reform Law in 1988, the Mining Act of 1995, and the Indigenous Peoples Rights Act in 1997), resulting in overlapping claims to the same piece of land; (b) the titling of most lands in Mindanao, even in the proposed Bangsamoro area (though subject to validation), as part of the process of modernizing land ownership; (c) the establishment of the Autonomous Region in Muslim Mindanao (ARMM) and the creation of a new set of Moro elite who also accumulated large tracts of land while in office; (d) major outbreaks of armed violence, involving both vertical (GPH and MILF) and horizontal (i.e., clan feuds or *rido*) conflicts, some of the latter triggered by local strongmen precisely for land grabbing; and (e) growing land scarcity and the cultivation of high-value crops (e.g., oil palm, coffee, cacao, rubber, etc.), which has led to an increase in land values and, subsequently, to an increase in land claims.

### **3.2. Land dispossession and its multiple causes**

**Historical evidence suggests that the program of northern migrant resettlement in Mindanao resulted in the dispossession of communally-held lands by the Moros and IPs. While this is true, it is not the only factor that contributed to dispossession.** In this regard, it is worth noting that many early settlers, up to the 1950s, were welcomed by Moro leaders. Moreover, land laws enforced during that time were applied nationally and also caused the dispossession of other tribes across the Philippine archipelago in favor of more educated and opportunistic members of society. These land laws partly triggered the massive social unrest in the countryside that occurred from the 1930s to the 1950s, when the local communist movement reached its peak. It is also important to note that not only Christians, but also some Moros, particularly those coming from the elite class, were able to title large tracts of land in their names and have engaged in dispossession and land grabbing.

**Thus, while land dispossession did occur on a grand scale, it was not triggered by a single factor, but rather by multiple causes, acting either separately or in combination.** The five key drivers of land dispossession in Mindanao can be described as follows: (a) laws, policies, and programs that were prejudicial to Moro and IP ownership of land. It was on the basis of such prejudicial laws and policies reaching

back to the American colonial period that the internal migration of settlers from the North first began; (b) the weakness of the state apparatus particularly in terms of land administration and management. This led to the issuance of spurious titles and multiple deeds, claiming the same piece of land. The absence of effective governance was exploited by powerful groups to the disadvantage of the weak and excluded; (c) the operation of unregulated commercial interests (i.e., logging and mining) which accumulated thousands of hectares of land at the expense of their original dwellers; (d) cycles of violent conflict (both vertical and horizontal) which have caused regular, large-scale displacement; and (e) displacement caused by environmental factors, such as flooding and landslides.

### 3.3. Contemporary impacts of displacement

**The four waves of dispossession gave rise to profound social, political, and economic impacts, leaving a legacy of violent conflict and poverty.** Violent conflict has become a common feature in communities that suffered from land dispossession and displacement. Data from the Bangsamoro Conflict Monitoring System (BCMS), the GPH Coordinating Committee on the Cessation of Hostilities (CCCH), and ARMM for 2011-2014 reveal that contemporary incidence of land-related armed conflict (whether vertical or horizontal) is highest in the old Cotabato region, which was the major resettlement site for northern migrants. The data further suggest that the incidence of land conflict is high in Basilan, Sulu, and Tawi-Tawi (BaSulTa) provinces, but is mostly horizontal in nature (i.e., rido).

**Accumulated years of land dispossession, displacement, and neglect have also had a debilitating effect on well-being.** The latest small area poverty estimates (2012) show that 45 percent of the population in the proposed Bangsamoro core territory lives below the poverty line compared to 31 percent in all other areas of Mindanao.<sup>13</sup> Further, municipalities and cities with a high reported incidence of land conflict are generally poorer than those without. In the proposed Bangsamoro area, 48 percent of the population in areas affected by land conflict are poor, compared to 44 percent in areas with no reported cases of land conflict.<sup>14</sup>

<sup>13</sup> See Figure 2 on poverty incidence in study areas vs. Mindanao cited in WB-IOM Report 2017, p. 57.

<sup>14</sup> See Figure 3 on poverty incidence with and without land conflict cited in WB-IOM Report 2017, p. 57.

**Resettlement programs have not only marginalized communities of Moros and indigenous peoples in demographic terms, but have also intensified ethnic segregation.** Early Christian settlers were widely dispersed in areas occupied by Moros and indigenous peoples, promoting regular interaction between different groups. However, as violent conflict intensified and Moro and IP communities were pushed off their land, Mindanao became segregated along religious and ethnic lines. Statistically, there is now less than a 20 percent chance that any member of one particular ethnic group (Moro, IP, non-Moro/IP, or foreigner) will interact with members of another ethnic group.<sup>15</sup> This level of segregation has engendered misunderstanding and mistrust.

### **3.4. Gender, land rights, and land dispossession**

**The gender dimension of land dispossession is linked to the inequality between women and men with respect property rights.** In spite of progress in gender equality in recent years, men remain the primary owners and administrators of land and property. This discriminatory practice is supported by customary law, where long-held traditions and norms set the standard of what is allowed and acceptable. With respect to indigenous women, for example, the native title that is recognized by Philippine laws acknowledges communal ownership of land by the clan or the tribe to which the family belongs. Hence, with respect to native titles, the question is not simply whether indigenous women are able to own lands, but whether they are able to participate in the decision-making processes that their clan or tribe undertake in the exercise of their right as owners of the land. The gender dynamics within the clan or tribe defines the extent, if at all, of the participation of women.

**The fact that women have limited opportunities to own land and limited control over property makes them more vulnerable to marginalization through land dispossession.** This is particularly true when dispossession is accompanied by armed violence and followed by

<sup>15</sup> This estimate is based on interaction on the barangay level. See the analysis of data in WB-IOM Report 2017, p. 54, footnote 70.

internal displacement. The situation is especially critical for Moro and indigenous women, who are the single heads of households, either because their husbands have left to join a rebel group or because they have become widows.<sup>16</sup> In such cases, women may have no legal basis to assume the ownership of land that was held in their husband's name, as marriages often take place by means of traditional or customary rites without the benefit of government-recognized civil documentation or license. Likewise, the lack of a legal instrument showing ownership by the husband over the land is disadvantageous to his wife, when widowed, as the land does not become part of the estate subject to legal succession. In addition, land dispossession has also gone hand in hand with the sexual exploitation of women. Cases have been documented in which indigenous families were persuaded by outsiders to give them their daughters in marriage with the result that their husbands eventually laid claim to the families' land.<sup>17</sup> Other cases have been reported of displaced families who entrusted their daughters to traffickers in the expectation that their employment as domestic servants or as sex workers would compensate for the loss of livelihood due to internal displacement and land dispossession.<sup>18</sup>

**At the same time, it should be noted that the Philippines now has a strong legal framework to protect women's rights.** While this is still overshadowed by local practices, it does represent an avenue for

<sup>16</sup> It is estimated that 10 to 20 percent of the most impoverished households in the ARMM are headed by a single parent, including widows. See: Internal Displacement Monitoring Centre (IDMC) and Norwegian Refugee Council, *Cycle of conflict and neglect: Mindanao's displacement and protection crisis* (Genève, Switzerland: IDMC, October 2009), p. 12. Available at: <http://www.internal-displacement.org/assets/publications/2009/200910-ap-philippines-cycle-of-conflict-and-neglect-country-en.pdf> (cited in the TJRC Dealing with the Past Assessment and accessed on 14 August 2015).

<sup>17</sup> TJRC Listening Process Draft Report. Unpublished. P. 59.

<sup>18</sup> Rufa Cagoco-Guiam, *Gender and Livelihoods among Internally Displaced Persons in Mindanao, Philippines* (Washington, DC: The Brookings-London School of Economics Project on Internal Displacement, July 2013), pp. 7-8. Available at: <http://www.brookings.edu/~media/research/files/reports/2013/07/gender-livelihoods-idps-philippines/gender-and-livelihoods-among-idps-in-mindanao-philippines-july-2013.pdf> (accessed on 4 August 2016).



Listening Process in Maguindanao

addressing the disproportionate impact that unjust dispossession of land has had on women.

### 3.5. Formal and informal land dispute settlement mechanisms

**A range of formal and informal land dispute settlement mechanisms operate in the region to address land issues.** These include state institutions, such as: (a) the State justice system, comprising the civil courts, the *Shari'a* courts, and the Barangay justice system; (b) national government agencies (i.e., Land Management Bureau and Forest Management Bureau of the Department of the Environment and Natural Resources [DENR], the Department of Agrarian Reform [DAR], the National Commission on Indigenous Peoples [NCIP], and the Land Registration Authority [LRA]); (c) regional government agencies (i.e., DENR-ARMM, DAR-ARMM, and the Office of Southern Cultural Communities), including the Regional Reconciliation and Unification Commission (RRUC), which has a mandate to implement conflict resolution initiatives, including those involving land claims; and (d) local government unit (LGU) conflict resolution bodies. Informal, non-state bodies include: (i) customary/traditional dispute settlement mechanisms found in Moro and IP communities; (ii) CSO-managed dispute settlement bodies; and (iii) MILF shadow *Shari'a* courts.



