

Philippines: Statement of Loyukan on the Extension of the Bangsamoro Transition Process

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It has been almost three years since the passage of the Bangsamoro Organic Law (BOL), a manifestation of the mutual desire of the Government of the Republic of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) to forge lasting and inclusive peace.

Recently, several bills have been filed in Congress moving for the extension of the transition process of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), which was created by BOL.

LOYUKAN, a coalition of solidarity groups and non-Moro Indigenous Peoples (NMIPs) that has been pushing for the rights of NMIPs in the Bangsamoro and has, in fact, supported the passage of the BOL, is concerned that this extension might be used to reverse the gains fought by NMIPs in the crafting of the autonomous law, specifically the inclusion of provisions recognizing the rights of NMIPs.

The extension — and the very project of Bangsamoro autonomy — could have ramifications for the more than 127,000 NMIPs, living in 208,258 hectares of ancestral domains that overlap with the Bangsamoro territory given the number of killings and massive displacement from their ancestral lands since the start of the BOL.

Extension of Transition Process and Deferment of 2022 Regional Elections

The transition period for BARMM is set to end in 2022; the regional elections in BARMM will coincide with the national general elections. The Bangsamoro Transition Authority (BTA) has proposed the extension of the transition period due to the inability to accomplish the priorities needed to be finished before the elections. This is given the fact that they have been given larger resources. [1] The extension would also give the BTA more time since the COVID-19 pandemic has disrupted the transition.

Four bills [2] have been filed in the House of Representatives to reset the BARMM elections from 2022 to either 2025 or 2028.

We assert, however, that formal elections in 2022 may resolve the political authority and legitimacy of the current Bangsamoro Parliament and transition authority [3] as members of the BTA were appointed by the MILF and the GPH. BTA should secure its democratic mandate by giving people the power to choose its own leaders.

We are also concerned that these bills might inadvertently provide a platform for eroding the rights of NMIPs in the BOL. Such a policy reversal would negatively impact NMIPs who are increasingly becoming minoritized in the Bangsamoro.

Presidential Peace Adviser Carlito Galvez, Jr. says that the “entire process is on track” [4], a view that is supported by other civil society groups. However, recent experiences of NMIPs show otherwise.

Conflict and human rights violations

In fact, even as the “normalization” of former combatants is underway, there are reports of continuing recruitment to the Bangsamoro Islamic Armed Forces (BIAF), along with the establishment of satellite camps in Barangay Rempes and Rifao in Upi, Maguindanao and in other areas of the Teduray and Lambangian Ancestral Domain Claim (TLADC).

Without getting the consent from the NMIP communities, tarpaulins that declare some areas of the ancestral domain as part of MILF communities were installed. These banners were seen in South Upi, Maguindanao (Sitio Dara, Barangay Kuya and Sitio Femegoyon, Barangay Pandan), in Datu Saudi Ampatuan, Maguindanao (Sitio Betew, Barangay Kabengi), in Guindulungan, Maguindanao (Sitio Fute, Barangay Ahan) and Lebak, Sultan Kudarat (Barangay Kalamongog).

There has been a spate of killings in these same areas. Within the first year of BOL alone (July 2018 to July 2019), there were 11 murdered indigenous peoples in Maguindanao province. These are believed to be linked to land issues [5]. Since January 2021, another 11 NMIPs have been killed. Based on the conflict database of International Alert Philippines, MILF commanders, their followers, and relatives were seen to be involved in these violent confrontations relating to land and access to resources from 2018 and halfway through 2020. [6] Analyst Pancho Lara says that those “who now hold the reins of devolved political authority have been unable to control, much less punish, the deadly actions and behaviour of their own members.”

On June 23, 2020, the baglalan (tribal title holders) declared that their fusaka inged (ancestral domains) was in a state of guboten (under siege) “because of the cases of forced land occupation by non-IPs, attack and killings perpetrated by armed groups and hostage taking at Sitio Dara, Barangay Kuya, South Upi, destruction of properties, robberies, harassments and movements of armed groups in different parts of the ancestral domain.” [7]

The effects of these feuds have not spared civilians. In the tally of the United Nations High Commissioner for Refugees (UNHCR), 667 families and approximately 3,358 individuals were displaced as of July 2020. Another 1,000 families were displaced by January 2021 [8]. Evacuees were forced to stay in makeshift tents and evacuation sites without proper facilities for their everyday needs. Adding to their vulnerability is the inability to practice health protocols amid the COVID-19 situation.

All these are playing out against the larger issues involving the ancestral domains of NMIPs.

Ancestral domain issues

In the last quarter of 2019, NMIPs were disheartened by the issuance of the BTA of Resolution No. 38, or a “Resolution Protesting the Delineation Process in Maguindanao Province Urging the National Commission on Indigenous Peoples (NCIP) to Cease and Desist the Delineation Process and the Proceeding for the Issuance of the Certificate of Ancestral Domain Title in the Province of Maguindanao, Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)”. NMIPs take this as an unequivocal denial of NMIPs’ right to native title and ancestral domain, [9] which is provided for in the BOL.

This concern was raised to the Inter-Governmental Relations Body (IGRB), which has created a Technical Working Group (TWG) that settles issues of this nature. As of this writing, no resolution

has yet been made.

This is critical because two major MILF camps and four forest agreements will be situated within the TLADC. MILF camps are targeted areas for Camp Transformation under the Normalization program in Executive Order No. 79 or the “Implementing the Annex on Normalization under the Comprehensive Agreement on the Bangsamoro” [10] signed on April 24, 2019. The program covers land distribution and utilization of resources for decommissioned combatants [11] and will most likely encroach on the ancestral domain of NMIPs. IPs have expressed their apprehensions that the Camp Transformation would be used to institutionalize a “legalized process to grab” their ancestral lands and domain as there are already projects coming in that did not secure their Free, Prior, and Informed Consent (FPIC), for example, a banana plantation in Sitio Manguda, Barangay Itaw, South Upi.

