



**Minorities within a minority:
Teduray-Lambangian women and the quest for peace
in Mindanao, Philippines**

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Appendix 1: Relevant provisions, definitions and concepts from IPRA

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List of Acronyms

ARMM	Autonomous Region of Muslim Mindanao
BBL	Bangsamoro Basic Law
BDP	Bangsamoro Development Plan
BTC	Bangsamoro Transition Commission
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
FPIC	Free Prior and Informed Consent
IPRA	Indigenous Peoples' Rights Act
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
MOA-AD	Memorandum of Agreement on Ancestral Domains
NCIP	National Commission on Indigenous Peoples
TJGS	Teduray Justice and Governance System
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

Dedication

*This research is dedicated in loving memory of my mentor,
Josefa “Gigi” Francisco (1954-2015).*

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Abstract

The signing of the Comprehensive Agreement on the Bangsamoro, which guarantees the right to self-determination of the Bangsamoro people through the creation of an autonomous Bangsamoro political entity, hopes to bring the promise of peace in Mindanao to fruition. However, while it is aimed at addressing decades of discontent among the Moros, the peace process is yet to deal with issues that have plagued non-Moro indigenous people, among them the Teduray-Lambangian, who claim close to 300,000 hectares of land and foreshore areas within the proposed autonomous political entity. This paper explores how conceptions of land and space are attached to identity constructions, producing dominant narratives and silencing others. It looks at the socio-economic context of the conflict in Mindanao and how it has produced the dominant Bangsamoro identity. It also examines state and mainstream discourses on indigeneity and how Teduray-Lambangian women have navigated through these to bring attention to experiences of land dispossession and discrimination which have produced gendered experiences for the women in the tribe. Examining the intersections of indigeneity, territory and gender allows us to locate the role of Teduray-Lambangian women in the tribe's struggle for the protection of their ancestral domain and their contributions to the peace process.

Throughout the paper, the researcher refers to data gathered from qualitative interviews with women community leaders from the tribe. Reflections and analyses are informed by various theorizations on gender and intersectionality, indigeneity, and on space/place.

Relevance to Development Studies

This paper establishes important links between issues of gender, indigeneity, peace, and development by shedding light to the experiences of women from the Teduray-Lambangian tribe. The narratives of women from an indigenous minority greatly affected by decades of conflict yet treated as seemingly irrelevant stakeholders in the peace processes invites us to “*slow down reasoning because it may evince an intriguing moment of epistemic rupture*” (de la Cadena 2010:343). This paper is therefore relevant to development studies because it seeks to demystify Western concepts of development, and challenges neoliberal approaches to peacebuilding on which the peace processes in Mindanao, Philippines have been framed.

Keywords

Mindanao, conflict, indigenous people, gender, intersectionality, indigeneity, land, territory, space/place

Chapter 1

Introduction

*"We are like caged birds wanting to be free."
-- Jennevie Paguilidan-Cornelio, Teduray-Lambangian Tribe*

1.1. Contextual background

Mindanao in Southern Philippines has been wrought by decades of conflict brought about by legal land dispossession and discrimination experienced by Muslims who occupied majority of the island. What began as a struggle against the Spanish conquest of the Philippines continued on as a resistance to American occupation when Mindanao was ceded to the United States as part of the Philippine territory at the end of the Philippine Revolution in 1898. During the American occupation, policies were put in place that encouraged the migration of Christian settlers from other parts of the Philippines displacing the Moros or the original inhabitants of Mindanao. This was coupled with the entry of American multinational companies that acquired land for agribusiness, mining and logging (Vellema, Borrás & Lara 2011:306, and Abreu 2008:23).

Resentment among Muslims gave rise to the creation of a nationalist movement, the Moro National Liberation Front (MNLF) and its Bangsamoro Army. The MNLF called for the self-determination and independence of the Moro people in Mindanao and fought against the Philippine government until a peace accord was signed in 1976. However, this agreement represented a major departure from the MNLF's original goal, with the group settling for the creation of the Autonomous Region of Muslim Mindanao (ARMM) ten years after the agreement was signed. Discontent among some members of the MNLF with the outcome of the peace process resulted in the formation of a breakaway group, the Moro Islamic Liberation Front (MILF), which continued to uphold a more Islamic identity and refused to recognize the newly created autonomous government. Renewed fighting ensued until a new round of talks commenced in 2001 and culminated in the drafting of the Memorandum of Agreement on Ancestral Domain (MOA-AD). The document, representing an agreement between the government and the MILF, contained general principles on Bangsamoro identity and rights to self-determination and governance, and the right to the protection and utilization of resources within their specified territories. However after review of the Supreme Court, the MOA-AD was declared unconstitutional because it was not in accordance to the principles of sovereignty and territorial integrity enshrined in the Philippine Constitution (Williams 2008).

Sporadic fighting continued until another round of talks began, resulting in the signing of a Framework Agreement on the Bangsamoro by both parties in 2012. In March 2014, the Philippine Government and the Moro Islamic Liberation Front signed the Comprehensive Agreement on the Bangsamoro, sealing negotiations that have sought to end decades of conflict in Mindanao. What followed the inking of this peace pact is a series of consultations that

lead to the drafting of the Bangsamoro Basic Law, a policy that would enforce the agreement.

The peace agreement guarantees the creation of a new autonomous political entity called the Bangsamoro replacing the ARMM. The Bangsamoro territory is to be composed of the current areas within the ARMM plus nine other municipalities to be determined after a plebiscite.

However, contestations have surfaced regarding the term Bangsamoro itself—a term that not only refers to the new autonomous region but also seems to imply the [Moro] identity of the people residing in the proposed territory. It must be noted that within this specified territory are twenty non-Muslim indigenous groups claiming “300,000 hectares of ancestral land and 90,000 hectares of foreshore areas within the region” (Lacorte 2015).

1.2 Statement of the Problem

The Teduray-Lambangian tribe is one of the ethno-linguistic groups in the proposed Bangsamoro territory. Their ancestral land spans 298,268 hectares, for which they have tried to gain recognition since 1993. To date, they have not received any land title for their claim (Paredes 2015: 176). This is because the Indigenous Peoples’ Rights Act (IPRA) of 1997, a national law guaranteeing the rights of indigenous peoples in the Philippines, was never implemented in the ARMM. Being an autonomous region, the ARMM government is supposed to have enacted a policy that would allow the implementation of IPRA in the region. This is yet to materialize 17 years since it was passed.

The IPRA contains four bundles of rights of indigenous people: right to identity as indigenous people; to ancestral domains; to social justice and human rights (including self-governance); and cultural integrity (CCFD 2014:91). Moreover, in the IPRA, the right to land means the right to its ownership, the right to develop it and to use all natural resources within. It also means the right to stay or live in the defined territory (International Crisis Group 2011:9). Nevertheless, even when they are protected by law, Damaso (2011:16) notes that non-Muslim indigenous groups in the ARMM remain at a disadvantage vis-à-vis dominant Muslim groups. Such disadvantage has resulted in the displacement and loss of cultural integrity of non-Moro minorities in the region.

Moreover, the Teduray-Lambangian territory has been a site of armed clashes between the government and Moros since the 1970s. To date, more than 10,000 Teduray families have been displaced because of these encounters. Froilyn Mendoza¹, founder and president of the Teduray Lambangian Women’s Organization, Inc. notes, “*Our ancestral domains are rich in resources but we can’t build homes because we are not certain about our safety in these areas. We have to evacuate when war erupts...but we can’t vacate the lands because we are attached to the land, the*

¹ She is also currently one of two representatives of indigenous peoples in the Bangsamoro Transition Commission

*identity and culture of indigenous people are rooted in the land so the government must address this issue comprehensively.*²

For the women in the tribe specifically, the main issue had been accessing channels for dialogue in order to create spaces for the voices of indigenous women and to raise awareness about their issues and concerns. Mendoza emphasizes that access to such spaces is important because their concerns and contexts are very different from the Muslims who dominate the region.³

As peace seems to be within reach, stories that were once told in whispers have now become resounding voices struggling to be heard. These voices belong to the women of the Teduray-Lambangian tribe and the stories they tell are about their struggles for the recognition of their identity, right to self-determination as non-Moro indigenous people, and the protection of their ancestral land within the Bangsamoro region. While the peace process and resulting agreement guarantee the autonomy of the Bangsamoro people, it is yet to address issues that have plagued non-Muslim indigenous people in the region for decades, that is the protection and respect for their right to ancestral domains. Attached to this is the right to practice their own traditions without prejudice within these territories.

This research examines how intersections of gender, indigeneity and territory shape Teduray women's identities and narratives about land. It shall also explore how these intersections shape their roles in the Teduray-Lambangian struggle for the recognition of their right to self-determination and the protection of their ancestral domains, particularly within the context of the Bangsamoro peace process in Mindanao, Philippines.

1.3. Research Questions

This research paper aims to answer the following question:

How do intersections of gender, indigeneity, and territory shape Teduray-Lambangian women's identity, narratives about land, and efforts in their ancestral domain claims in the Bangsamoro, Mindanao, Philippines?

The following sub-questions are also raised:

1. What are Teduray-Lambangian women's narratives about land and identity?
2. How are these narratives linked with their articulations of justice and peace?

² Unpublished documentation, personal notes from the Mindanao Indigenous Women's Forum on Peace, Governance and Justice, 29-30 October 2012, Waterfront Insular Hotel, Davao City

³ Ibid.

1.4 Methods and Methodology

This research examines the narratives of Teduray-Lambangian women using intersectionality and theories on space/place and indigeneity to guide my analysis. It examines these narratives within the context of the peace process between the MILF and the Philippine government only, while providing a socio-historical context of the conflict in Mindanao. The Teduray-Lambangian tribe was chosen because they are the only non-Moro indigenous group in the ARMM. While on field, only three women were interviewed and while they are community leaders⁴ who have been active in engagement with ancestral domain claims within and outside of the peace process, this research may represent a limited view of Teduray-Lambangian experiences.

Throughout the research, I refer to three major policy documents—the IPRA, the draft Bangsamoro Basic Law, and the Bangsamoro Development Plan. There are currently three versions of the draft BBL—the original draft submitted by the Bangsamoro Transition Commission; the one approved by the Congress Ad Hoc Committee on the Bangsamoro; and another one pending in the Senate. I refer only to the version from the Congress Ad Hoc Committee, as it responds to some issues that non-Moro indigenous groups have called attention to, therefore representing attempts by the Philippine government to address their concerns. Data gathered from interviews and examination of policy documents are supplemented with secondary literature and reflections from various key informants.

The researcher acknowledges the presence of other non-Moro indigenous groups outside of the ARMM but who are in the proposed Bangsamoro political entity. However, due to time constraints and limited resources, this research will not delve into the experiences of women in those tribes.