**While government is mandated to settle land ownership, this can be complicated, as government is sometimes a driver of the conflict itself.** Trust in the government can be low in conflict-affected areas, as it was the government that imposed discriminatory policies and introduced an ineffective policy and institutional framework of conflicting laws which pit one legal claimant against another. Furthermore, the bureaucracy has limited coverage, is not immediately accessible, and has complicated procedures. The confrontational nature of litigation also contravenes the social preference for preserving harmony. Combined with the involvement of some government officials in anomalous transactions, many claimants avoid government dispute resolution systems. Therefore, the operation of national government land-related agencies in the Bangsamoro area will need to be significantly reformed before they can play an effective role in settling land disputes. In the same way, regional agencies in the ARMM should be reformed and any effort to set up equivalent agencies in the future Bangsamoro should be mindful of these concerns.

**Non-state systems enjoy local legitimacy and are symbols of cultural identity.** They are low-cost and highly accessible, but addressing local power imbalances in such institutions is a serious challenge. Their emphasis on keeping the peace may avoid on occasion the core issues of the land dispute at hand, thus achieving short-term pacification rather than a sustainable resolution of the issue.

**An analysis of successful dispute resolution mechanisms in Mindanao identifies some common elements, as follows:** (a) the importance of convening all relevant parties to a claim—competing claimants, relevant national and local government agencies, the security sector, community and religious leaders, and civil society. This brings all potential issues to the surface, while also bringing to bear the technical capacity and authority of the State, the moral legitimacy of community leaders, and the relative independence of civil society; (b) the need to painstakingly resolve competing claims plot-by-plot, claim-by-claim. The story of each dispute can be complex and diverse. Wholesale solutions are neither legally nor socially feasible; and (c) the need to ground dispute resolution in healing and reconciliation to encourage acknowledgment of the historical injustices. Finally, legal literacy can also play an important role in ensuring that community members are aware of their rights and the rights of others.

### 3.6. Prospective challenges

Taking into account the need for a holistic approach in “dealing with the past,” it is important to address the issue of land dispossession from multiple perspectives: (a) **truth seeking**, so that the affected communities can relate their own narratives of dispossession and its impact upon their wellbeing and welfare; (b) efficient and effective **justice** mechanisms that can adjudicate outstanding and conflicting claims; (c) a program of **reparation**, involving **restitution** of lost property or, in cases where that would be impossible or inappropriate, **compensation** for the loss of land and livelihood; and (d) an adequate **legal framework**, including a reform of the cadastral system to ensure ownership and avoid conflicting claims in the future.

**With this framework in mind, the following challenges need to be taken in account:**

**National transitional justice mechanism.** Both the original and the amended versions of the Bangsamoro Basic Law (BBL) provide for the creation of a transitional justice mechanism to address the legitimate grievances of the Bangsamoro people.<sup>19</sup> To this end, the TJRC has proposed the creation of a National Transition Justice and Reconciliation Commission on the Bangsamoro, which shall operate through four Sub-Commissions, one of which would focus on marginalization through land dispossession.<sup>20</sup> In this respect, there is a need to link technical solutions to land conflict, including remedies such as restitution and compensation, with historical memory about dispossession and the impact it has had upon the life and livelihood of the affected communities. Educating the Filipino public on what transpired in Mindanao and explaining why Mindanao cannot move forward to peace and development without addressing past and current injustices will be a major challenge.

<sup>19</sup> House Bill No. 4994, the Act providing for the Basic Law for the Bangsamoro (BBL), mentions the creation of a mechanism for transitional justice to address the grievances of the Bangsamoro people under Article IX, Section 4. The amended version of the House Bill retains the reference to a transitional justice mechanism, but states that it should address grievances of non-Moro indigenous peoples as well.

<sup>20</sup> TJRC Report March 2016, pp. 74-79 (92-99).



*Listening Process in Maguindanao*

**Implementing measures to satisfactorily address the land dispossession issue will face numerous challenges at different levels in the future, involving natural, legal, security, and development concerns.** Mindanao's population is 24 million as of 2015 (latest official census).<sup>21</sup> The island has a total land area of around 10 million hectares, encompassing a third of the Philippine territory. Around 60 percent of Mindanao's land is classified as mountainous and forest areas, meaning that only 40 percent is fit for settlement. This means that 24 million residents live in this limited land area of 4 million hectares, plus areas that are legally classified as forest but have actually been settled in. Mindanao's population is estimated to grow at an average of 1.3 percent per annum. At that rate, its population is projected to be around 33 million by 2040. It is worrying to note that the projected population growth over the next 25 years is highest in ARMM at 1.5 percent. This translates into an additional 1.7 million people in ARMM and nine million more people in

<sup>21</sup> The 2015 census data are available at: <https://psa.gov.ph/content/highlights-philippine-population-2015-census-population> (accessed on 16 August 2016). Significantly, the Autonomous Region in Muslim Mindanao (ARMM) was identified in the 2015 census as the fastest growing region with an average annual population growth rate (PGR) of 2.89 percent (Ed.).

the whole of Mindanao by 2040. Without proper land use planning and management and efforts to increase agricultural productivity, initiatives to address land dispossession will offer only a temporary reprieve from the problem.

**Land administration and management implications of the CAB.**

The various land-related provisions in the CAB largely transfer functions from the central government to the Bangsamoro entity. This presents no potential problem, provided that such powers are exercised within the limits stipulated by the Constitution, especially on the qualification of the applicants and the area limit of the concession or disposition. However, technical standards with regard to land survey procedures and processes would need to be the same for both governments in order to avoid overlaps, gaps, and other survey errors that may cause unnecessary conflicts on the ground. This would require extensive technical support for Bangsamoro agencies.

**The transfer of the land registration function (i.e., Register of Deeds under the LRA) to the proposed Bangsamoro Government will require a comprehensive technical, legal, and financial study of its implications.** The Torrens system of the central government is a title insurance system with liability/indemnity features that is guaranteed by an Assurance Fund created under Presidential Decree No. 1529. The system is anchored on the LRA ensuring, through its control and supervision of the Register of Deeds, that only land titles that are considered as “indefeasible” are registered. Thus, control and supervision of the Register of Deeds and the registration process through consulta and other regulations and issuances by the LRA are an essential part of the system and should be guaranteed by any system to be installed by a future Bangsamoro Government.

**The provisions of the original version of the BBL to IP claims of ancestral domain may be challenged by indigenous peoples.**

Under the draft BBL, the determination of traditional possession of land by indigenous peoples would be subject to judicial affirmation. Although there are legal arguments in favor of this procedure, it could potentially contravene the concept of "self-delineation" provided under

Republic Act No. 8371 (IPRA).<sup>22</sup> Under IPRA, the extent of the ancestral domain claim is adjudicated solely by the National Commission on Indigenous Peoples based on evidence/submission of the indigenous peoples. Some would argue that the draft BBL shifts the burden of proof to the indigenous peoples to present evidence sufficient to overcome the presumption of State ownership under the Regalian Doctrine. It will be important to address this potential legal ambiguity in the new enabling law to create the Bangsamoro by clarifying that the intention behind the inclusion of judicial affirmation was to offer indigenous peoples additional legal options to protect their ancestral land and not to take away any other options that they already enjoy.

**Imperative of development and normalization.** While the CAB is primarily a political settlement, it commits the parties to intensify the delivery of socio-economic programs for rehabilitation, reconstruction, and development in a manner that respects the Bangsamoro right to freely chart their own political, economic, and cultural destiny. Development planners in the proposed Bangsamoro territory will need to carefully assess different models for agriculture and agribusiness with a focus on empowering small holders and small farmers in the region. Models that are sensitive to prioritizing small tillers and fishers as the main beneficiaries of agricultural productivity and growth should be explored, all of which would require more stable land tenure arrangements than presently exist.

**The “normalization” process under the Comprehensive Agreement on the Bangsamoro also has spatial implications.** Pursuant to the Annex on Normalization, the parties commit to helping conflict-affected communities achieve their desired quality of life. This includes efforts to transform six acknowledged camps of the MILF into

<sup>22</sup> Proponents of the BBL note that the judicial affirmation of title is found in Article X, Section 2 of RA 9054 and Article XI, Section 2 of RA 6734. This was incorporated in the draft BBL by the Bangsamoro Transition Commission (BTC) under a provision on “Other exclusive powers.” According to the BTC, the inclusion is made because of the statement under Part Four, No. 4 of the Annex on Power Sharing, which says “All other powers granted to the Autonomous Region in Muslim Mindanao (ARMM), which are relevant to the Framework Agreement on the Bangsamoro, shall be transferred to the Bangsamoro Government.” For the BTC, the inclusion of judicial affirmation of title in the BBL was not intended to replace or supersede other legal options provided by other laws but merely to ensure that indigenous peoples do not lose this option, should they find it more advantageous in specific cases.



© TJRC

peaceful and productive communities. Some of the land in these areas is subject to competing claims. Thus, government and donor efforts to support the camps could risk “legitimizing” claims of existing occupants over others. Accordingly, settlement of land-related issues should be seen as an integral part of the normalization process.