Kesefananguwit Timuay or Timuay Justice and Governance (TJG) and Gempa te Kelindaan ne Kamal ne Erumanen ne Menuvu (Kamal) have reported that there are individuals who claim lands with actual titles within the ancestral domains. With the ensuing tensions relating to land, many NMIP farmers were forced to leave their farmlands.

Minted sa Inged (Member of the Supreme Council of TJG) Alim Bandara have said that armed conflicts that occurred simultaneously with the COVID-19 pandemic posed additional burden to the communities. The intensification of the armed attacks and forced takeover of NMIP areas led to mass evacuations of indigenous communities.

In his essay [12], MSI Bandara asserted, “In the end, peace is nowhere to be found. We have long been witnesses to the systemic violence and aggression. Peace is transformed to mean fear and loss of freedom and rule of law that supposedly serves its constituents. The barrel of the gun became the new form of power in these conflict areas.”

Recommendations

In view of the foregoing, LOYUKAN firmly calls for no extension on the transition process and to preserve the IP provisions enshrined in the BOL.

LOYUKAN calls on key actors to immediately respond to these developments, specifically:

- For the GPH to initiate or sustain confidence-building measures among the leaders of the Bangsamoro and the NMIPs.
- For Philippine Congress to safeguard the rights of NMIPs in the proposed bills to extend the Bangsamoro transition process.
- For Philippine Congress to conduct a joint inquiry on the spate of killings and atrocities against the NMIPs and elevate it as a national issue.
- For the IGRB to immediately review Resolution No. 38 towards its eventual reversal, to uphold and promote the right of NMIPs to their ancestral domains.
- For the Bangsamoro Parliament to review and enact an NMIP Enabling Code that will protect the rights of NMIPs in BARMM.
- For the Bangsamoro Parliament to increase the number of NMIP representatives. A political party may be a viable alternative for NMIPs to strengthen their voice in the Bangsamoro Parliament.

LOYUKAN is a Teduray term for “comrade” and is a formation of different Indigenous Political Structures, indigenous peoples organizations, IP rights advocates both organizations and individuals.

<https://www.facebook.com/IPrightsintheBangsamoroBasicLaw/>

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<https://mindanaogoldstardaily.com/statement-of-loyukan-on-the-extension-of-the-bangsamoro-transition-process/>

Footnotes

[1] Lara, F. L. Jr. (2021, January 3). Democracy's U-turn in the Bangsamoro. Inquirer.
<https://opinion.inquirer.net/136676/democracys-u-turn-in-the-bangsamoro>

[2] The first two, House Bills 8116 and 8117, were both filed on Dec. 1, 2020, by Rep. Loren Legarda (Antique, Lone District) and Rep. Esmael G. Mangudadatu (Maguindanao, 2nd District), respectively. The third, HB 8161, was filed by the House majority leader, Rep. Ferdinand Martin G. Romualdez (Leyte, 1st District), and the fourth, HB 8222, by Rep. Khalid Dimaporo (1st District, Lanao del Norte).

[3] Lara, F. L. Jr. (2021, January 3). Democracy's U-turn in the Bangsamoro. Inquirer.
<https://opinion.inquirer.net/136676/democracys-u-turn-in-the-bangsamoro>

[4] Office of the Presidential Adviser on the Peace Process. (2020, March 11). Bangsamoro Organic Law remains on track: OPAPP. Philippine News Agency.
<https://www.pna.gov.ph/articles/1096251>

[5] Bandara, A. (2020, February 11). Policy Brief: Moving forward the Non-Moro Indigenous People's agenda in the Bangsamoro. Institute for Autonomy and Governance.
<https://iag.org.ph/think/1872-policy-brief-moving-forward-the-non-moro-indigenous-peoples-agenda-in-the-bangsamoro>

[6] Lara, F. L. Jr. (2021, January 3). Democracy's U-turn in the Bangsamoro. Inquirer.
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[7] Datuwata, L. (2020, August 9). TJG Statement: 2020 International Day of World's Indigenous Peoples. Timuay Justice and Governance.
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[8] Taqueban, E. M. (2021). Evacuees in their own land: Indigenous peoples' struggle for recognition in the Bangsamoro. Legal Rights and Natural Resources Center.
https://ea363441-36bc-41f9-a1c4-96ad63fa15c5.filesusr.com/ugd/dc2292_4c873eeb72244eef8665

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[9] Timuay Justice and Governance. (2021, January 8). Position of Timuay Justice and Governance (TJG) on the proposed bill for extension of the Bangsamoro Transition Authority - Bangsamoro Autonomous Region in Muslim Mindanao (BTA-BARMM) [Facebook update]. Retrieved from <https://www.facebook.com/tjg1995/posts/218628636477906>

[10] President of the Philippines. (2019). Executive Order No. 79: Implementing the Annex on Normalization under the Comprehensive Agreement on the Bangsamoro. Official Gazette. Retrieved from <https://www.officialgazette.gov.ph/downloads/2019/04apr/20190524-EO-79-RRD.pdf>

[11] Maulana, N. B. (2020, October 1). BARMM deals out land holdings to Moros. Manila Standard. <https://manilastandard.net/lgu/mindanao/335677/barmm-deals-out-land-holdings-to-moros.html>

[12] Bandara, A. (2020, June 21). Overcoming the COVID-19 pandemic: Lessons from the “dulet”. Timuay Justice and Governance. https://focusweb.org/wp-content/uploads/2020/07/08_Lessons-from-dulet-on-Covid-19-pandemic.pdf