1.4.1. Data gathering process

Fieldwork for the research was conducted between July and August 2015 in Manila, as well as in Cotabato City and Davao City in Mindanao. In Manila where I was based, I had several informal consultations with representatives of key organizations involved in supporting indigenous women’s participation in the peace process. They are Dr. Jasmin Nario-Galace of the Center for Peace Education and national convener of the network, Women Engaged in Action on 1325 (WeAct 1325); Prof. Aurora Javate-de Dios from the Women and Gender Institute and co-convener of the network, Women’s Peace Tables; and Ms. Jelen Paclarin of Women’s Legal and Human Rights Bureau. I also attended the Women’s Unity Conference on Gender Equality and Women’s Human Rights Provisions in the Bangsamoro Basic Law on 28-29 July—a gathering of different women’s and peace groups to consolidate proposals for gender and women’s rights provisions on the Bangsamoro Basic Law. While in Manila, I had kept constant communication with Jo Genna (Jude) Jover of the Teduray-

⁴ It must be noted that the Teduray-Lambangian holds regular consultations within their community and decide collectively about matters they can or cannot discuss outside of their tribe.

Lambangian Women's Organization who is my gatekeeper and whom I have met in several meetings of WeAct 1325 and WPT, with which I was affiliated prior to coming to the ISS.

I flew to Cotabato City to conduct informal, semi-structured interviews with three women from the Teduray-Lambangian tribe including Jude, who had introduced me to Jennevie Minted-Paguilidan and Leonora Mokudéf. All three women are active community leaders with experience in advocacy and legislative lobbying for indigenous people's rights, especially within the context of the current peace process between the Moro Islamic Liberation Front and the Philippine Government. I had interviewed Jude and Jennevie in Cotabato City, Maguindanao, and I met with Leonora in Quezon City, Manila. All interviews lasted for an average of 1.5 to 2 hours and were recorded. The conversations were in Tagalog while Bisaya and Illongo were occasionally used. Each of the interviews were transcribed verbatim but only important points have been translated to English.

While in Cotabato City, I also had informal conversations with anthropologist, Professor Eric Casiño who has done research about the Teduray-Lambangian tribe, and Fr. Charlie Inzon of the Notre Dame University in Cotabato City, who also has written extensively about the Mindanao conflict. Jude and Jennevie also took me to observe activities organized by the provincial government in commemoration of World Indigenous People's Day on 7 August 2015 held at the town plaza, where several stages were set up for the different indigenous groups in the ARMM region to showcase their cultural activities such as dances and songs. From Cotabato City, I travelled to Davao City to meet with Carmen Gatmaytan-Lauzon, point person for indigenous people's concerns in WeAct 1325 and who was formerly with the Initiatives for International Dialogue, an international organization involved in various efforts supporting the Mindanao peace processes.

Documents from the peace process were also examined. These are the Comprehensive Agreement on the Bangsamoro, the latest drafts of the Bangsamoro Basic Law, and the Bangsamoro Development Plan. The Indigenous Peoples' Rights Act and policies related to its implementation with regard to ancestral domains were also analyzed.

Secondary literature on indigenous people and indigeneity; identity and the politics of space/place; space/place and resistance; feminist indigenous studies; feminist perspectives of space/place; gender and indigeneity and gender and peace and conflict have been consulted. Literature in relation to the peace process in Mindanao and indigenous peoples in the Philippines, including unpublished research, personal notes from meetings attended by the researcher have also been referred to throughout the research.

1.4.2. Profile of participants

Jo Genna (Jude) Jover is a Teduray community organizer and leader. She said she got involved because she grew up witnessing her mother, who was a teacher, organizing other IP teachers who were discriminated and were refused employment. Her mother also mobilized IP women in their community to raise

awareness about the importance of education, especially for young girls. She became active as a student leader during the Marcos dictatorship and eventually found herself working in NGOs and then starting an organization for Teduray-Lambangian women. She is currently active in various organizations including WeAct 1325, and Action for Peace and Justice, promoting social change through peaceful means.

Jennevie Paguilidan-Cornelio introduces herself as a pure Teduray. She said that the struggle is something she has grown up in, having heard stories about how her relatives were indiscriminately massacred in the 1960s. She started as a youth leader, campaigning for children's rights, especially the right to education. She is currently active in lobbying for IP rights in congress, especially for the recognition of non-Moro indigenous peoples' identity and right to self determination.

Leonora Mokudef is a member of the Teduray-Lambangian Women's Organization. Her activism also began as a youth leader, advocating for children's rights. She is now actively involved in raising awareness about women's rights within the tribe.

1.5. Original contributions and justification for the study

This research seeks to contribute to the growing literature on gender, indigeneity, conflict and peace. More specifically, it aims to fill gaps where there is a dearth of information particularly on issues of indigenous women in conflict-affected areas in Mindanao. While there is a growing number of research focused on indigenous peoples' rights in the Philippines, particularly their rights and claims to ancestral domains, there is a need to further examine these issues in the context of the Mindanao conflict, especially in light of the peace process between the MILF and the Philippine government. Similarly, while there is a significant number of reports that probe into the situation of Lumads in conflict affected areas in Mindanao, their situation "as minorities within a minority" is rarely problematized. There is also very little data exploring how issues of identity, land/space, gender and conflict intersect to shape the role of women in Lumad communities— in their claims for ancestral domains and quest for peace in Mindanao.

It is my hope that my research will bring better understanding to the situation of indigenous women. It is also my hope that this research will be a contribution to the growing literature about indigeneity, conflict and peace. This contribution will be in collecting and reflecting on sources and data that have not been put together previously (such as various sources and data on the conflict and peace processes in Mindanao from indigenous women's perspectives) as well as in using a multidisciplinary analytical lens by bringing together feminist studies on gender and conflict, human geography based theorization of space/place, identity and conflict, and indigenous studies.

Chapter 2

Theoretical and Analytical Tools:

Of spaces/places, indigeneity and gender

Teduray women's struggles for the recognition of their ancestral domain and rights to self-determination within the Bangsamoro can be examined by exploring theorizations of identity and space/place. The contestations they raise about the Bangsamoro identity and territory as defined by the peace process between the Moro Islamic Liberation Front and the Philippine government, and its resulting peace agreement can also be understood by unpacking meanings attributed to indigenous identity and territory and how these produce gendered experiences for Teduray-Lamabangian women.

Common understanding of space/place is to view it as a physical entity, void of any social or historical processes. Yet Margaret Rodman notes (1992:164.), "*places are not inert containers. They are politicized, culturally relative, historically specific and have local and multiple constructions.*" In other words, places are socially and symbolically constructed. Similarly, Gordillo (2002:264) emphasizes that places must be understood as a product of social and historical processes "*created through practice, social relations and fields of power.*" Places are therefore always constructed in relation to other places, social worlds and people. In any particular landscape, there exist multiple but distinct articulations of space and place (Keith & Pile 1993:6). These articulations are found in narratives of identity formation that, once unpacked, reveal hinted spatialities (Ibid: 16) and therefore also revealing a "*plurality of practices that are different but must occupy the same space*" (Keith & Pile 1993:19). Identity and space/place are both products of social and historical processes that mutually enforce each other and continuously shape definitions of self and place/space.

The meanings that Teduray women attach to space/place and how they shape identities can be unpacked using intersectional analysis. Examining intersections of indigeneity and gender allows us to appreciate how such identity categories can "*mutually strengthen or weaken each other*" (Winker & Deagle 2011:52), and create hierarchies and systems of discrimination or privilege. Intersectional analysis requires the researcher to examine social structures, processes of identity construction and cultural symbols (Ibid.) to "*decode meaning and to understand the complex connections among various forms of human interaction*" (Scott 1988:42).

Gender, as Scott defines it, is a "*constitutive element of social relationships based on perceived differences between sexes,*" as well as a "*primary way of signifying relationships of power*" (1988:42). As a defining factor in social relationships, Scott emphasizes the need to look at four elements—symbolic representations; normative concepts; social institutions and subjective identities, particularly examining how sex-related differences between bodies are established as an objective set of references that, in turn, structure and organize social life (Scott 1988:45). Scott notes, "*to the extent that these references establish distributions of power (differentiated control over or access to material and symbolic resources), gender becomes implicated in the conception and construction of power itself*" (Ibid.).

Gender must therefore also be examined alongside different categories of identity as intersecting systems of oppression (Lutz, Herrera-Vivar & Supik 2011:3). Lutz et. al. (2011:8) explain that “...*the power effects generated by [identity] categories are profoundly inscribed in historical and societal terms and by virtue of the numerous overlaps between them, form the heirarchisation of unequal social relationships.*” Examining various identity categories therefore dares researchers to examine the different “*positionings of women and men, and to reflect on the different ways in which they participate in the reproduction of these relations*” (Ibid.). It is a way of theorizing gender that examines processes of exclusion attached to each category and how they intersect with each other (Ibid.).

Indigeneity, territory and gender converge in the narratives that women from the Teduray-Lambangian share about their struggles for the recognition of their identity, right to self-determination as non-Moro indigenous people, and the protection of their ancestral land within the Bangsamoro region. We must understand that narratives are more than mere stories. They are representations of people and their worlds, of their strongly held beliefs, and of their history. Yet narratives are also more than explanations of how events have unfolded. They provide a frame, a set of alternative realities that challenge dominant ones (Griffin, n.d). The United States Institute of Peace (n.d.) notes, “*In divided societies—where there has been protracted conflict—there are often parallel narratives. The differing people do not agree on what occurred in the distant past and this core disagreement often causes them to dispute what has happened in recent times.*”

Similarly, Rodman (1992) posits that places come into being in the narratives and discourses of its inhabitants. As such, it is possible to understand the narratives of Teduray-Lambangian women as attempts to “*organize and explain experiences*” (Carr 2012:221) of collective dispossession and discrimination, and certainly, of their engagement within and outside of the peace process. Examining their stories also allows us to get a glimpse of “*features of emergences, trajectories and consequences of movements that are not yet well understood*” (Polletta 1998:419). In this case, the stories of Teduray-Lambangian women also help us to understand how they have challenged the outcomes of the peace process, and asserted their indigeneity against the dominant Bangsamoro identity. As Polletta (1998:422) explains, narratives within social movements are used to “*strengthen a collective identity,*” as well as to create a “*coherent community, nation or collective actor.*”

Chapter 3

Intersections:

Articulations of indigeneity, territory and the narratives of Teduray-Lambangian Women

This chapter first provides the socio-historical context of the conflict in Mindanao and how this has produced a dominant Bangsamoro identity narrative. It then flows into a discussion and critique of dominant discourses on indigeneity, especially within the Philippines. This is followed by a discussion of how the Teduray-Lambangian have navigated through these discourses to surface their experiences of land dispossession and discrimination, often producing gendered experiences for women in the tribe.

Throughout the chapter, I refer to conversations I had with three women from the Teduray-Lambangian Tribe and supplement these with reflections about the conflict, as well as scholarly work on indigeneity and indigenous movements particularly in Latin America. I also refer to relevant policy documents such as the Indigenous Peoples' Rights Act, and the latest draft of the Bangsamoro Basic Law.

3.1 Mindanao: A land conquered and divided

Mindanao in Southern Philippines is a site of diverse forms of cultural, social and territorial organization. Its population can be categorized into broad groups—indigenous and migrant (Rodil 2003:29). Indigenous groups can be further divided into two sub-categories—Muslims or Islamized groups collectively known as Moros; and non-Islamized indigenous peoples collectively known as Lumads.⁵ Migrants are mostly Christians from neighboring provinces who settled in Mindanao in the 20th century and their descendants. These settlers now make up majority of the total population of the island (Rodil 2003:31).