**Mining, displacement and conflict.** The country's gold and copper reserves are predominantly found in Mindanao which is estimated to hold around 70 and 62 percent, respectively, of these minerals.<sup>23</sup> In addition, almost 40 percent of the chromite and nickel deposits are found in the island. Thus, it is no surprise that the majority of the large-scale mines in the Philippines (20 out of 38) operate in Mindanao. Mining can be a potential source of growth in the region that could underpin genuine fiscal autonomy for the Bangsamoro entity. However, the entry of large-scale mining or a proliferation of small-scale mining would put additional pressure on land ownership, especially in upland areas where

<sup>23</sup> The statistics and estimates given in this paragraph are based on the following study: Karlo Fermin S. Adriano, "The Extractive Industry in Philippines: Contributions to Economic Growth and Job Creation." 2015. An unpublished paper submitted to the World Bank Office in Manila.

most minerals are found. Particularly for indigenous peoples who bore the brunt of displacement during the heyday of logging between the 1950s and 1970s, there is a real threat that they may suffer another round of displacement if mining is promoted in the region. In turn, the likelihood of a resurgence of conflict would increase given the weakness of institutions to enforce regulations and to address the social conflict that often emerges in parallel with extractive industries. Moreover, should proper environmental safeguards not be put in place and observed, the incidence of natural disasters will rise, intensifying the suffering of the Bangsamoro, particularly those residing in lowland areas.



# 4 RECOMMENDATIONS:



Top photo: Listening Process in Tawi-Tawi; Bottom photo © Leonard Reyes



#### 4.1. Global experience and its relevance for the Philippines

The Philippines could usefully build upon international experience in addressing land-related grievances and historical injustices in the context of a peace process. In the past two decades, a number of post-conflict countries have attempted to deal with the challenge of resolving disputes involving land rights in various forms.<sup>24</sup> In the Philippine/Bangsamoro context, “lessons learned” based on international experience can usefully inform: a) the *process* that will be used to develop the policy to address land-related grievances and historical injustices; b) the *remedies* that will be used to address those grievances and historical injustices; c) the *institutional structures* that could be established and used to implement such policy; and d) the eventual *implementation* of that policy, which is usually where the biggest challenges lie.

**Developing and implementing a policy to address land-related grievances and injustices requires a broad political consensus operating within a holistic framework for “dealing with the past.”**<sup>25</sup>

This is especially important in conflicts that, like the one in Mindanao, have pitched different ethnic, religious, or national communities against each other and where the post-conflict environment is characterized by identity politics. International experience suggests that, in such environments, a holistic incremental approach as well as a focus on consensus building around the solutions proposed are crucial to the success of the endeavor to address land-related injustices and grievances.

**Restitution and compensation are the most common remedies used to resolve land conflict. In Mindanao, a combination of these in addition to some form of historical memory or truth seeking focusing on the policies and practice of dispossession would seem appropriate.** In line with international human rights norms, restitution is the preferable remedy. However, experience in post-conflict

<sup>24</sup> See, for example, the set of case studies, including Afghanistan, Angola, Bosnia, Burundi, Tajikistan and Timor-Leste, documented in: Jon Unruh and Rhodri C. Williams, eds., *Land and Post-Conflict Peacebuilding*. (Routledge, 2013).

<sup>25</sup> See the explanation of the need for a strategic approach to address the legacy of past injustices in the Bangsamoro, including land dispossession, in: TJRC Report March 2016, pp. 70-73 (87-92).

and other contexts shows that: a) Restitution tends to become more complicated the further away in time the land and property losses occurred; b) A careful conflict- and gender-sensitive analysis of the likely impact of restitution is required, given the risk of implementation undermining rather than supporting peace; (c) Financial compensation is usually easier to implement than restitution, as it does not require significant changes to the actual land and property situation on the ground. However, securing sufficient funds for restitution is often a major challenge. Moreover, in view of the dimension of historical injustice in Mindanao, restitution or compensation should be combined with some form of historical memory or truth seeking, whether this task be delegated to a special truth-seeking body (i.e. Sub-Commission on Historical Memory in the Bangsamoro) or to a commission focusing only on land restitution (i.e. Sub-Commission on Land Dispossession in the Bangsamoro).

**In terms of institutional architecture, there is a clear need for a new structure to address the legacy of land dispossession.**

Existing institutions have been unable to address efficiently the issue of land dispossession as a historical injustice and to provide adequate remedies. A new body should be created with that specific mandate, such as the proposed Sub-Commission on Land Dispossession in the Bangsamoro. The body will require the leverage to ensure that all stakeholders cooperate and the legal powers to implement its decisions in order to address one of the root causes of armed conflict in Mindanao.

## **4.2. General recommendations**

The four elements cited above—namely, process, remedies, institutional architecture, and challenges in implementation—were taken into consideration when formulating the general recommendations below, which draw on recommendations in the TJRC Report, on the analysis of the causes and impact of unjust dispossession in Mindanao, and on relevant international “lessons learned.” The recommendations are presented in order of priority, which may change as the political situation develops.

#### **4.2.1. Priority one measures: The starting point—political commitment and improved land governance**

**Ensure solid and sustained political commitment.** Dealing with past and recent—if not ongoing—land dispossession in Mindanao will require significant and deep reforms in land management, the provision of (some) reparations, and the undoing of (some) past injustices, and a considerable strengthening of the rule of law and good governance more broadly. The scale and impact of what is needed is such that it can be done only with the solid and sustained political commitment of key political actors in Manila and in Mindanao. Creating a new and dedicated institution to deal with land will not be sufficient by itself. Such an institution will be able to carry out its mandate only if there is a political consensus about the general direction among key public and private actors in political, economic, social, and cultural realms. The first step, therefore, needs to be a solid dialogue and political negotiation among those key actors to forge this consensus and commitment. This task should be a priority of the Sub-Commission on Land Dispossession to be created as part of the proposed National Transitional Justice and Reconciliation Commission on the Bangsamoro (NTJRCB).

**Invest in good governance in the land administration and management sector.** Good governance in land administration aims to protect the property rights of individuals, of commercial entities, and of the State and centers around transparency, accountability, rule of law, equity, and effectiveness. This requires, among other things, investment in staff training and management and the establishment of solid mechanisms to ensure accountability, if legal rules and procedures are flouted or breached. In particular, the participation of women must be sought in the consultation process, in crafting policies, in setting up mechanisms, and in establishing institutional bodies. While it is often challenging to change existing institutional cultures, the establishment of new institutions and the reengineering of land agencies, as recommended in this report, provide a good opportunity to make a new start. However, it is important to ensure that all institutions and entities that play a role in ensuring peaceful land and property relations, whether new or existing, are included in efforts to ensure good governance. Experience has shown that without a clear commitment to and investment in good governance, land administration bodies tend to falter, especially in post-conflict environments where trust in State institutions is known to be low. The factor of good governance is even more important when dealing with past injustices related to land. Such

mechanisms can fully achieve their objectives only if they are accompanied by a broader, serious effort to improve land administration and the rule of law.

**Develop and implement dispute resolution mechanisms to address land conflicts at the community level.** Efficient dispute resolution mechanisms, adapted to the needs of the communities, are essential to address land conflicts in the Bangsamoro territory. As foreseen under the original draft Bangsamoro Basic Law (BBL), the regular courts would continue to operate and are expected to decide land rights cases. Yet, it would be useful to consider the introduction of alternate dispute mechanisms, which could be adapted to specific contexts, in order to expedite the resolution of land disputes at the community level. Alternative dispute resolution mechanisms may eventually be included in the land administration law to be enacted by the future Bangsamoro Parliament, once established, or may even be introduced by the ARMM in collaboration with national agencies dealing with land administration and management, should there be no new enabling law for the Bangsamoro. The role of women, in particular, should be recognized in the planning, design, and implementation of dispute resolution mechanisms. Women must be given the space and opportunity to contribute to creating conditions for the prevention of land conflict.

#### **4.2.2. Priority two measures: Laying the foundations—filling data gaps and building national consensus**

**Ensure an accurate overview of the land problem.** This report has highlighted some of the major social, economic, and political impacts of land dispossession in Mindanao. Yet, it has not been able to fully document and quantify the scale of the problem due to time and data constraints. Additional in-depth investigations are needed in order to realize a full and accurate overview. Addressing the constraints with respect to data—including the limited access to archives and serious concerns regarding the proper preservation of existing paper files—is a priority issue. As such, a comprehensive survey is needed in order to assess the extent of the problem and to develop sound proposals that can truly help to address the root causes of historical and contemporary issues of land conflict.

**Employ a gender perspective in examining the different phases and causes of land dispossession and their impact on women and men.** Specific attention should be given to the gendered realities of internal displacement and land dispossession—whether due to vertical or horizontal conflicts as induced by land issues. Establishing further data and a substantive trend analysis of the gender dimension of land dispossession is necessary in order to propose gender-sensitive measures and approaches with respect to post-conflict land restitution and compensation and in developing gender-informed property/ land relations in the future.

**Create a consolidated, gender-disaggregated database on land in a conflict- and gender-sensitive manner.** The paucity of land data, the lack of a central repository for land data, and the absence of cadastral surveys in the ARMM present a huge challenge to the efforts to identify lands unjustly acquired. A consolidated, gender-disaggregated database accessible to the public would put all stakeholders on an equal footing. Addressing the gap in data is a critical step before wide-ranging and long-lasting solutions can be formulated. Thus, it is recommended to carry out a comprehensive survey to map/ identify all untitled lands and to assess, in further detail, the degree to which existing land titles are overlapping or contradictory and the extent to which men are privileged over women with respect to property ownership and administration. In short, a comprehensive exercise is needed to fill the gap in land data and pave the way for an eventual formal recognition of all land tenure rights and settlement of competing land claims related to historical dispossession in the Bangsamoro area. This would need to be conducted in a conflict- and gender-sensitive manner, as the mere act of documenting claims would be seen as a challenge to the status quo, a situation in which ambiguity benefits many powerful interests. A public information campaign and local capacity building would be necessary to implement this endeavor successfully.

**Conduct an “intentions survey.”** In the wake of decades of displacement and dispossession, there are reports that members of displaced communities, both Moros and indigenous peoples, are contemplating returning to their place of origin once the Bangsamoro entity is established. Not surprisingly, this is creating anxiety among current residents of these places who fear they will be disenfranchised

should the Bangsamoro Government be installed. This fear has led some groups of settlers to arm themselves in order to prevent such an eventuality. That said, the TJRC Listening Process provides evidence that most respondents understand that returning to their communities of origin would be a complicated matter and could trigger violence.<sup>26</sup> Accordingly, many suggested that they are willing to settle for reparations in the form of compensation. Others propose that a certain portion of their original land holdings should be allotted to them, while allowing current residents to stay in or relocate to portions assigned to them. Whatever the final solutions may be, it would be useful to have an overview of the a priori intention of those who were displaced and dispossessed to understand the scale of the problem and to identify the nature of the remedies considered acceptable to those most affected. Such an “intentions survey,” conducted in a conflict- and gender-sensitive manner, would provide a critical input to inform the design of policies and programs to address the needs of the displaced/dispossessed.

**Deeper examination of land and property conflict in the island provinces.** The 2013 Joint WB-IOM Scoping Study highlighted that land conflicts in Basilan, Sulu, and Tawi-Tawi (BaSulTa) are different from those experienced in Central Mindanao. The causes of conflict on mainland Mindanao were not evident to the same extent in the islands. In particular, the Christian settlement was small and land was less important as a source of wealth in an island economy. In BaSulTa, much of the land conflict is between Moro clans. The Bangsamoro Conflict Monitoring System demonstrates that, despite the absence of these factors, land conflict incidence and intensity remains high. As external researchers are unable to access the island provinces due to security restrictions, local universities could be tapped to conduct a more in-depth study to inform government efforts to address land conflict prevailing in these provinces as a result of their unique land ownership structure and history. This study should include access to fishing grounds for indigenous groups, such as the Badjao.

<sup>26</sup> The WB-IOM Report 2017 presents findings of the TJRC Listening Process that are relevant to the issue of land dispossession in an annex of the report.

### 4.3. Specific recommendations

The following recommendations address specific concerns with respect to the legal and institutional architecture needed to resolve land disputes, the need for an enabling political environment, and the importance of policies focusing on prevention in the future. The recommendations have been elaborated with the uncertain fate of a basic law to implement the CAB in mind. In this regard, the authors recall the importance of a comprehensive, inclusive, and gender-sensitive approach in addressing the issue of land dispossession. In its final report, the TJRC argues for the creation of a National Commission on Transitional Justice and Reconciliation on the Bangsamoro with an attendant Sub-Commission on Land Dispossession. In addition, the TJRC also formulated a number of recommendations on land issues that can be implemented individually or in a complementary fashion within the existing political framework.

Both of these proposals have informed the formulation the recommendations listed below and should be kept in mind. The recommendations themselves are listed by priority according to two possible scenarios: 1) “On the basis of the status quo” (i.e., with the ARMM constituting the autonomous regional government); and 2) “Upon the establishment of the Bangsamoro” (either through the passage of an enabling law or by way of constitutional amendment).

### 4.3.1. Scenario one: “On the basis of the status quo”

#### 4.3.1.1. Priority one measures: Creating the institutional and legal architecture

**Policy and agency for land reparation.** The Framework Agreement on the Bangsamoro (FAB) commits the parties as follows: “Whenever restoration is no longer possible, the Central Government and the Government of the Bangsamoro shall take effective measures for adequate reparation....” (Section 6.2). The TJRC report recommends that a Sub-Commission on Land Dispossession in the Bangsamoro be set up to address this matter. The Sub-Commission or another such body would investigate cases of unjust dispossession, adjudicate or mediate those cases, and arrive at a settlement by means of restitution and/or compensation. The body should also be empowered to settle land cases where there are competing claimants holding valid titles to the same property and to reach a solution agreeable to both parties. The Sub-Commission or other body will have to develop a standard valuation formula in cases where compensation is agreed upon by both parties. A reparation fund would need to be established for this purpose.

**A community-based approach to clarify land rights.** The frequent absence of basic documentation regarding land rights renders restitution and compensation more complex. However, the absence of documents can be addressed through “social cartography” employing “human archives,” i.e., by employing community-based approaches to establish past or present land use and ownership patterns. While this has been done elsewhere, this approach can be used in the Philippines only if the necessary laws and regulations are put into place that grant the outcome of these processes legal validity. Efforts will need to be made to ensure both men and women are able to participate meaningfully in community-based processes.

#### 4.3.1.2. Priority two measures: Creating the political environment

**Conduct national reconciliation dialogues.** The acceptability of solutions to address land dispossession will depend to a large degree on whether the general public is aware of the historical injustices committed against the Moros and the indigenous peoples and thus





*Listening Process in Maguindanao*

recognizes the need to take restorative action to address the root causes of the conflict, in order to promote healing and reconciliation. Unfortunately, the vast majority of the Filipinos, even policy makers, are unaware of the history of injustice in Mindanao. A holistic “dealing with the past” approach is therefore key to acknowledge what happened through initiatives of historical memory and to engender support for a reparation program for communities affected by land dispossession. As recommended in the TJRC report, the Sub-Commission on Land Dispossession should collaborate with the Sub-Commission on Bangsamoro Historical Memory to ensure that this history is recorded.<sup>27</sup> A number of concrete initiatives could be undertaken in this regard, for example, public or closed-door hearings on land dispossession, the revision of school history textbooks to include a chapter on the history of land tenure and dispossession in Mindanao, and the introduction of public memorials and historical markers to acknowledge the cultural heritage of the Moros and indigenous peoples.

<sup>27</sup> Concerning the mandate of the Sub-Commission on Bangsamoro Historical Memory, see: TJRC Report March 2016, p. 77 (96).

**Listen to the narratives of dispossession.** An important element in the process of reconciliation and dialogue is the active engagement with the different groups affected by the conflict. With respect to land dispossession, there is a need, in particular, to engage with the various communities of indigenous peoples and to listen to their narratives. Like the Moros, their welfare and livelihood has been adversely affected by land dispossession and yet their history is less well known. Listening to the indigenous peoples and including their perspectives and needs in the narrative of land dispossession in Mindanao is critical not only with respect to inclusivity, but also to achieve a greater sustainability of the proposed solutions. The narratives could be elicited in the form of public or closed-door hearings or in a series of dialogues between the Bangsamoro and the leaders of indigenous peoples. The hearings or dialogues should aim to identify the experiences of land dispossession and oppression particular to the two groups. Furthermore, they should determine common needs and recommend context- and gender-sensitive solutions. One common goal should be to arrive at a consensus on principles concerning reparations for land dispossession that respect the needs and interests of all involved parties.

**Develop publicly accessible archives on land issues.** Archives specifically focusing on land issues should be developed to protect and preserve precious documents. The archives should be administered in such a way that they are publicly accessible and, as such, serve the needs of scholars and researchers to improve their understanding of the history of land tenure and dispossession in Mindanao and to provide the public with a glimpse of the lives and struggles of Mindanao's early inhabitants. The archives should be decentralized and could be attached to institutions of higher learning, such as the State university system in Mindanao and the Sulu archipelago.<sup>28</sup>

#### **4.3.1.3. Priority three measures: Preventing future conflicts over land and resources**

**Supplement the national Disaster Risk Reduction strategy with legal protection for Internally Displaced Persons (IDPs).** In Mindanao, as elsewhere in the Philippines, inadequate land management, a rise in extreme weather events, population growth, and increasing land prices

<sup>28</sup> This is one of the recommendations of the study on archives mandated by the TJRC as part of its assessment on “dealing with the past” in the Philippines.

have resulted, on the one hand, in considerable land areas that are now degraded and/or more vulnerable to natural disasters and, on the other hand, in a considerable number of people living in such areas. In an effort to address the heightened threat of natural disasters, Congress adopted RA No. 10121, known as the "Philippine Disaster Risk Reduction and Management Act of 2010." This act should be supplemented with an act providing legal protection for Internally Displaced Persons (IDPs). Although it is estimated that as many as 3.5 million people have been displaced by armed conflict in Mindanao in the last fifteen years, there is currently no legal framework in the Philippines that protects the rights of IDPs, who often suffer loss of land and livelihood due to displacement.<sup>29</sup>

**Assess the impact of high-value natural resource exploitation on land use and rights in Mindanao.** Unregulated commercial interests related to natural resource exploitation have been a significant cause of violence, displacement, and land dispossession. Should the peace process hold, interest in high-value natural resources, such as gold and copper, is likely to grow. While, if well-managed, this could contribute to economic growth and prosperity and potentially underpin genuine fiscal autonomy for the Bangsamoro entity, it also entails significant risks, including the risk of further land dispossession. To better understand the prospective impacts—positive and negative—an assessment on the current and future impact of the exploitation of high-value natural resources on land use and land rights in Mindanao is needed. This could include an analysis of the current mechanisms to protect existing land rights; involve communities in decision making about new concessions/rights to exploit high-value natural resources; and the resolution of disputes. Recommendations for action should integrate a conflict-sensitive approach to natural resource exploitation in Mindanao and identify possible needs for reform.