Mindanao is an island wrought by conflict fought to obtain the right to self-determination and autonomy of the Moros. According to Abreu (2008:19), this struggle has spanned more than four centuries, beginning with the Spanish colonial rule of the Philippines. She says, "*Separate states⁶ among the Islamized indigenous groups in Mindanao-Sulu-Palawan...had been in existence before the onset of Spanish colonialism in the Philippines in the 16th century,*" which have been recognized as sovereign nation entering into treaties and trading with other internationally recognized nation-states (Abreu 2008: 19). Moro resistance to Spanish

⁵ Lumad is Bisayan term meaning indigenous, is used to collectively refer to all non-Muslim ethnolinguistic groups in Mindanao.

⁶ The states referred to are the Sultanates of Sulu, which ruled over the islands of Sulu, Basilan, Tawi-Tawi, Southern Palawan, North Borneo, and portions of present day Zamboanga peninsula and Zamboanga del Norte; and the Sultanate of Maguindanao which ruled over territories covering provinces of Maguindanao, Lanao del Sur, all the way to Davao oriental, and Zamboanga del Norte. The Sultanate of Maguindanao spans territories that made up majority of what is now modern day Mindanao (Rodil 2003:42-43).

colonial rule lasted 333 years⁷. However, in 1898, through the Treaty of Paris⁸, Mindanao and Sulu were annexed as part of the Philippine territory turned over to the Americans at the end of the Philippine Revolution. According to Rodil (2003:95), *“By a stroke of the pen, the independent sultanates of Moroland found themselves claimed as legitimate property by Spain and ceded to the United States, thus enabling the latter to claim the entire territory as part of its insular possessions. Subsequent official documents involving further transfer of sovereignty to the Republic of the Philippines, as well as the very definition of the national territory of the Philippines as provided for in the Constitution will bear this out.”*

The Americans classified the Filipino population into *“neatly labeled packages,”* following categorization that was used by the Spanish colonizers (Rodil 2003:137). Rodil (2003) refers the accounts of a Mr. Dean Worcester, member of the Philippine Commission, the body appointed by the president of the United States to assist in governing the Philippines. Worcester was in charge of matters concerning non-Christian tribes and was in search of a term to collectively *“designate the peoples, other than the civilized and Christianized people commonly known as Filipinos, which inhabit the Philippines. The one characteristic which they have in common is their refusal to accept the Christian faith, and their adherence to their ancient religious beliefs or their lack of such beliefs as the case may be. I am therefore forced to employ non-Christians, in designating them although I fully recognize its awkwardness.”* (Rodil 2003:137).

The awkwardness that Worcester spoke of soon dissipated as the label was adopted and was used in official documents and laws that, Rodil (2003:138) notes *“affected ownership and distribution of land and disposition of natural resources.”* Moreover, *“while regular provinces and municipalities were formalized or established for the civilized, special laws and special administrative machineries were created for non-Christians,”* paving the way for massive land grabbing of ancestral domains by Christian settlers and American companies. Among these were the Land Registration Act of 1902 which required registration and titling of privately owned lands, whether by individual persons or corporations; and Act No. 718 of 1903 on making void land grants from Moro Sultans or from chiefs of non-Christian Tribes when made without governmental authority or consent. Both laws completely disregarded the indigenous concept of communal and semi-communal systems of land ownership (Abreu 2008). The American colonial government required that plots of land be surveyed, and their ownership proven in court⁹ (Vellema, Borrás & Lara 2011:306). Such a system prevented Muslims and Lumads to acquire rights to their ancestral lands because most of them were illiterate, unable to comply with written requirements (Rodil 2003:152-55). Unclaimed land was declared public and owned by the state.

⁷ Also referred to as the Spanish-Moro war, resistance was fought against Spanish colonial aggression from 1565-1898. *“It was a war that made use of ... converted colonial subjects... from whose ranks would rise the Filipino nation and in whose memory the Spanish colonizers have left behind deep-seated anti-Moro prejudices...”* (Rodil 2003:54).

⁸ Signed on 10 December 1898, Article III of Treaty of Paris states that *“Spain cedes to the United States the archipelago known as the Philippine islands... The United States will pay to Spain the sum of twenty million dollars... after the exchange of ratification of the present treaty”* (Rodil 2003:94).

⁹ The same principles of land surveying and proving ownership in court can still be found in the 1997 Indigenous Peoples' Rights Act and in the latest draft of the Bangsamoro Basic Law as judicial reaffirmation.

More policies and laws were put in place between 1904-1949 opening public land to Christian settlers and American transnational companies for agribusiness, mining and logging (Vellema, et. al. 2011:306, Abreu 2008:23).

As a response to displacement and legal land dispossession of Muslims, nationalist movements among Muslim youth in emerged in the 1960s-1970s. The Moro National Liberation Front (MNLF) and its Bangsamoro Army were created in 1960 and called for the right to self-determination and complete independence of the Moro homeland from the Philippines.¹⁰ In their struggle for an independent Bangsamoro land, they “*stressed the pre-colonial, traditional Moro homelands as the territorial base of this proposed entity*” (Rivera 2008:43). However, the resulting peace agreement represented a major departure from this original goal, with the MNLF settling for the creation of an autonomous region in Mindanao composed of thirteen provinces. The government also fell short in implementing the peace agreement when only three out of thirteen provinces were included in what is now known as the Autonomous Region of Muslim Mindanao (ARMM). This may be attributed to, among other factors, the fact that the pre-colonial, traditional homeland the MNLF claimed is now composed of a majority Christian population.

Discontent with the peace agreement and its weak implementation led to the formation of the Moro Islamic Liberation Front (MILF) in 1977, which sought to uphold a more Islamic identity and refused to recognize the newly formed autonomous region. Fighting continued until 2001 when peace negotiations commenced resulting in the Memorandum of Agreement on Ancestral Domains (MOA-AD) in 2008. This document contained general principles on Bangsamoro identity and rights to self-determination and governance, as well as the right to the protection and utilization of resources within their specified territories. Yet it was declared unconstitutional by the Philippine Supreme Court because it was not in accordance with principles of sovereignty and territorial integrity enshrined in the Philippine Constitution.

A new round of talks followed the collapse of the MOA-AD leading to the signing of the Comprehensive Agreement on the Bangsamoro in March 2014. The agreement guarantees the creation of a new political entity called the Bangsamoro, replacing the current ARMM, expanding its territory to include neighboring provinces. A Bangsamoro Basic Law, which shall serve as a guideline for the implementation of the agreement is currently being deliberated in both the Congress and Senate, before a joint session takes place. Meanwhile, contestations on the Bangsamoro arise, particularly among non-Muslims living within the proposed territories. Questions have surfaced regarding the use of the term Bangsamoro not only referring to a specified territory but also referring to an identity that implies all those who inhabit the proposed territory, including non-Muslims.

¹⁰ Unpublished report on Gender, Peace and Security: Stories Told in Whispers, unpublished research by the Miriam College-Women and Gender Institute.

3.2. Conflict within a conflict: Contesting Moro articulations of identity and territory

The word Bangsamoro is a conflation of the words *Moro*, used by the Spaniards to identify Muslim inhabitants in the Philippines who had the same religion and way of life as the Muslims in North Africa and Iberian Peninsula; and *Bangsa*, a Malay word, meaning nation (Lingga 2008:98). To claim the Bangsamoro identity meant to claim a distinct nationhood. At the same time, this meant an assertion of an Islamic identity, distinct from the Christian Filipinos in the northern parts of the Philippine archipelago (Ibid.). Such assertion can be traced back to the years when Moros refused to be identified and associated with the independence movement of Filipinos against Spanish colonizers in 1898, as well as when they resisted efforts towards national unity during the American occupation between 1916-1935 (Rodil 2003).

In the recent years, Bangsamoro became a term to refer to a distinct political identity occupying a specific territory. It was used by the Moro National Liberation Front (MNLF) to claim self-determination and independence from the Philippines when it declared war against the government in 1972. Their ultimate goal is to establish a Bangsamoro Republik, “*claiming the entirety of Mindanao, the Sulu Archipelago and Palawan—approximately thirty-seven percent of the territory of the Republic of the Philippines as its ancestral domain*” (Rodil 2003:179). However it must be noted that this territory is now mostly composed of Christian settlers, and is home to various non-Muslim ethno-linguistic groups. This meant that the Bangsamoro, while referring to an exclusive Islamic identity, is a political project that included Christians and indigenous people, collectively known as Lumads, within the specified area.

Article 2 of House Bill 5811 (also known as the second draft of the Bangsamoro Basic Law), on the Bangsamoro Identity stipulates that the Bangsamoro are “*those who at the time of conquest and colonization were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands including Palawan and their descendants, whether of mixed or of full blood, shall have the right to identify themselves as Bangsamoro by ascription or self-ascription. Spouses and their descendants are classified as Bangsamoro*” (Article 2, Section 1, House Bill 5811). The draft document contains a principle respecting and recognizing the freedom of choice of indigenous people and their rights. Moreover, the document also defines the scope of the proposed Bangsamoro territory to be composed of “*the present geographical area of the ARMM,*” with the addition of 6 municipalities in Lanao del Norte and 6 more that voted for their inclusion in the ARMM in a plebiscite held last 2001” (Ibid: Article 3, Section 2).

Bangsamoro, the way it is defined above, is now the subject of debate, especially among indigenous minorities within the core and proposed territories¹¹ who refuse to be identified as Bangsamoro. These indigenous minorities “*claim 300,000 hectares of ancestral land and 90,000 hectares of foreshore areas within the region*” (Lacorte 2015). Lumads and their supporters raised the urgent need for

¹¹ The core territory is composed on the present day ARMM while proposed territories include the addition of 8 more municipalities after a plebiscite.

the government and the MILF to address contentious issues regarding indigenous peoples' identity and their rights within the Bangsamoro (Paredes 2015: 176). Damaso (2011:16) notes that the non-Muslim indigenous peoples *"in the ARMM are clearly in a situation of comparative disadvantage with reference to the dominant Islamized ethnic groups...who belong to the power and economic elite,"* which has created *"social displacement and loss of cultural integrity"* (Ibid.) of the Lumads.

Timuay Alim Bandara, a Teduray leader, says that all documents resulting from the peace process claim Bangsamoro as a default identity of all natives or original inhabitants of Mindanao. He claims, *"The system of entitlement to governance, wealth sharing and the like springs from the common concept of the Bangsamoro"* (Bandara 2015). He challenges this understanding especially as it completely discounts non-Muslims. In the case of indigenous people, particularly the Tedurays, Bandara says, *"It is as if...the Lumads are being told to take it or leave it; either they join the Bangsamoro and enjoy the promised blessings, or suffer the consequences of being excluded. But they [Lumads] will not join it at the cost of losing their right to self-determination, which is recognized in both Philippine constitutional law and international law"* (Ibid).