**Ensure coordination between the land administration and the government agencies leading the normalization process.** As noted above, the normalization process under the Comprehensive Agreement on the Bangsamoro (CAB) commits the parties to intensify socio-economic development, including the transformation of the six acknowledged MILF camps into zones of peace and prosperity.

<sup>29</sup> For a more detailed discussion of the lack of legal protection for displaced persons, see: TJRC Report March 2016, pp. 40-42 (52-54).



*Listening Process in Tawi-Tawi*

Given the potential for land claims in the area of the MILF camps, there will be a need for close coordination between the land administration and management agencies and the government agencies leading the normalization process (including the Office of the Presidential Adviser on the Peace Process, the Department of Social Welfare and Development, and the Department of Agriculture). The proposed Sub-Commission on Land Dispossession or another separate body (see below) should be given jurisdiction to address any land claims related to or affected by the normalization process and, especially, the transformation of the former camps.

#### **4.3.2. Scenario two: “Upon the establishment of the Bangsamoro”**

##### **4.3.2.1. Priority two measures: Creating conditions for long-term land administration and management**

**Adopt policies to address landlessness, land conflicts, and dispossession.** The CAB stipulates that exclusive powers will be vested in the Bangsamoro Government for the administration and management of lands in the Bangsamoro territory. If included in a new enabling law for the Bangsamoro, this power would provide a unique opportunity to establish a more efficient and effective land

administration system. Reengineering the system would require changes both in laws and in institutional mandates and responsibilities. This would be a complicated process entailing extensive research, significant human and financial resources, close cooperation between land-related national agencies and their Bangsamoro counterpart, and unstinting commitment from the national and Bangsamoro leadership. The WB-IOM report “Land: Territory, Domain, and Identity” sets out a five-phased policy framework describing how the land tenure problems in the Bangsamoro could be effectively addressed. Implementing this framework would take a number of years before a Bangsamoro land administration system could be fully operational.<sup>30</sup>

**Redesign the provision of land administration services.** The current cadastral framework in the Philippines (established under various and conflicting national land laws) does not support a unified parcel reference system. Neither does it provide an overarching structure that underpins land titling, land registration, land taxation, and land management. A number of factors has created confusion in the provision of land administration services: a) the dual systems of land titling (direct and indirect granting process); b) the divide between agencies exercising survey, titling, and registration functions; c) the overly rigid conventional survey system; and d) the institutional failure to create a common and updatable system of parcel or cadastral indexing that integrates current attributes for the rights held for each land parcel. This situation has at times been exploited by those who could benefit from ambiguity and loopholes in the system, including some government officials.

**Enact a new legal framework for land administration.** To effect the redesign of services, the Bangsamoro legislature would need to enact a new legal framework for land administration. This framework could include a new land agency to establish a unified parcel reference system that underpins all land administration functions of the government (i.e., titling, registration, taxation, and land management). Furthermore, the land administration system should be based on a unified cadastral framework supported by information technology. The objective of a

<sup>30</sup> The policy framework is outlined in detail and presented as an annex entitled “Program-based systematic approach to land tenure problems in the Bangsamoro territory” in the report. See Annex E of the WB-IOM Report 2017.



Focus Group Discussion with Historians, April 2015

unified system would be to eliminate inconsistent data between government agencies exercising land administration functions.

To this end, the Bangsamoro authorities would need to expand the recently completed cadastral survey delineating political boundaries in ARMM to determine actual land ownership/usage rights and to identify existing competing claims and lands which were unjustly obtained. This would require substantial resources and expertise, but is an indispensable first step.

**Clarify legal and operational responsibilities.** A detailed study on how the land registration system of the Bangsamoro Government would operate is needed, as the Torrens system of the central government is a State title insurance system with liability/indemnity features. Under the draft Bangsamoro Basic Law, land registration appeared to be treated as a mere recording of rights. It is suggested that discussions with the Land Registration Authority (LRA) be held to thresh out possible problems that could emerge from the shift of this mandate from the Central to the Bangsamoro Government, should this be pursued under the new enabling law.

It is also recommended that a land reparations database, particularly data to be used in legal proceedings, should eventually include

cadastral, geo-tagged, and community-based participatory mapping sets, as a nested series of models. The feasibility of such an endeavor, however, will require further study.

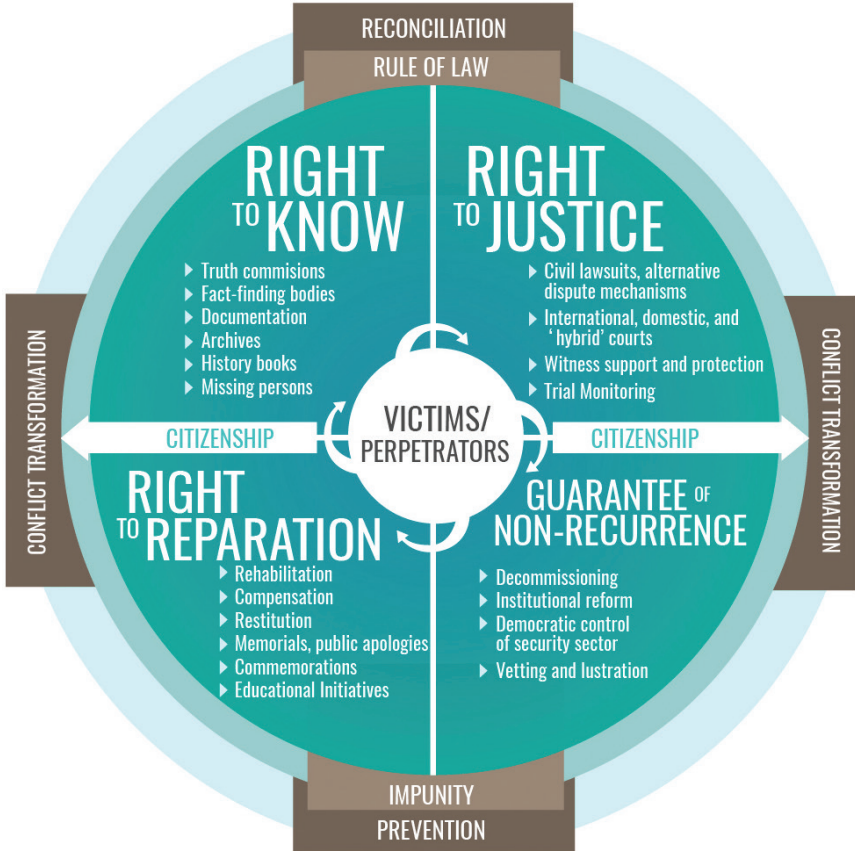
**Land administration and management in the long-term.** It is important to note that the recommendations under this scenario are of a long-term nature. Although part of the process could be initiated by the Sub-Commission on Land Dispossession proposed by the TJRC, a more permanent body, as suggested above, would need to be set up by the Bangsamoro authorities to complete the work of reengineering existing agencies and to attend to the administration and management of lands in the Bangsamoro territory in the future. This requires further reflection concerning both the legal and operational framework of such a body, as noted above, and the planning and capacity building necessary for such a body to conduct its work.

Annex 1. TJRC Dealing with the Past Framework

# The DWP Framework

REFERENCES

Federal Department of Foreign Affairs | swisspeace  
 Based on the principles against impunity by Louis Joinet & Diane Orentlicher



Transitional Justice and Reconciliation Commission  
 Philippines



## Annex 2. Chronology of key legislation and policies that impacted on land rights and land ownership in Mindanao during the American colonial period up to the Aquino administration.<sup>31</sup>

Laws/policies	Year	Stipulation	Impact
<b>The First Wave: 1898 up to the Commonwealth period</b>			
Kiram-Bates Treaty	20 August 1898	Treaty provided that the Sultan of Sulu acknowledged the sovereignty of the United States over Sulu and its dependencies, while the latter committed not to interfere with the internal affairs of the Sultanate.	Enabled the US to focus on its "pacification" campaign against Filipino rebels in the northern islands of the country without worrying about a rear-guard armed opposition from the Muslims in the south
Treaty of Paris	10 December 1898	Sale of the Philippines, Puerto Rico, Guam and Cuba by Spain to the United States	Annexed Mindanao to the Philippines
	30 October 1899	Creation of the US Military District of Mindanao, Jolo, and Palawan (Paragua)	Separate governance structure for the southern islands
Philippine Commission Act No. 253 under Governor General William Taft	2 October 1901	Established the Bureau of Non-Christian Tribes (BNCT)	This bureau was established to conduct ethnographic studies of "Mohammedans" and "pagans" of the Philippines, thus enshrining in governance the categorization of Muslims and indigenous peoples as separate from the mainstream.
	10 July 1902	The Department of Mindanao was created as one department of the US Army.	Mindanao treated as separate from the rest of Philippine archipelago

<sup>31</sup> This is based on research undertaken by the WB-IOM technical team and appears as Annex D in the WB-IOM Report 2017.

Laws/policies	Year	Stipulation	Impact
	1 October 1902	Most of the territories accepted as belonging to the Philippines under the 1898 Treaty of Paris were reverted to civil government and local civilian control under the American governor-general, by fiat of the Philippine Commission—with the notable exceptions of “Moro” and “pagan” or “non-Christian” areas of Mindanao and Sulu.	The province of Batangas was also placed under Martial Law during this period.
Land Registration Act (Act No. 496)	November 1902	Required the registration of lands occupied by private individuals and corporations, introducing the Torrens title system to the Philippines. It created the Court of Land Registration and the Register of Deeds. It limited land acquisition to only three titles. It also stipulated that all applications for registration of land title shall be in writing, and signed and sworn by the applicant.	Since most Moros and IPs were illiterate, they were automatically made ineligible to own lands by this Act. This law affirmed the Regalian Doctrine of land ownership and shifted land ownership to individuals or corporations through the Torrens title system.
Philippine Commission Act No. 718	April 1903	Declared null and void land grants awarded by the Moro sultans, datos, or chiefs of non-Christian tribes when made without government authority or consent	This Act effectively assigned sole power to grant land titles to the central government and ensured operations of the Regalian Doctrine of land ownership.
Philippine Commission Act No. 787	June 1903, until 1914	Created the Moro Province, which divided Mindanao into five politico-military districts: Davao, Cotabato, Lanao, Sulu, and Zamboanga. Each district was divided into municipalities and “tribal wards,” in parallel to its equally militarized counterpart in the Mountain Province, Luzon.	

Laws/policies	Year	Stipulation	Impact
Public Land Act No. 926	October 1903	Declared as public (government) lands all lands not registered under Act No. 496 of 1902. Public lands could only be disposed in three ways—by homestead, purchase (by individual or corporation), and lease. For homestead lands, land ceiling was pegged at 16 has.; for purchased land, 16 has. for individuals and 1,024 has. for corporations. For leased land, land ceiling was pegged at 1,024 has. both for individuals and corporations.	This law was inspired by the Homestead Act of 1862 in the US to encourage white settlers to own and develop lands in the country's sparsely populated Western frontier at the expense of native American inhabitants. It had the same effect in Mindanao.
Mining Law	1905	Provided that all public lands in the Philippines are free, open for exploration, occupation, and purchase by citizens of the Philippines and the US	Allowed mining operations in the country and since the sector is capital-intensive, only those who had the funds could venture into this activity while in the process depriving natives ownership of lands that they occupied prior to mining operations
	1906	Founding of the Ohta Development Company, a Japanese abaca concern, in Davao	Started the development of the abaca industry in Davao, which became an enclave of Japanese business interest
Cadastral Act	1907	Facilitated awarding of land titles to claimants. Institutionalization of Torrens title system of land ownership	Formally deprived Moros and IPs of ownership over the lands they occupied, because of illiteracy and lack of knowledge of the bureaucratic process of claiming lands

Laws/policies	Year	Stipulation	Impact
	1910	<p>The first rubber plantation was established in the Philippines by an American consortium on Basilan Island, homeland of the Islamicized Yakan-speaking people. Four years later, in 1914, the plantation was sold to J. M. Menzi, who then established the first commercial rubber plantation, the American Rubber Plantation, over vast tracts in Lamitan and Isabela towns. American “pacification” in Basilan involved the introduction of large-scale rubber and copra (coconut) concerns. Earlier, in 1900, Menzi founded the Manila Daily Bulletin, originally as a shipping journal. The word “pacification” was widely used by the American colonial government, and applied to military and non-military means for conquest.</p>	<p>By this year, of the ninety-seven major plantations of one hundred hectares or more, sixty-one were owned by Americans, nineteen by Europeans, five by Chinese, and twelve by Christian and Muslim Filipinos.</p>
<p>Philippine Commission Act No. 2254: Another Public Land Act was passed to amend certain provisions of the original Act</p>	1913	<p>Provided for the creation of "agricultural colonies" in Cotabato and Lanao and the funds needed to boost rice production starting in 1912. Cash subsidies for transportation, subsistence, and livelihood start-ups were provided to encourage settlers from Visayas and Luzon.</p>	<p>Colonies were established in Pikit, Silik, Paidu-Pulangui, Glan, and Talitay (Cotabato). More than 15,000 has of land were occupied by Christian settlers (Pelzer 1945).</p>

Laws/policies	Year	Stipulation	Impact
Philippine Commission Act No. 2408	23 July 1914	Created the Department of Mindanao and Sulu, which replaced the Moro Province with a civil government. It covered seven provinces: Zamboanga, Jolo, Cotabato, Davao, Surigao, Agusan, and Bukidnon. This excluded the provinces of Misamis and Surigao and the islands of Palawan and Balabac. Its capital was in Zamboanga.	Under Governor Frank W. Carpenter, a so-called Policy of Attraction was pursued among Muslims. Carpenter articulated his mission thus: "...the aim is the amalgamation of the Mohammedan and Christian native population into a homogeneous Filipino people."
Organic Act No. 2408	1 September 1914	It created the new provinces of Zamboanga, Jolo (Sulu), Cotabato, Davao, and Lanao. Bukidnon was declared a "sub-province."	
Commonwealth Act No. 2280	1914	Created the Momungan (Balo-i) agricultural colony in Lanao	
	13 March 1915	Governor Carpenter and Sulu Sultan Jamal-ul Kiram II signed a Memorandum of Agreement. Through this instrument, the Sultan recognized the US sovereignty in the Sulu Archipelago with "all the attributes of sovereign government that are exercised elsewhere in American territory and dependencies." The sultan in effect abdicated all his powers including his prerogatives associated with the courts and collection of taxes, while the US recognized the sultan as the "titular spiritual head of the Mohammedan church in the Sulu Archipelago;" and that the Moros "shall have the same religious freedom . . . and the practice of which is not in violation of the basic principles of the laws of the United States of America."	In the hindsight view of some scholars, the Agreement was flawed owing to mistranslation across the languages used.

Laws/policies	Year	Stipulation	Impact
	1916	The five Legislative Districts of Mindanao and Sulu were designated as Agusan, Bukidnon, Cotabato, Davao, Lanao, Zamboanga and Sulu.	
Philippine Autonomy Act (Jones Law, 39 Stat. 545, c. 416) enacted by US Congress	29 August 1916	Created a fully elected Philippine Legislature. The Department of Mindanao and Sulu was abolished and its functions subsumed under the Bureau of Non-Christian Tribes.	Mindanao now under the direct control of Manila
Philippine Commission Act No. 2711	10 March 1917	Formally divided the Philippines into provinces, which in turn contained municipalities and/or municipal districts, and the cities of Baguio and Manila. For the Department of Mindanao and Sulu, this included Agusan, Bukidnon, Cotabato, Davao, Lanao, Sulu, and Zamboanga.	
Philippine Commission Act No. 2722	16 May 1917	Provided for usufruct use by the Sultan of Sulu of 4,096 hectares of public land in Sulu to be reserved by the Governor General. The other members of the Sultan's family entitled to this use were "his direct heirs Datu Rajamuda Muhallil Wasit, Dayang Dayang Hadji Piandau, and Putli Tarhata Atik." The usufruct use was not subject to taxation; however, the lands may not be alienated, i.e., transferred to any other.	

Laws/policies	Year	Stipulation	Impact
Philippine Commission Act No. 2874	1919	Raised the hectarage ceiling for homestead lands from 16 to 24 has. However, this ceiling applied only to Christian Filipinos and US citizens. For Moros and IPs, the ceiling was pegged at 10 has. only. Moreover, ceiling for public land acquired through purchase by an individual was raised from 16 to 100 has., while retaining the 1,024 has. for corporations.	Ensured that Christian Filipinos and US citizens would have greater land holdings than Moros and IPs
	1919	The National Development Corporation (NDC) was established and given the task of land acquisition and promotion of corporate investments.	Facilitated public-private partnership in the development of lands in Mindanao for plantation agriculture
	1919	The American agricultural corporation BF Goodrich started operations in Mindanao by felling forests to plant to rubber.	The momentum of land conversion from forests to plantations picked up speed from this period.
Commonwealth Act No. 2206	1919	Authorized provincial boards to manage colonies	Additional colonies were established: Lamitan in Basilan (under Zamboanga province then); Tawi-Tawi (under Sulu province); Marilog (Bukidnon); and Salunayan and Maganoy (Cotabato).

Laws/policies	Year	Stipulation	Impact
	1919-1930	Starting in 1919, the Inter-island Migration Division (IMD) of the Bureau of Labor encouraged Christian settlement in Mindanao through the extension of incentives. It also encouraged the convergence of new settlers near existing plantations for easier access to a supply of labor.	Opened Kapalong, Guianga, Tagum, Lupon, and Baganga in Davao; Labangan in Zamboanga and Lamitan in Basilan; Cabadbaran, Butuan, and Buenavista in Agusan; Momungan and Kapatagan valley in Lanao. It brought in more settlers to Pikit and Pagalungan.
Philippine Legislature Act No. 2878	5 February 1920	The Bureau of Non-Christian Tribes replaced the Department of Mindanao and Sulu.	
Act No. 3129	1925	Raised the hectarage ceiling of public lands purchased by an individual to 144 has., while retaining ceiling for corporations, and the hectarage ceiling for leases that could be availed of by both private individuals and corporations	
	1926	Philippine Packing Corporation (PhilPak - Del Monte) started a pineapple plantation in Bukidnon. Goodyear and Firestone set up rubber plantations in Zamboanga Sibugay and Sultan Kudarat, respectively.	