Moreover, Jennevie Cornelio, a Teduray-Lambangian community organizer explains,

"In the Framework Agreement on the Bangsamoro, identity is framed as freedom of choice. But we feel that this is not enough for IPs. This is because we believe that when you have an identity, you have a name, it is not merely having the freedom of choice...What we want to see is a clear articulation and understanding of our identity as non-Moro indigenous people" (Interview, 7 August 2015)

Yet Moros and Lumads share a common history. The three women I spoke with, when asked about their ancestral domain, refer to an oral tradition that tells the story of brothers Mamalu and Tabunaway, ancestors of the people of Mindanao. Jude Jover says,

"We have a history which is derived from the story of Tabunaway and Mamalu...When Shariff Kabunsay came, Tabunaway was Islamized while Mamalu remained true to his beliefs and culture. To live peacefully, they agreed to divide the land..." (Interview, 6 August 2015).

When Tabunaway and Mamalu parted ways, they created a sacred peace pact, signifying the historical separation between Moros and Lumads. Both had agreed to respect and recognize territorial integrity and governance systems, as well as the customs, traditions and culture of each other and their descendants; continue trade; unite against common enemies; and *"maintain mutual treatment as brothers and sisters including the generations to come"* (CCFD 2014:24). This pact, adhered to and respected by Moros and Lumads for generations, is the reason they have lived in peaceful co-existence for centuries until the Americans and Philippine state introduced administrative reforms. These reforms resulted in land dispossession among Moros and Lumads who fought together against the state for complete independence and the right to self-

determination. Unfortunately, the peace processes (with the MILF and MNLF) fell short in addressing Lumad disenfranchisement, especially in terms of their ancestral domains, and rights as non-Muslim indigenous people within the Bangsamoro.

Literature about indigenous land and territory are telling of how both are intimately linked to indigenous ways of living and identity. Bolaños (2011:45) notes that landscape *“is constituted as an endured record of—and testimony to—the lives and works of past generations who have dwelt in it.”* She emphasizes that landscape is ultimately part of the lived experiences of people who live, work, struggle and move along it, and says, *“The way people create meaningful relationships with places and the significance of this relationship for the development of the conception of the self, is a key issue in the association between land and identity”* (Bolaños 2011:46).

For indigenous people, land and the resources within are key components of an enduring record of their territorial rights (Bolaños 2011). Bolaños (2011:56), in her ethnographic study of indigenous identity and land rights struggles in the Brazilian Amazon notes that land claims are based on the concept of ‘original homelands’ which she defines as *“land that has historically provided sources of livelihood, subsistence, and the basis of their existence as distinctive people...”* She further notes that *“since indigenous rights to land are founded on the notion of indigenous people as the first inhabitants of the Brazilian territory, land rights are practically a pre-existing right, that is prior to law”* (Ibid).

Two very important points can be drawn from Bolaños’ assertions. First is that land claims are intimately linked with articulations of indigeneity. Second, it connotes that along with a pre-existing right to land, indigenous people also have the pre-existing right to exercise indigenous social, cultural, economic and political organizations within these original homelands. As such, indigenous territories are more than *“mere legal and administrative entities to secure their cultural and physical survival...they are the result of processes of identity construction,”* such that indigenous claims to land and ethnic identity in the Brazilian Amazon *“are framed by both the political struggles to resolve land conflicts, and by the socio-cultural meanings created through historical interaction with a particular territory”* (Bolaños 2011:58).

Parallelisms between experiences in the Brazilian Amazon and the case of the Teduray-Lambangian can be drawn. For the Tedurays, their struggle for ancestral domain is deeply rooted in their history, shaping the cultural and social meanings they attach to land. Jude Jover, a prominent Teduray-Lambangian community leader explains, *“The ancestral land is where we lived since the beginning of time...When you say ancestral domain, it includes everything in it—air, water, land...mineral resources.”* According to her, the names of rivers and mountains within this territory have all been given by the IPs. Within these lands are also sacred places that have witnessed historical events even before conquerors arrived. These are proof that the land belongs to them. Additionally, Jennevie Cornelio emphasizes:

“Our ancestors are buried there. Until this day, their tombs are still there. For indigenous people, if their ancestors are buried there, then the land originally belongs to them” (Interview, 7 August 2015).

State policies imposed during the American colonial period which were carried through even after independence sparked resentment not only among Moros but also among indigenous groups who “*share experiences of land grabbing and displacement*” (International Crisis Group 2011:1). Tribes lost control over their territories because of the land policies imposed which completely disregarded customary property rights (Ibid.). Leonora Mokudef of the Teduray-Lambangian Women’s Organization explains, “*In the history of indigenous people, land cannot be appropriated...it is not necessary to have land titles*” (Interview 12 August 2015). Jennevie Cornelio, a Teduray community leader affirms this while emphasizing the sanctity of land:

“In our culture, it is not allowed to claim land. You can only claim land when you die...because where else will you go when you die? So land is really sacred for us... We believe that everything has a spirit so our rituals always mention them...to ask for permission and to let them know that we do not intend to harm or put the tribe in danger” (Interview 7 August 2015).

The Moro struggle, with its strong anti-colonial sentiments gave the Lumads strong reasons to join the rebellion, and support the right of Moros to self determination throughout the history of the conflict. Yet while this has been the case they have not been represented in the peace negotiations (International Crisis Group 2011:4), and therefore seemed to have become invisible and irrelevant stakeholders in the quest for peace in Mindanao. Jennevie explains the importance of representation and, ultimately, of the recognition of the rights of indigenous people, especially the Tedurays, in the Bangsamoro,

“For our Bangsamoro kin, there is only one people, one ancestral domain...So what are we going to do within the [Bangsamoro] territory? It is not as if our ancestral domains can be folded up like mats and we can relocate to Luzon or Visayas” (Interview 7 August 2015).

Certainly land, nature and life are intimately connected making indigenous identity deeply rooted in indigenous territory. Jennevie explains the Teduray-Lambangian believe “*that since birth...land is their twin and their environment is the extension of life...This is the reason why we fight for it, because if we do not fight for it, we will be cursed by our ancestors...if we lose our ancestral domain, we will lose our value, we will lose our identity...What will you do with identity if you do not have your ancestral domain? Where will you practice your traditions?*” (Interview, 7 August 2015).

Those beliefs form the core of indigenous struggles for ancestral domains.

3.3. State and mainstream discourses on indigeneity and ancestral domain

In the discussions above, we have established how indigenous identity cannot be separated from land/territory, to which indigenous peoples are strongly connected through their history and cosmology, as well as their spiritual, and cultural practices. Such is the case of the Teduray-Lambangian, whose strug-

gles to protect their ancestral domain and rights within the Bangsamoro are inherently linked with the need to protect their identity as a tribe.

At this point, it is necessary to look at mainstream discourses on indigeneity, especially as it is applied by the Philippine state. Later, we shall examine how the Teduray-Lambangian have navigated through these mainstream discourses to bring attention to their experiences of land dispossession and discrimination, claim spaces to articulate their voices, and challenge the dominant Bangsamoro identity narrative.

Indigeneity is, in Francesca Merlan's words, a highly contestable concept, defined in two broad ways, criterial and relational. Criterial definitions presuppose conditions that enable identifications being indigenous, whereas relational definitions ground indigenous in their relations with their other (Merlan 2009:305). Gomes (2013) cites Jeff Corntassel's review of several definitions provided by international organizations such as the World Bank, the International Labor Organization, the International Working Group on Indigenous Affairs, and the World Council on Indigenous Peoples in characterizing indigenous people as an example of a definition that contain both criterial and relational aspects:

1. *"Peoples who believe they are ancestrally related and identify themselves, based on oral and/ or written histories, as descendants of the original inhabitants of their ancestral homelands;*
2. *"Peoples who may, but not necessarily, have their own informal and/ or formal political, economic and social institutions, which tend to be communal-based and reflect their distinct ceremonial cycles, kinship networks, and continuously evolving cultural traditions;*
3. *"Peoples who speak (or once spoke) an indigenous language, often different from the dominant society's language—even where the indigenous language is not 'spoken', distinct dialects and/ or uniquely indigenous expressions may persist as a form of indigenous identity; and*
4. *"Peoples who distinguish themselves from the dominant society and/ or other cultural groups while maintaining a close relationship with their ancestral homelands/ sacred sites, which may be threatened by ongoing military, economic or political encroachment or may be places where indigenous peoples have been previously expelled, while seeking to enhance their cultural, political and economic autonomy"* (Gomes 2013:7).

Clearly, such criterial and relational definitions are the basis of many policy documents that address indigenous peoples' concerns. In the Philippines, the Indigenous Peoples' Rights Act (IPRA) is a law that put in place a comprehensive mechanism for the protection of indigenous peoples' rights (Schippers 2010). Castro (2000) quotes the former president Fidel V. Ramos, in explaining that the goal of the law is to emancipate indigenous peoples from *"the bondage of ...social injustice,"* which has caused *"poverty, ignorance and deprivation among indigenous cultural communities and further alienated them from people from the mainstream"* (Castro 2000:1).

The IPRA defines indigenous cultural communities or indigenous peoples as:

“...a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of the Filipinos... peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains” (Chapter 2, Section 3h).

And ancestral domains defined as:

“...land occupied, possessed and utilized by individuals, families and clans who are members of indigenous cultural communities/indigenous peoples since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots” (Chapter 2, Section 3a).

Modelled after the United Nations Declaration on the Rights of Indigenous peoples, IPRA guarantees four major categories of indigenous peoples’ rights: to ancestral domains; to self governance and empowerment; to social justice and human rights; and to cultural integrity (CCFD 2014:91).

The right to ancestral domains including the right to ownership, to develop lands and cultural resources; the right to stay in territories and not be removed without their *free, prior and informed consent (FPIC)*; the right to return in cases of natural disasters and armed conflict when they need to be temporarily relocated and to be provided by land for their *“present needs and future development”* when return is not possible. Indigenous peoples’ right to ancestral land also entails their right to regulate migrants; to safe and clean water and air; and to resolve conflict according to their customary law (IPRA Chapter 3).

Similarly, the right to self-governance and empowerment means guaranteeing respect for values, practices and institutions of indigenous peoples, as well as their right to pursue economic, social and cultural development. The IPRA also guarantees indigenous peoples’ right to participate *“in all levels of deci-*

sion-making on matters that affect their rights, lives and destinies,” in a manner that they see fit. The law also grants them mandatory representation in policy-making bodies and local legislative councils; and guarantees their participation in the formulation, implementation and evaluation of all regional and national policies, plans and programs for development (IPRA Chapter 4).

In terms of social justice and human rights, the IPRA guarantees equal protection and non-discrimination of indigenous peoples and guarantees their protection as civilians in cases of armed conflicts (including against recruitment to armed groups against their will); equal opportunity and treatment in terms of employment, education medical and social assistance and safety; access to basic services. IPRA also guarantees equal treatment of women, guaranteeing equal opportunities with men in social, economic, political and cultural spheres, as well as participation in all levels of decision-making (IPRA Chapter 5).

Finally IPRA protects IP rights to their own culture, tradition and institutions, recognizes cultural diversity and respects community intellectual rights. The law also gives indigenous peoples the right to religious and cultural sites and ceremonies, including the right to practice, develop and teach their religious practices. The right to cultural integrity also entails protection against the exploitation, excavation and digging of sacred sites without FPIC, and against the defacing and destruction of indigenous artefacts. It also means that they are free to practice indigenous knowledge systems and to develop their own sciences and technologies (IPRA Chapter 6).

While hailed as a landmark document, one of the few in the world that recognizes the right of indigenous peoples to ancestral land (Schippers 2010), the IPRA is not without any loopholes. For instance, the definition provided by the document clearly draws from criterial and relational definitions, influenced by international organizations that reflect *“orientalist ideas of indigenoussness”* (Schippers 2010:223). Gomes argues that definitions based on criteria and relations are both positivist and dialectical and especially when used as a strategic tool for indigenous political movements, advocacy and legal claims, can be quite problematic and exclusive:

“Indigenous people in the larger scheme of things do not have the power of identification or classification, which is often in the hands of the politically dominant. Identification, classification and certification are hegemonic tools or arts of governmentality whereby complexity of indigenous identities is invariably reduced to grossly simplified and legible ontological and cartographical classificatory system that makes governing easier and more effective” (Gomes 2013:10).

Here Gomes points to the importance of context in defining indigeneity quoting de la Cadena and Starn who said, *“any attempt to define what is indigenous and what it is not is necessarily relational and historical, and therefore provisional and context related”* (Ibid.)

Similarly, Arndt (2014:80) suggests that indigeneity or indigenoussness identifies an identity that marries *“culturally distinct, place-based existence to historical experiences of colonization, as well as contemporary political, moral status, emphasizing*

rights to cultural survival and social, economic and political self-determination.” This definition brings to light Li’s point as quoted by Gomes: “*A group’s self identification as tribal or indigenous is not natural or inevitable, but neither is it simply invented, adopted or imposed. It is rather, a positioning which draws upon historically sedimented practices, landscapes and repertoires of meaning, and emerges through particular patterns of engagement and struggle*” (Gomes 2013: 10).

Indeed, as Schippers pointed out, the discourse of IPRA relies heavily on how indigenous groups are culturally distinct from the rest of the Filipino people (Schippers 2009:223), implying that indigenous people in the Philippines are a homogenous group, and failing to take into account distinctions among the many indigenous groups in the country. This becomes problematic especially in light of contesting land claims between Moros and non-Moros indigenous peoples in Mindanao.

Chapter 3, Section 4 of IPRA acknowledges that “*ancestral lands/domains shall include concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which indigenous peoples possess, occupy and use and to which they have claim ownership,*” but contradicts this understanding of land in provisions addressing issues in relation to displacement and loss of land. For instance, Chapter 3 Section 7c of the law guarantees that indigenous people are to be “*provided in all possible cases, with lands of quality and legal status at least equal to that of the land previously occupied by them, suitable to provide for their present needs and future development,*” and Section 7d of the same chapter states, “*all displaced IPs shall enjoy security of tenure over lands to which they have resettled...that basic services and livelihood shall be provided...to ensure their needs are adequately addressed.*” These provisions seem to have glossed over what it previously acknowledged and have forgotten to take into account the intimate connections between indigenous cosmology, history and spirituality with territory/land.

Moreover, the IPRA could be quite problematic when referred to in the context of the Mindanao conflict. In the first place, it has never been implemented in the ARMM since its passage. The regional government has fallen short in legislating a policy to guarantee its implementation in the region, even when the law clearly stipulates that support must be given to autonomous regions towards its implementation. Several points could be raised here that further complicated the matter. First, IPRA only looks at displacement in terms of “*natural catastrophes*” (Section 7d). Second, Section 22 on rights during armed conflict covers protection as civilians against recruitment into armed groups, as well as ensures that indigenous individuals shall not be forced to “*abandon their lands, territories and means of subsistence.*” The state shall also ensure that they are not “*relocated to special centers for military purposes*” (Ibid.). These provisions discredit complicated issues of displacement or land dispossession during war—to be coerced to leave their land is one thing, yet indigenous communities flee for their safety, whether or not they are coerced by military. Third, while it guarantees participation and representation in all levels of decision-making that “*affect their rights, lives and destinies*” (IPRA Section 16), indigenous groups have never been formally represented in the peace processes with the Moro National Liberation Front and the Moro Islamic Liberation Front. It was only after the Comprehensive Agreement on the Bangsamoro was signed, when the Bang-

samoro Transition Commission¹² was formed, that indigenous peoples received formal representation.

3.4. Teduray-Lambangian women's assertions of indigeneity

Despite its weaknesses, indigenous groups, especially the Teduray-Lambangian, deem the IPRA as an important document especially in their struggle for ancestral domains in the Bangsamoro. Constant and repeated references to the IPRA are perhaps the most explicit assertions of indigeneity among the women I spoke with. They emphasized that it was put in place to strengthen and protect indigenous identity and practices while also explaining that the law was based on indigenous practices that have existed for centuries. Jennevie explains:

“The IPRA was based on...IP practices that have existed long before. Such practices were strengthened when IPRA was passed in 1997. Before that, we have already been practicing our own system of governance. This is the reason why we are not letting go of the IPRA... it is the only mechanism that ensures our rights are protected as indigenous people. A big debate now is whether it should be incorporated or disregarded [in the Bangsamoro Basic Law]...but we keep saying that it is a national law. We don't understand why there is even a debate. The same lawmakers [debating the Bangsamoro Basic Law] created it” (Interview 7 August).

According to Jude, the IPRA is a hard-won battle with the Philippine state in indigenous peoples struggle for the recognition of their rights. She says they consider this as a peace process between indigenous peoples and the government, even if they did not fight an actual war. The law was passed in 1997, yet to date its implementation remains problematic in the ARMM especially in the context of the Bangsamoro peace process. She shares:

“We consider the IPRA as the product of our peace process with the government. We won IPRA through rallies and petitions...but we did not wage war to get this law passed. It is based on the UN Declaration on the Rights of Indigenous Peoples, so that the government will recognize IPs...Yet in the 17 years since the IPRA was passed, it was never implemented in the ARMM. So if you will connect this to the current peace process, it is important for the government to address this issue. This is because the IP struggle for their ancestral domain continues if the peace process and the resulting laws do not recognize their ancestral domains. This is the only way IPs can protect their lands...IPRA outlines the four bundles of rights of IPs...These are the same rights that we are lobbying for inclusion in the Bangsamoro Basic Law...because for many years the ARMM government ignored these” (Interview, 6 August 2015).

¹² The BTC is a body tasked to draft the Bangsamoro Basic Law. It is composed of 15 members—7 appointed by the government and 8 by the MILF. There are IP representatives appointed from both sides.

Being an autonomous region, the ARMM was supposed to have devolved the IPRA, thereby allowing its implementation, including the creation of a regional branch of the National Commission on Indigenous Peoples (NCIP). The NCIP is a special body under the Office of the President tasked to oversee the implementation of the law. Much to the disappointment of indigenous groups in the ARMM, this is yet to happen 17 years after the law was passed.

Though mentioned in the latest draft of the BBL, the IPRA remains a contentious issue because it requires the delineation of indigenous peoples' ancestral lands and thereby also requires the provision of certificates of ancestral domain titles once the territories are demarcated. Once ancestral domains are marked and the tribe is provided a land title, the Teduray-Lambangian, through a principle called *free, prior and informed consent*, are granted the right to be consulted before any activity is to be carried out in their territory. This principle requires "*consensus of all members...in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community*" (IPRA 1997).

But because their ancestral domain has not yet been delineated, the Teduray-Lambangian fear encroachment of multinational companies on their ancestral domain. Jennevie explains:

"What is happening right now, while the peace process...is on going, exploration for nickel mining in indigenous ancestral domains is also being carried out. This is a very big problem for us" (Interview 7 August 2016).

The community resists the entry of outsiders in their ancestral domains and continue to demand from the government, through the current peace process, to implement the IPRA in the region. Their resistance is articulated through continued assertions of their indigenous identity and therefore their right to self-determination. With the women I spoke with, these articulations were very clear when they talked about how important their ancestral domains are, especially in preserving their culture and indigenous practices, including their own governance system. For example when asked about the significance of land for the tribe, Jude explains:

"The tribe looks at land, first and foremost, as a blessing from God. It is a gift that gives us everything...our concept of land tells us that no one owns it. That is why, in the beginning, indigenous people did not have concrete livelihoods. What they did was merely for survival. They would build homes in areas where everything is in abundance...When they used most of the resources in the land, they transferred to another location to allow nature to regrow...Land is like a supermarket, our needs are provided for by land. We also have health practices for which the forests provide medicines. Over time, we observed that more and more people are coming. Our concept of land had lost its significance" (Interview, 6 August 2015).

Similarly, when she explained why it was necessary for their ancestral land to be demarcated, Jennevie said:

“We already know how to protect our area and what are appropriate and acceptable projects that can be implemented...Our experience has taught us that if we are mainstreamed and when our own system is disregarded by politicians, the capacities and knowledge of our Tribal leaders are ignored. If this continues, our traditional ways and structures will slowly die” (Interview 7 August 2015).

The Teduray-Lambangian political system is called the Timuay Justice and Governance System (TJGS) governed by six principles written in their *ukit*, or constitution: closeness and good relationship with nature; collective leadership; communal ownership of everything in the community; equal status of every human in the society; peace of mind as the basis of justice and development; and progressive pluralism (PKKK & TWLOI 2011). Jennevie, while emphasizing that it is based on their traditional practices, is adamant that it does not clash with the mainstream governance structure. She talks about the need to bridge the gap between mainstream governance and the TJGS:

“If you look at it closely, you will observe that the Timuay Justice and Governance System functions just as a government only that it is based on our traditional practices. If only they understood this [the government], they will see that it is not in conflict with the mainstream governance system because it will only focus on members of the tribe. Right now we are studying how we can bridge our traditional practices with the mainstream and how we can make them recognize that there is a system like ours” (Interview 7 August 2015).

Embedded in the TJGS is the Teduray-Lambangian concept of *kefiyo fedew*, which is roughly translated in English as peace of mind. For the tribe, there is justice only when everyone in the community has *kefiyo fedew*. Jude shares,

“The tribe has kefiyo fedew if they are free to develop their community...in my mind, no one in our tribe has ever dreamed of becoming a millionaire. We only want to eat three times a day, maybe merienda between meals; that our children can go to school so they, in turn, can help us develop our ancestral domain. This means, we don’t have to adapt mainstream notions of development. We have to be conscious about the kind of development that is being imposed in our ancestral domains” (Interview 6 August 2015).

Peace of mind therefore means that their ancestral domain is protected, and that they are free to practice their own culture and traditions within their territory. This includes having the autonomy to govern over their territory, and resolve conflicts using their own governance and justice system. This also means that they are free to develop their community in accordance to their beliefs, culture and traditions. We shall return to this discussion later in the next chapter.

3.5. Gendered experiences of Teduray women

Radcliffe (2013:856) tells us that for indigenous people, land is understood to be the source of life, a space for the reproduction of those who dwell in it and their future generations. Indeed, the Teduray women view themselves as nurturers of life, sustaining not only their families but the tribe itself. Jude explains:

“An IP woman likens herself with mother earth who nourishes her children. Land, for IP women is like a mother, providing for all the needs of the family...they believe that land gives them everything. If there is no land, they will die. Land connects everything. While they tilled land, they have also...always been organizing to protect our territory because they believe that they are the ones who will be affected the most if they lose access to land. Her priority is the family. If they do not have land, they will not have anywhere to plant, how will they sustain their family and children? This is the reason why women joined the struggle...” (Interview 6 August 2015).