Laws/policies	Year	Stipulation	Impact
<b>Commonwealth Period (1935-1945)</b>			
Quirino-Recto Colonization Act (No. 4197)	February 1935	Encouraged more Christian settlements in Mindanao by the construction of roads and conduct of public land surveys prior to the establishment of more agricultural colonies	Addressed complaints of early Christian settlers on the lack of roads to transport goods and people and the inability to have lands titled under their names
Philippine Constitution	1935 (Quezon administration)	Pegged the hectareage ceiling for individuals and corporations leasing public lands at 1,024 has. Also raised the ceiling for grazing leases to 2,000 has.	Land dispossession of Moros and IPs unequivocally became an official policy of the central government, as it was enshrined in the Philippine Constitution.
Commonwealth Act No. 141	November 1936	Lowered the hectareage ceiling that could be purchased by an individual under the homestead scheme from 24 to 16 has. However, the allowable hectareage ceiling that could be owned by Moros and IPs under the homestead scheme was reduced from 10 has. to 4 has.	Ensured not only land dispossession of the Moros and IPs, but also discriminated against them as owners of their ancestral lands
	1937	Dole in Polomolok; TADECO (United Fruit) in Davao del Norte	
	1939	Opening of Samar Mining Company (SAMICO) in Compostela Valley	
Act No. 441, creating the National Land Settlement Administration (NLSA)	1939 (abolished in 1950)	Secured funding assistance to encourage more settlements in Mindanao. Assistance was provided in the form of farmlands and home-site plots, transportation for the entire family, subsistence allowance, and credit to purchase building materials for housing, farm implements and inputs. Served as a "one-stop shop" of migrant settlers' concerns.	Resettlement areas were opened in Koronadal (Lago, Tupi, Marbel and Polomok), Allah Valleys (Banga, Norallah and Surallah), and Mallig plains in Isabela

Laws/policies	Year	Stipulation	Impact
<b>The Second Wave: 1946 up to late1960s</b>			
Rice and Corn Production Administration (RCPA)	March 1949 (Quirino administration)	Led to the establishment of settlements in Buluan (Cotabato) and Maramag-Wao (bordering Bukidnon and Lanao) to promote rice and corn production	Rapid migration/ resettlement during this period led to a decline in the population of Moros and IPs vis-a-vis Christian settlers. Cotabato, Lanao, and Zamboanga provinces were gerrymandered to accommodate interests of Christian settler politicians who carved out their own territory where they could exercise political control.
Land Settlement Development Corporation (LASEDECO) established, replacing NLSA and RCPA	1950	Took over resettlement areas sponsored under NLSA and RCPA and opened more resettlement areas in Tacurong, Isulan, Bagumbayan, part of Buluan, Sultan sa Barongis and Ampatuan (all in Cotabato)	
EDCOR (Economic Development Corporation)	1951	Managed resettlement assistance to captured and surrendered Huks in the following Mindanao areas: Sapad, Lanao del Norte, Alamada in North Cotabato, and Buldon, Maguindanao	Less than half of the new settlers were actually Huk rebels; most of them were Visayan settlers and relatives of military personnel (active and retired).
National Resettlement and Rehabilitation Administration (Narra) established through RA 1160. Replaced LASEDECO	1954 (Magsaysay administration, abolished in 1964)	Narra resettled thousands of families from Visayas and Luzon to Mindanao from 1954-1963. Settlement sites were in Allah Valley, Cotabato; Bongao-Balimbing, Tawi-Tawi; Carmen, North Cotabato; Columbio-Tulunan, Central Cotabato; Daguman, Cotabato; Koronadal Valley, Cotabato; Maramag-Pangantukan, Bukidnon; Tomas, Davao; and Wao, Lanao del Sur	

Laws/policies	Year	Stipulation	Impact
Republic Act No. 1888	1957	The 1954 Kamlon rebellion in Sulu would push an independent Philippine Congress to create a special committee to investigate the “Moro Problem.” This resulted in a series of initiatives that sought to culturally and politically integrate the “Moro and pagan tribes,” which were lumped into labels such as “national cultural minorities,” “non-Christian Filipinos,” “cultural communities” (as described in the 1973 Constitution), before later being disaggregated into “indigenous cultural communities,” “indigenous peoples,” and “Muslim Filipinos” from 1987 onwards. The first of these bodies was the Commission on National Integration (CNI).	While it is argued that the CNI funds were largely misused, it instituted scholarships that allowed future Bangsamoro leaders such as Nur Misuari and Mohagher Iqbal to be educated in Manila. The Mindanao State University was created under RA 1387 four years later, in 1961. The Senate Committee on National Minorities would later conduct a survey in 1963. It identified five key problems: land, education, livelihood, health, and transport.
RA 2228	22 May 1959	Separation of Lanao del Norte and Lanao del Sur	
Agricultural Land Reform Code established the Land Authority (LA) (Macapagal administration)	1963	LA’s Bureau of Resettlement accelerated implementation of the resettlement program in Mindanao and other sparsely populated provinces in the country to provide lands for small and poor farmers, effectively replacing the NARRA. Almost half a million lands were awarded from 1963 to 1975, with almost half of the distributed lands from Cotabato provinces and around 17% in Lanao provinces.	
	18 July 1966	South Cotabato carved out from Cotabato, with its capital established at Koronadal City.	
Proclamation No. 472	1965	Creation of the Campo Muslim in Rio Hondo, Zamboanga City	
	1967	Cotabato divided into two provinces, Cotabato and South Cotabato	Beginnings of gerrymandering

Laws/policies	Year	Stipulation	Impact
<b>The Third Wave (1970s to mid-1980s)</b>			
Creation of the Department of Agrarian Reform (DAR) through RA 6389 (Marcos administration)	1971	Took over resettlement tasks from previous agencies it replaced under its Bureau of Resettlement	Administered 18 resettlements in 10 Mindanao provinces: Balimbing-Bongao (Tawi-Tawi); Liloy, Salug, and Sindangan (Zamboanga del Norte); Maramag, Pangantukan, and Kalilangan (Bukidnon); Prosperidad and Talacogon (Agusan del Sur); Sto Tomas, Panabo, and Asuncion (Davao del Norte), Sapad, Nunungan, and Karomatan (Lanao del Norte); Wao, Lumba-a-Bayabao, Bubong, Butig, Lumbatan, Bayang, Binidayan, Pagawayan, and Tubaran (Lanao del Sur); Carmen and Alamada (North Cotabato); Buldon and Upi-Dinaig (Maguindanao); and Columbio, Tulunan, Isulan, Bagumbayan, and Surallah (Sultan Kudarat)
Presidential Decree No 27 (Marcos Martial Law regime)	1972	Declared the entire nation as an agrarian reform area	Effectively rejected the concept of communal land or ancestral domain land as forms of land ownership

Laws/policies	Year	Stipulation	Impact
EO No. 411	April 1973	Creation of a Presidential Task Force on the Reconstruction and Development of Mindanao (PTF-RadMin). Its primary tasks included: (i) immediate assessment of the damage wrought on private property and government facilities, services, and establishments; (ii) preparation of an integrated plan necessary for the full reconstruction and rehabilitation of Mindanao; and (iii) restoration of peace and order by adequate military operations, apprehension of rebellious leaders and followers, and the implementation of a selective amnesty and rehabilitation program. It launched the Reconstruction and Development Program (RAD) for Muslim Mindanao in early 1974.	
P.D. No. 302	11 September 1973	Separation of the province of Tawi-Tawi from Sulu	
P.D. No. 341	22 November 1973	Further divided the old Cotabato into three more provinces: North Cotabato, Maguindanao, and Sultan Kudarat	Gerrymandering
P.D. No. 356	27 Dec1973	Separation of the province of Basilan from Sulu	
Presidential Decree No. 410	11 March 1974	Declared that ancestral lands occupied and cultivated by national cultural communities as alienable and disposable. This initiative by the RAD-Min was purportedly meant to help address land conflict in Mindanao.	Allowed private titling of hitherto ancestral lands held by IPs and Moros

Laws/policies	Year	Stipulation	Impact
Presidential Decrees No. 690, 719, and 1703	1975	Creation of the Southern Philippines Development Authority (SPDA) as the agency responsible for the “initiation and/or implementation of development projects in Southern Philippines.” This absorbed the powers of the earlier CNI, the Mindanao Development Authority (MDA), the Presidential Committee for the Rehabilitation and Development of Southern Philippines (PCRDSP), the Presidential Task Force for the Rehabilitation and Development of Mindanao (PTF-RadMin), and the Special Program of Assistance for the Rehabilitation of Evacuees (SPARE).	
GRP-MNLF Tripoli Agreement	1976	The Tripoli Agreement of 1976 listed 13 provinces and nine cities as “areas of autonomy”—the provinces of Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao Del Sur, South Cotabato, and Palawan and “all the cities and villages” therein.	At that time, there were nine cities within the autonomy areas: Zamboanga, Dipolog, Dapitan, Pagadian, Cotabato, Iligan, Marawi, and General Santos in Mindanao and Puerto Princesa in Palawan. By 1976, only five of the 13 provinces and one of nine cities were Moro-dominated.
PD 1628	25 March 1977	Declaration of Autonomy in Southern Philippines after the signing of the 1976 GRP-MNLF Tripoli Agreement	