Among the Tedurays, land dispossession and displacement because of the conflict have resulted in consequences that are profoundly gendered. Intricately woven with their narrative of land are stories of women’s experiences of discrimination—which are ultimately the reasons why they join the struggle for the protection of their ancestral domain and the recognition of their rights. Clearly, these stories are subtle assertions of indigeneity and their relevance may be understood by looking at how these experiences are linked with land/territory and the loss thereof.

The lack of education among tribal members is an issue that was repeatedly raised in my conversations with the women. Members of the tribe rely on livelihoods and farming as the main source of income. When farming is not successful parents do not have ample resources to send their children to school. This lack of education often leads to urban migration among tribal members in search of jobs. According to Jude, when young women are out of school, they leave the community and migrate to cities to work as domestic helpers who are often oppressed or abused. Others, she says, get into prostitution because it is easy money. Another problem is the issue of early marriage where parents marry off their daughters so they will not have to send them to school. Jude says this cycle of poverty often stems from women’s lack of education.¹³

Moreover, because indigenous communities live in remote areas, access to reproductive and maternal health services is limited. The government prohibits home births but hospitals and health centers are located in the city, a long and difficult commute for indigenous women. When they do have access to facilities, they would prefer not to go because of negative experiences. Jude says:

¹³ Interview, 6 August 2015.

“For example, there was an IP woman who was about to give birth so she went to the hospital. But she was not attended to, because she’s shy. She was told to keep quiet and was ignored. But there was another pregnant woman about to give birth who looked rich, and she was attended to right away. So the IP woman went out and gave birth in a big laundry basin. The child died. IPs are shy and women will not feel comfortable lying on a table with her legs wide open in front of strangers. They are more comfortable with a traditional midwife. But mainstream medicine says that birthing with only a midwife present is dangerous” (Interview, 6 August).

The women also talked about gender-based violence and the urgency of dealing with this issue. Jennevie and Leonora share that there are many cases of domestic violence but women don’t always report their experiences. Jennevie says, *“Even when there are people who want to help, women (victims of domestic violence) tell them to leave her alone because it’s her life”* (Interview, 6 August 2015). Leonora links incidences of violence to dispossession and disregard of their indigenous practices. She says there are many incidences of violence because *“...women are treated as inferior, like she is not capable of doing anything. When we get introduced to a new [economic] system, many young women are recruited to work in other cities where they experience discrimination and oppression”* (Interview, 12 August 2015).

Jude and Jennevie also brought up issues of safety and security from human rights abuses faced by members of the tribe, especially those who are actively involved in the struggles for recognition of IP rights, including themselves. Jennevie states:

“What is very painful for us is that while the peace process is ongoing, our tribal leaders are being killed. How many more of our leaders will have to risk their lives so that our voices are heard? Or will we all just be killed? We do not get justice because we are merely indigenous people...If you are a leader, especially if you are an IP leader, your life will really be in danger. It is up to you to grade the level of threat you are in. Like us...we are not safe” (Interview, 7 August 2015).

The women have also had to contend with environmental impacts such as floods and landslides caused by massive logging and mining activities of multinational companies that are increasingly encroaching on their ancestral domain. These, coupled with the fighting between Moros and government forces, and their absence in formal negotiating channels of the peace process, have created insecurities for the Teduray-Lambangian women. Jude links all these issues to the loss of land and how such insecurities have been aggravated by armed violence between the Moros and government forces:

“If the lack of education will be addressed, and if they are given livelihoods and job opportunities...these things happen because of dispossession. They do not have lands to till because they are merely tenants. The houses are theirs but these are also not permanent...they don’t build permanent houses because they can be harassed anytime. During the height of the war, they refused to build concrete homes because

they will leave them anyway. They only have simple houses that they can leave any time” (Interview 6 August 2015).

Froilyn Mendoza, a Teduray woman appointed to the Bangsamoro Transition Commission claims this situation the root of Teduray struggles and active engagement in informal channels of the peace process. She shares that they are demanding to be heard because *“We want [government and the MNLF] to be aware of our understanding of ancestral domains, of power and wealth sharing...we want channels to be open for dialogue because we want to reach and participate...because IP women’s concerns and our contexts are different from those of the Muslim dominated ARMM.*¹⁴ Yet despite the lack of access to formal channels, the Teduray-Lambangian women have found ways to articulate their concerns. We shall see this in the succeeding chapter.

¹⁴ Unpublished personal notes from the Mindanao Indigenous Women’s Forum on Peace, Governance and Justice, 29-30 October 2015, Waterfront Insular Hotel, Davao City.

Chapter 4

The quest for peace:

Locating Teduray-Lambangian women, their ancestral domain claims and the peace process

The previous chapter provided a discussion of how conceptions of land and space are attached to identity constructions. In the case of the Mindanao conflict, the construction of a particular narrative of space/place has created a dominant Bangsamoro identity narrative, resulting in contestations among non-Moro indigenous people. The Teduray-Lambangian has challenged Moro articulations of identity and territory by asserting their indigeneity and by surfacing their own experiences of land dispossession and discrimination. This chapter locates women in the Teduray-Lambangian's struggle for the protection of their ancestral domain and links this with the tribe's concept of justice and peace. It shall first look at Teduray-Lambangian conceptions of peace, development and justice, juxtaposed with a discussion of how these concepts are defined in the documents coming out of the peace process. It shall be followed by a discussion of the role of Teduray-Lambangian women in the peace process and in the tribe's struggle for the protection of their ancestral domains.

4.1. Peace, justice and development within reach?: A closer look at the Bangsamoro Basic Law and the Bangsamoro Development Plan

In March 2014, the Philippine government and the Moro Islamic Liberation Front signed the Comprehensive Agreement on the Bangsamoro, ending decades of conflict in the Mindanao region. What followed this historic signing was the drafting of a policy that will guide the implementation of the peace agreement—the Bangsamoro Basic Law (BBL). It is based on the annexes that accompany the comprehensive agreement and elaborates on issues of power and wealth sharing between the national government and the would-be Bangsamoro government, normalization and transitional arrangements. It is currently being deliberated in Congress to determine its constitutionality. It is the subject of heated debates, especially among various sectors that contest definitions of identity, territory, and peace and development.

The preamble of the draft document¹⁵ states that the people of the Bangsamoro (which includes Moros, non-Moro indigenous people, Christian settlers and other inhabitants) aspire for an “*enduring peace*” in which justice and harmony in communities prevails, and where the society's right to “*conserve and develop*” their patrimony is recognized (House Bill 5811). In the interest of this research, I only look at provisions that directly affect or mention indigenous people.

¹⁵ The version referred to here is House Bill 5811, approved by the Congressional Ad Hoc Committee on the Bangsamoro

4.1.1. On the rights of non-Moro indigenous people

Article 2, Section 1 of the draft BBL (House Bill 5811) defines the Bangsamoro People as *“those who at the time of conquest and colonization were considered natives or original inhabitants of Mindanao and the Sulu archipelago and their adjacent islands including Palawan, and their descendants, whether of mixed or full blood, shall have the right to identify themselves as Bangsamoro by ascription or self-ascription. Spouses and their descendants are classified as Bangsamoro.”* While this definition does not make mention of non-Moro indigenous people in the area, Section 2 of the same article is a provision respecting the *“freedom of choice of other indigenous peoples,”* and guaranteeing *“there shall be no discrimination on the basis of identity, religion and ethnicity.”* Moreover, Article 4 Section 9 states that the *“Bangsamoro government recognizes and promotes the rights of non-Moro indigenous people within the framework of national unity and development.”* As such the Basic Law guarantees the basic rights of all peoples in the region. This includes freedom of expression of religious beliefs; equal opportunities and non-discrimination; the right to establish cultural and religious associations; and the freedom from religious, ethnic and sectarian harassment.

Furthermore, the BBL has a separate section on the rights of non-Moro Indigenous people which ensures their rights to native titles (of ancestral territories); to practice customs and traditions, as well as to enforce their own justice system and political structures; to equitable shares of revenues from the use of their ancestral lands and resources therein; FPIC in the exploration and utilization of their ancestral lands; political participation in the regional government; right to basic services; and the freedom of choice with respect to their identity in accordance with the *“IPRA, the UN Declaration on the Rights of Indigenous Peoples and the Universal Declaration of Human Rights”* (Article 8, Section 5, HB 5811). The BBL also allows for the creation of an office of traditional/tribal justice system, the powers of which are to be determined by the Bangsamoro government.

4.1.2. On sustainable and equitable development

The BBL provides a definition of sustainable and equitable development, which is based on the principle of social justice. The Bangsamoro government aims *“to promote the effective use of economic resources and endeavour to attain economic development that shall facilitate growth, human development and social justice”* (Article 12, Section 3, House Bill 5811). This entails *“proper conservation, utilization and development of natural resources to address economic dimensions of social and economic interventions...”* (Ibid.) that is consistent with the Bangsamoro Development Plan (BDP), a blueprint for the economic rehabilitation of post-conflict Mindanao, which we shall examine later. The BBL gives the Bangsamoro government sole *“authority, power and rights to the control and supervision over exploration, utilization, development, and protection of mines and minerals and other natural resources within the Bangsamoro...”* (Ibid: Article 12, Section 8). With respect to non-Moro indigenous people, the document guarantees that the Bangsamoro government shall enact a law that recognizes their right to natural resources within *“territories covered by a native title,”* and that guarantees their share in revenues and preferential rights in the use of natural resources in their territory (Ibid: Article 12, Section 11).

Aside from the BBL, another document that provides a definition of development is the Bangsamoro Development Plan (BDP)¹⁶. Crafted by the Bangsamoro Development Authority through a series of consultations with various stakeholders, it seeks to build the foundations for “*just economy*’ that will strengthen institutions; promote greater access to social services, jobs and livelihood opportunities and create citizen security, justice and rule of law in the Bangsamoro and its adjacent regions” (BDP Executive Summary 2014:1). It has seven priority areas—infrastructure, social services, economy and livelihoods, environment and natural resources, culture and identity, governance and justice, and security and normalization (Ibid.), through which it seeks to attain its goal. Moreover, the BDP seeks to emancipate the Bangsamoro region from “*the vicious cycle of underdevelopment, wrought by decades of injustice, conflict and poverty,*” and to bring about a “*cycle of peace and security, accountable institutions, economic and social stability, justice and equity, jobs and livelihoods, the efficient delivery of social services and improved environmental indicators*” (BDP Executive Summary 2014:3).

All of these provisions, both in the BBL and the BDP, promise to bring lasting peace and lay the foundations for the economic recovery in post-conflict Mindanao. Yet these very provisions are also the roots of discontent among non-Moro indigenous people who demand an equitable share of whatever gains the peace process has brought about so far.

4.2. Finding inner peace

The Teduray-Lambangian struggle for the protection of their ancestral domains cannot be separated from their fight for justice and peace and the right to development as they see fit. Timuay¹⁷ Alim Bandara (2015) explains that the peace process, in the hopes of bringing prosperity to conflict-torn Mindanao, allows for a development paradigm that runs contrary to the hopes and aspirations of indigenous people. He challenges the development framework on which the BDP is based, which he says entails the establishment of industrial centers, construction of major transportation infrastructure such as highways, seaports, and airports; the promotion of tourism; setting up of agro-industrial plantations and mining operations; and erecting malls and encouragement of global trade. All these are destructive to nature and therefore do not guarantee a sustainable future for indigenous people (Bandara 2015).

This is the reason why the Teduray-Lambangian have maintained active engagement within the peace process and remained adamant in their call for the recognition of IP rights in the Bangsamoro Basic Law. The BBL, according to UN Special Rapporteur on the Rights of Indigenous People, Vicky Tauli-Corpuz, still “*falls short in meeting minimum standards contained in the UN Declaration of the Rights of Indigenous People for the survival, dignity and well-being of the non-Moro*

¹⁶ The BDP, based on the 2011 World Development Report on Conflict, Security and Development by the World Bank, emphasizes the need to strengthen institutions to break “*cycles of violence at the country level*” through political reforms, security and justice sector reforms, creation of a national action plan, and the development of indicators (World Bank 2011:8).

¹⁷ Timuay is a male or female chieftain, chosen by consensus, to lead the tribe.

*indigenous peoples. It also diminishes the rights of IPs in IPRA.*¹⁸” Arguments against the inclusion of IPRA in the BBL vary. There are some that argue that it is impractical because it has never been implemented in the ARMM anyway and the lack of an implementing mechanism makes it more complicated. There are others who contend that implementing a national law defeats the purpose of autonomy, and that it counters some of the provisions in the Bangsamoro Basic Law. Others claim that there is no need for IPRA because the basic law itself guarantees equitable sharing of wealth and power within the region (Bandara 2105).

Bandara reminds us that the ultimate goal of IPRA is to correct historical injustices inflicted upon indigenous peoples. To be recognized as non-Moro indigenous people in the Bangsamoro and to have their rights spelled out in the Basic Law just as it is in IPRA is important because recognizing IPRA in the Basic Law means recognizing indigenous people’s rights and respecting their ancestral domains. Therefore it also means recognizing and respecting their identity, cultural and traditional practices, including their views and beliefs about justice, peace and development (Bandara 2015). Yet the current draft of the BBL, despite provisions guaranteeing the rights of non-Moro indigenous people, contains a number of contradictions. A statement¹⁹ released by various civil society groups raised two important points. One, while the BBL requires that policies for identification, delineation and titling of ancestral domains must be concurrent (shared) between the national and Bangsamoro governments, it also puts the management of natural resources found within the Bangsamoro region in the exclusive powers of the Bangsamoro government. Meaning that the Bangsamoro government has a freehand in managing and controlling the resources within ancestral domains. Second, the same statement brings to light the principle of judicial affirmation, a process required to recognize imperfect titles, therefore applying to indigenous people’s ancestral domains. The statement points out that under this principle, *“all lands are public lands, which contradicts recognition that some domains are ancestral, hence private albeit collectively owned.”*²⁰ These have sparked fears among the Teduray-Lambangian since they have not received a certificate of ancestral domain title for their claims. One must recall that their ancestral domain has never been delineated because IPRA was never implemented in the ARMM. What guarantee do they have that the new Bangsamoro government will ensure IPRA’s implementation when the policy itself remains to be a contentious issue, especially in the drafting of the BBL?

Deeply rooted in Teduray-Lambangian culture are six principles that also define what for them is justice, peace and development: closeness to nature; collective leadership and decision-making, communal ownership of property, equal status in society, *kefiyo fedew* or peace of mind, and *lumut minanga* or progressive pluralism. As such, there will be justice, peace and development only

¹⁸ As quoted in the Statement on the Full Inclusion of Non-Moro Indigenous People’s Rights in the BBL. Accessed from Lilak-Purple Action for Indigenous Women’s Rights on 30 May 2015 <<http://www.facebook.com/Lilak-Purple-Action-for-Indigenous-Womens-Rights/446251688730248>>

¹⁹ Statement on the Full Inclusion of Non-Moro Indigenous People’s Rights in the Bangsamoro Basic Law, Lilak: Purple Action for Indigenous Women’s Rights <<http://www.facebook.com/pages/Lilak-Purple-Action-for-Indigenous-Womens-Rights/446251688730248>>

²⁰ Ibid.

if the peace process ensures the protection of their environment and safeguards their relationship with nature because it is, as the women have said earlier, the extension of their life. The peace process must also recognize that, as Bandara tells us, “No one must have sole control over the product of mother earth. All resources must be used to live a humane and dignified life” (Bandara 2015). Similarly, it is important that the peace process allows for the practice of the tribe’s justice and governance system where leadership is collective and decisions are made based on the consensus of leaders and members of the tribe. The outcome of the peace processes must promote equality among all peoples in the region, and promote a good feeling between and among them (Ibid).

Of all the six principles, *kefiyo fedew* is a core value that is prevalent among most non-Moro indigenous people. For the Teduray-Lambangian, it is the very foundation of justice and peace. In conflict resolution, the tribe will not seek for winners or losers, or aim to deal with guilty parties. Instead, *kefiyo fedew* requires the tribe to restore disturbed or broken relationships among parties to a conflict (CCFD 2014:39). In the larger context of the Mindanao conflict, the Teduray-Lambangian struggle can then be understood as an inherent quest for *kefiyo fedew* or peace of mind/inner peace. Jennevie says:

“We don’t want to experience what we have gone through in the past when we fought alongside the Moros for the recognition of the Autonomous Region of Muslim Mindanao and yet our rights were not recognized. As long as there is oppression of IPs, the struggle continues...the peace process is biased if it only bears one side of the story. It is biased if one party is happy and comfortable while another is left crying and dissatisfied” (Interview, 12 August 2015).

Understandably, the dissatisfaction she is talking about stems from the myriad of issues that accompany the Teduray-Lambangian’s experiences of land dispossession and displacement. Jude explains:

“Our issue is not simple. Security is very important and that must include everything. It does not simply mean that we are physically safe but it very important that we have security and that our identities are also secure...all the struggles of IPs is about security—of land, of food and of identity. We have to protect all of these so that we don’t lose our identity as a tribe...it might happen one day that the word Teduray will only be a term used in textbooks and there will be no evidence of our existence” (Interview, 6 August 2015).

Radcliffe (2013:855), in her examination of gendered dimensions of indigenous territories in Ecuador, notes how indigenous land claims are situated within a larger context of economic, political and socio-cultural relations, thereby putting women in situations where they stand in the middle of “*multi-scalar intersections between national development discourses, landscape of market relations, elite notions of ethnic difference and policy bias towards male household heads,*” and grappling with “*a range of powerful actors over land-territory.*” Additionally, Arndt (2014:80-18) suggests that indigenous struggles are located in a “*developing global institutional and ideological framework,*” allowing new ways of articulations and positionings possible to local struggles. This is especially glaring in the context of

the Mindanao peace process when peace, security, and development are conflated and defined from a neoliberal perspective.

Security as it is traditionally understood takes the state as a central point of analysis and assumes that it is gender neutral. However, Hudson (2005:156) posits that gender is *“intrinsic to the subject matter of politics and security,”* and reminds us that an understanding of security issues necessitates the inclusion of specific security concerns of women (Hudson 2005:157). Similarly, Truong, et. al. (2006:xii) note that security is a *“human experience of everyday life mediated through a variety of social structures, of which gender is one.”*

The experience of the Teduray-Lambangian women brings to light the convergence of gender, peace, security and development. For example, development projects prescribed in the BDP seek to provide livelihood assistance, adult literacy and skills training to allow women in the region to participate in the formal economy. Yet this emphasis on paid work may create further insecurities and multiple burdens for women who are also primarily responsible for care work in the community and in their family. This focus on paid work completely disregards the intimate relationship that indigenous communities have with land and therefore underscores why women are actively participating in the claims for their ancestral domain.

The women I spoke with shared their experiences as they actively engage in efforts at various levels. For example, both Jude and Jennevie talked about divisions among the tribal leadership Jude shares:

“There are internal dynamics in the tribe. The IPs are not united. There are hardliners who don’t want to compromise. The IPs are not solid because there are different factions with different interests” (Interview, 6 August 2015).

This is made more evident in the differing perspectives of the two Teduray representatives in the Bangsamoro Transition Commission. While one continues to fight for the inclusion of IP rights and the recognition of non-Moro indigenous people’s identity in the Bangsamoro Basic Law, the other claims that the IP agenda will be better dealt with, once the Bangsamoro government is established. Jennevie is emotional when she explained this saying:

“...There are two representatives yet they do not have a unified agenda...They are both Tedurays and that makes it more painful for us...we used to sing the same song in the beginning but suddenly the melody has changed for one of them” (Interview, 7 August 2015).

Nevertheless, the women have mediated this divide by mobilizing the community and initiating a dialogue with the opposing sides, demanding leaders to reflect about their commitments to the tribe. It is necessary for them to mediate because for Jude:

“Not being united does not project a positive image for the tribe, especially in Manila, at the national level. The government will not listen to us... We went to the leaders and initiated a dialogue and meeting. The

women were in full force. In all the meetings women were the majority. We said we need to organize the women so we can be the front-liners” (Interview, 6 August 2015).

Aside from confronting tribal leadership, they have been constantly involved with informal negotiations with the Moro Islamic Liberation Front. Jude recalls mobilizing women to meet with the Chair of the MILF negotiating panel.

“One of the first things we did, even before the peace agreement was signed, was to organize dialogues between IP Women and the MILF. We even organized a march to present Chair Iqbal²¹ with a nine-point agenda and to tell him the IPs are in the middle of the conflict area, we are tired of the war, tired of evacuating all the time. Our children cannot go to school, we want a peaceful life. It was as if there was a sudden calling for us women to demand an end to the conflict” (Interview, 6 August 2015).

In a more formal space, they have engaged with the MILF through the appointment of Froilyn Mendoza, founder of the Teduray-Lambangian Women’s Organization, to the Bangsamoro Transition Commission. Jude considers this as a victory for the women in the community because

“Not only did she bring attention to IP issues but her presence awakened people’s consciousness about IPs. Her presence in the Commission is a big deal so we do not leave her alone. While she is there, we work with our lobbying partners...we have tied up with and sought assistance from various organizations to bring our voices to the national level” (Interview, 6 August 2015).

They are working very closely with non-governmental networks that operate nationwide especially in lobbying for the full inclusion of IP rights in the BBL, and its passage in both houses of congress. Apart from that, Jude shares that working with women’s groups and networks also help them monitor how policies are implemented and bring attention to issues of indigenous women. She says,

“Women are focused on legislation and policy advocacy right now because that is crucial at the moment. Women are also focused on monitoring the implementation of laws, especially on provisions concerning women. This is why we also take advantage of the influence of different organizations...if not for these organizations, our issues will not be hard, we can’t do this alone...IP women are conscious that if we do not join and become active, nothing will happen. That is the reason why we are active right now. We go to Manila...we lobby, we organize and attend meetings...we go to Manila which we never did before” (Interview, 6 August 2015).

²¹ Mohagher Iqbal is the Chair of the negotiating panel for the MILF and the Bangsamoro Transition Commission.