Laws/policies	Year	Stipulation	Impact
PD No. 1414	1978	Creation of the Office of the Presidential Assistant on National Minorities (PANAMIN). This addressed all non-Muslim minorities, complementary to the work of the Ministry of Muslim Affairs (MMA). The MMA was established in 1981 through EO 697 and was renamed as the Office of Muslim Affairs (OMA) soon thereafter.	
Batas Pambansa Blg. 20	23 March 1979	Creation of the Autonomous Regions comprising Regions 9 and 12. Exercising his Martial Law powers, then President Ferdinand Marcos issued Proclamation 1628 on March 25, 1977, creating two Regional Autonomous Governments (RAGs) and scheduling the plebiscite for April 17 of that year in the 13 provinces and nine cities of Mindanao and Palawan that the Tripoli Agreement identified as "areas of the autonomy." In the 1977 plebiscite, the cities of General Santos and Puerto Princesa and the provinces of Palawan, South Cotabato, and Davao del Sur rejected inclusion in the two RAGs. The MNLF protested Marcos' creation of two autonomous regions instead of just one.	

Laws/policies	Year	Stipulation	Impact
Executive Order No. 969	1984	After PANAMIN Secretary Manuel Elizalde, Jr. fled to the US shortly before the fall of the dictatorship, the powers of PANAMIN and OMA were merged into the Office for Muslim Affairs and Cultural Communities (OMACC) in 1984. While Executive Order No. 969 claimed that “it is desirable to combine those agencies engaged in allied and complementary operations and activities relative to the development of the cultural communities in order to achieve better coordination, increased effectiveness, and unanimity of purpose in terms of ultimate results,” the lumping together of Moro and IP issues soon proved to be ill-advised.	
1987 Constitution	11 February 1987	Allowed for the creation of autonomous regions in the Cordillera and Muslim Mindanao —“geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures” (Art. 10, Section 15)	
E.O. No. 122-A, B, C		Upon Corazon Aquino’s assumption of office, the OMACC was replaced by three bodies under the Office of the President: the Office on Muslim Affairs (OMA), the Office for Northern Cultural Communities (ONCC), and the Office for Southern Cultural Communities (OSCC).	



Laws/policies	Year	Stipulation	Impact
Comprehensive Agrarian Reform Law (RA 6657)	1988 (Aquino administration)	Placed all agricultural lands, regardless of crops planted, under agrarian reform and lowered the individual retention ceiling to tillers (5 has. for married couples and 3 has. for an individual)	A&D lands and plantation farms in Mindanao, under mother titles, were distributed to tillers. Until now, these mother titles have not been divided and distributed as individual titles to approximately 2 million CARP beneficiaries in the country.
<b>The Fourth Wave: mid-1980s – present</b>			
RA 6734	1 August 1989	<p>Creation of the ARMM covering four provinces of the 18 that participated in the plebiscite: Maguindanao, Lanao del Sur, Sulu, and Tawi-Tawi. RA 6734 was based on the mandate of the 1987 Constitution but the establishment of the autonomous region by the 1987 Constitution was viewed differently by the Moro National Liberation Front (MNLF), which campaigned against its ratification. The MNLF, at that time, maintained that the 1976 Tripoli Agreement must be implemented “in letter and spirit.”</p> <p>The MILF and the Moro Islamic Liberation Front (MILF) boycotted the ratification of the 1987 Constitution.</p> <p>In the November 1989 plebiscite following RA 6734, only four of the 13 provinces and none of the nine cities voted for inclusion in what would become the following year, the Autonomous Region in Muslim Mindanao (ARMM)—comprising the provinces of Sulu, Tawi-Tawi, Maguindanao, and Lanao del Sur.</p>	The ARMM Regional Legislative Assembly has the right to create new LGUs.

Laws/policies	Year	Stipulation	Impact
RA 7228	1992	Creation of Sarangani, which was carved out of South Cotabato	
Philippine Mining Act	1995 (RA 7942) (Ramos administration)	Provided the legal framework for the development of the mining industry in the Philippines	Led to further encroachment upon lands owned by IPs and other upland dwellers where mineral deposits are found
GRP-MNLF Final Peace Agreement (FPA)	1996	The 1996 FPA provided for the strengthening and expansion of the ARMM as well as the establishment of transitory bodies such as the Southern Philippines Council for Peace and Development (SPCPD) and the Consultative Assembly (CA), and the proclamation of provinces and cities under the Special Zone of Peace and Development (SZOPAD), which were meant as opportunities for the MNLF to take active part in public management as an intrinsic part of self-governance.	During the ARMM turnover ceremony from Pangandaman to Misuari in September 1996, President Ramos claimed that “although the ARMM has been in existence since 1990, only now we can say that it is accepted by all of its constituents.” However, the end of Misuari’s three-year term in 1999 led to his ouster not only as ARMM Governor and SPCPD Chairman, but also as MNLF Chairman with the Council of 15 declaring Misuari “incompetent” and effectively replacing the MNLF Central Committee.

Laws/policies	Year	Stipulation	Impact
	1997	After the signing of the 1996 Final Peace Agreement with the MNLF, these “areas of autonomy”—by then already expanded from 13 to 14 provinces, because Sarangani province was carved out of South Cotabato—were made part of the Ramos administration’s Special Zone for Peace and Development (SZOPAD). Together with the Southern Philippines Council for Peace and Development, SZOPAD was supposed to be the transitional implementing mechanism for a future “expanded” ARMM.	Areas under SZOPAD included Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Sarangani, and Palawan, including the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Zamboanga, Puerto Princesa, and Kidapawan.
Indigenous Peoples' Rights Act of 1997 (RA 8371)	1997	Reaffirmed that it is the state policy (as contained in the 1987 Constitution) to protect IPs rights over their ancestral land	Created a legal and implementation conundrum on the boundaries between lands that are eligible for CARP distribution and lands communally owned by the IPs and between IP lands and forest protection reserves or areas declared as sites for mining development

Laws/policies	Year	Stipulation	Impact
RA 9054 Revised Organic Act of the ARMM	31 March 2001	Strengthened the ARMM Organic Act in line with the 1996 GPH-MNLF Final Peace Agreement. (By 2001, the “areas of autonomy” listed in 1976 had expanded to 15 provinces with the creation of Zamboanga Sibugay from Zamboanga del Sur; and the nine cities had expanded to 14 with the conversion of the towns of Digos, Isabela, Kidapawan, Koronadal, and Tacurong into cities.)	Of 15 provinces, only one more joined the four ARMM provinces—Basilan, while only one city out of 14, voted for inclusion in the “expanded” ARMM—the Islamic City of Marawi.  Lamitan town in Basilan became the second city of the ARMM when it was converted into a city in 2007.
	2003	CARP suspension in Maguindanao and Lanao	Massive corruption attended the implementation of the voluntary offer to sell (VOS) component of CARP.
	2008	OMA was abolished in 2008 with the creation of the National Commission on Muslim Filipinos (NCMF). The powers and functions of the ONCC and OSCC were merged as organic offices of the National Commission on Indigenous Peoples (NCIP), which was created through RA 8731, known as the Indigenous Peoples Rights Act of 1997. However, the Office for Southern Cultural Communities (OSCC) remains active as a devolved agency of the ARMM, although it functionally overlaps with NCMF and NCIP.	

Laws/policies	Year	Stipulation	Impact
GRP-MILF Memorandum of Agreement on Ancestral Domain	2008	The MOA-AD, already initialed by the Peace Panels a week earlier on July 27, was not formally signed on August 5 because of a temporary restraining order issued by the Supreme Court in the afternoon of August 4.	
GPH-MILF Comprehensive Agreement on the Bangsamoro	March 2014	Building on the 2012 GPH-MILF Framework Agreement, the CAB provided for the creation of a Bangsamoro government covering a proposed “core territory”—the the core territory set forth in the 2008 MOA-AD plus the barangays in North Cotabato that had voted to join the ARMM during the 2001 plebiscite, as well as “Bangsamoro waters.” It set forth a number of land administration and management reforms, framing this in terms of exclusive and concurrent powers vis-à-vis National Government. Protection of indigenous peoples’ rights to fusaka inged or native title.	Final impact to be determined, pending the passage of the Bangsamoro Basic Law  Implications of plebiscite, opt-in provision to be determined— municipalities vs. province/city



Transitional Justice and Reconciliation Commission

# LAND REPORT 2017

*Dealing with the Past and Land Dispossession  
in the Bangsamoro*

A report prepared by the Transitional Justice and  
Reconciliation Commission (TJRC)

Cotabato City and Manila  
February, 2017



Transitional Justice and Reconciliation Commission  
**LAND REPORT 2017**  
PHILIPPINES

Supported by:



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