Within and outside the peace process, Leonora emphasizes the importance of engaging with different groups. She shares her experience as part of the Teduray-Lambangian Women's Organization, emphasizing the importance of engaging with different groups working in a variety of issues ranging from human rights, women's rights, peace and non-violence and peasant and labor rights.

"As women, we continue to document what is going on in our community. We also continue to explore different strategies so we can help as new cases of discrimination and new issues arise....we acknowledge that we can't do this alone, so...we seek the help of groups that we think can help us. To determine what the community's concerns are, we hold consultations, part of that is documenting human rights violations. We also invite human rights defenders to educate us about our rights" (Interview, 12 August).

Jude, Jennevie and Leonora are all community leaders who have worked hard to share what they have learned from their various engagements to the community. They seek to educate the community in order to empower others and thereby strengthening their voice. They understand that knowledge of human rights can strengthen their traditional practices. Leonora says,

"One of the things that we are trying to do is to enrich our traditional practices so that we create a balance between our practices and new ideas such as different laws and policies. We have raised awareness about laws on women such as the Anti-Violence Against Women and Their Children Act, the Magna Carta of Women and CEDAW in a way that allows IPs to appreciate them and understand them according to their own traditional practices. This is important because it will help the women and lessen discrimination. We are studying how to balance these because if you do not know how to balance, the IPs will not accept it" (Interview, 12 August 2015).

Indeed, they have come a long way in their efforts to protect their ancestral domains and their identity as Teduray-Lambangian. Their struggle did not begin and certainly will not end with the current peace process. All three women I spoke with talk about their experiences of discrimination because of their indigenous identity and the loss of access to their own lands. The current peace process, while problematic and confronted with numerous challenges, also opened opportunities for their engagement, surfacing issues that were never prioritized. The experience of the Teduray-Lambangian women—how they navigated different spaces in asserting the tribe's claim for ancestral domains and negotiated with various actors—reflects what Heathershaw and Lambach (2008) refer to when they talk about post-conflict spaces as *"fields of power relations where multiple sovereigns negotiate rule across multiple spaces of authority"* (Heathershaw & Lambach 2008:278). This notion challenges liberal state-centric perspectives in state-building in post-conflict situations that fall short of acknowledging the existence of authority in multiple spaces *"beyond and across the bounds of the state, denying a single dominant or single subordinate group"* (Heathershaw & Lambach 2008:279). They look to critical geopolitics in emphasizing the need to examine *"discourses which reproduce or challenge identities which themselves lie at*

the base of a legitimate claim to occupy or administer political space” (Ibid.). Indeed the contest for these spaces is intricately connected with the production of identities (Heathershaw & Lambach 2008:280), which are in turn, inherently a result of, to borrow Radcliffe’s words, “*multi-scalar intersections*” of global, national and local forces.

4.3. Emerging indigeneity in post conflict Mindanao

Here I look back at the previous discussion on indigeneity and bring to light how the struggle of the Teduray-Lambangian and its women are forcing different actors in the peace process to reconsider “*conventional ways of thinking about politics, geography, sovereignty, rights and other core categories*” (Arndt 2014:80).

Indigeneity as a political project²² in the 20th century created an institutional framework that allowed the recognition of indigenous people as legitimate political actors (Arndt 2014). In the Philippines, this has materialized through the passage of IPRA. Teduray-Lambangian women’s firm assertion of their indigeneity, especially through repeated referrals to IPRA as the basis of their right to participate has given them a legitimate voice in the peace process. As their main contention in the BBL, IPRA has also legitimized their demand for the protection of their identity, the recognition of their ancestral domain, and respect for their rights as non-Moro indigenous people in the Bangsamoro region.

Mirasol de la Cadena (2010: 336) notes that the insurgence of indigenous forces and practices is significant in “*disrupting prevalent political formations...by rendering illegitimate and thus denaturalizing the exclusion of indigenous practices from nation-state institutions.*” In the case of the Teduray-Lambangian, their assertion of indigeneity, linked with their claims to ancestral domains and premised on their intimate relationship with land, has challenged state-centric and neoliberal notions of peace, security, social justice and development. The 2015 State of Indigenous Peoples’ Address delivered as part of celebrations of World Indigenous Day proclaim:

“Our traditional knowledge is heritage from our ancestors, handed to us for many generations. Our traditional knowledge is developed from our intrinsic relations with nature, and cannot be separated from our management of our lands, territories and resources. Innovations have been created collective, (not motivated by profit), but driven by adaptation to changes and the aspiration to improve the well-being not only of individuals but of the common good. As such it can never be private property and cannot be reduced as a commercial or tourism commodity. The right to access and use of such traditional knowledge is held collectively by families, clans and tribes guided and regulated by complex systems of customary laws and norms. Hence traditional knowledge

²² The recognition of indigenous people as a distinctive category, giving them distinctive rights and interests (Trigger & Dalley 2010).

must be respected and safeguarded from misappropriation for private gains.²³”

Fortun, et. al. (2010:229) note that “*indigeneity materializes in an intricate dynamic among converging and competing agendas, visions and interests that transpire at the local, national and global levels.*” In this case, indigeneity intersects with other global political projects from which the Teduray-Lambangian has found allies to their cause. For example, when I asked how they became active in ancestral domain claims, all three of them told me they began as part of a youth human rights movement, bringing attention to issues such as education and discrimination. Their engagement also allowed them to work with various groups—ranging from human rights organizations to environmental activists, fighting against mining companies and agro-industrial plantations that have slowly encroached on their ancestral domains. The Teduray-Lambangian has also found “*allies among the working class because they are direct victims of the latest global development framework,*” just as indigenous people are victims of development that destroys their land (Bandara 2015).

They have also been actively involved with various women’s organizations, particularly allying with peasant and rural women’s groups, addressing issues such as domestic violence, and reproductive health. Their engagement with women’s and peace networks have also opened opportunities for indigenous women’s participation in both formal and informal spaces of the peace process between the government and MILF. The appointment of Froilyn Mendoza to the Bangsamoro Transition Commission has strengthened women’s voices in the community, pushed many women to become frontliners in the quest for peace, and has given legitimacy to what the women are doing in their community. Jude shares:

Before, the men in the community told us not to join and be active...until the Timuays acknowledged the capabilities of women to become leaders, it was like they became conscious that they can tap us. There are huge conflicts that only women were able to facilitate and resolve. Outside of the tribe, women have also been seen as mediators who are capable of settling cases...men have accepted this now. Now, women are asked to sit in gatherings where their opinions are valued. Sometimes they are tapped to represent the tribe in different spaces...because of this, there are other IP women who want to join and be organized. We were able to educate them, we disseminated information...then they realized that women can do a lot” (Interview, 6 August 2015).

From documenting their experiences of discrimination and human rights abuses, to mobilizing professional women to help them on issues related

²³ The State of the Indigenous People’s Address 2015 is signed by 76 indigenous leaders and representatives from 41 indigenous people’s communities throughout the country, including the Teduray-Lambangian. It was delivered as part of International Day of the World’s Indigenous Peoples, University of the Philippines, 9-11 August 2015. Accessed on 13 August 2015 <<http://www.tebtebba.org/index.php/content/350-philippine-state-of-indigenous-peoples-address-2015>>

to education and health, the Teduray-Lambangian women have contributed and continue to contribute much to the peace process, and ultimately to the tribe's struggle towards the recognition of their ancestral domains and the preservation of their identity. As they claim their ancestral domain, they also claim the freedom to practice their traditions, culture and beliefs.

There is a struggle that reflects Bolaños' (2011) observation that resource access, territory and cultural identity are linked to discourses of political autonomy. Indeed, as the women explained, there is a struggle for autonomy and freedom. In Jennevie's words, they "*are like caged birds wanting to be free*" (Interview, 7 August 2015).

Chapter 5

Listening with all of one's senses:

Conclusions and reflections

The decades of conflict in Mindanao, between Muslim separatist groups and the national government, had been fought to assert the identity and self-determination of the Bangsamoro people. While both parties have finally reached an agreement, critical reflection about the peace process and how it has produced a dominant narrative about the conflict shines the spotlight on silenced voices. The peace agreement paves the way for the creation of a new autonomous political entity to be called the Bangsamoro. Yet within this defined territory is the Teduray-Lambangian, a non-Moro indigenous group who claim about 300,000 hectares of land and foreshore areas as their ancestral domain. In other words, while the peace process has sought to deal with the demand for autonomy among the Bangsamoro people, it is yet to address issues that have plagued the Teduray-Lambangian for decades.

This research examined how gender, indigeneity and territory intersect to shape Teduray-Lambangian women's narratives about land and identity, and explored how these narratives are linked with their articulations of peace and justice, ultimately shaping their role in the tribe's struggle for the recognition and protection of their ancestral domain within the Bangsamoro. Various literature on indigenous struggles over land in different contexts around the world tell us indigenous land claims are intimately linked with articulations of indigeneity. Indigenous land claims are articulated within a discourse of original homelands that take indigenous people as the first inhabitants of the said territory (Bolaños 2011). As such, Bolaños (2011) posits that indigenous people have a pre-existing right to land, that is a right prior to law. From Bolaños' arguments we can conclude that along with this pre-existing right to land is the pre-existing right to exercise social, cultural, economic and political organizations within these original homelands.

Their ancestral domain, for the Teduray-Lambangian tribe, is a space where their history, spirituality and cosmology are deeply rooted. Therefore their identity as a tribe is also inherently connected to their ancestral domain. This is the challenge they pose against the dominant Bangsamoro identity narrative—they are an indigenous group occupying a defined territory within the Bangsamoro region and who adamantly refuse to be identified as Bangsamoro. The peace process should recognize their identity as a distinct people from the Bangsamoro who have their own culture, traditions and governance systems. In their narratives, this demand is evident in their articulations of their indigeneity. Such assertions are most explicit with their repeated referrals to the Indigenous People's Rights Act—both as the basis of their right to be heard, and as their main contention in the BBL. They also assert their indigeneity when they speak about their relationship with land, and the cultural and traditional practices they attach to it. Sometimes their assertion is more subtle, woven within stories of their experiences of displacement, discrimination, violence and insecurity as a result of the loss of access to land. Inherent in these asser-

tions are also their definitions of peace, justice and development, which also demonstrate how they challenged the path laid out by the peace process— a liberal, state-centric path that supposedly leads to genuine peace in Mindanao.

Teduray-Lambangian women have continuously been engaged in various ways and in different fronts. At the community level, they have initiated consultations and dialogues among members of their tribe; mediated between different factions and sought to bridge opposing perspectives among tribal leaders. They also engaged with dialogues with both parties of the conflict; and become frontliners in policy and legislative advocacy. Throughout their efforts, they have worked with, and found allies among different groups and sectors working around issues in relation to human rights, labor, environmental protection and conservation, women's rights, and peace and non-violence. Indeed, the Teduray-Lambangian women have contributed much to the struggle for the recognition and protection of their ancestral domain, challenging, as Arndt (2014:80) says "*conventional ways of thinking about politics, geography, sovereignty, rights and other core categories*" therefore also contesting dominant political formations by, as de la Cadena notes (2010:336), *rendering illegitimate [and unnatural] the exclusion of indigenous practices from nation-state institutions.*"

The stories of Teduray-Lambangian women about the struggle for ancestral domain are urgent pleas to reflect about life's intimate connection with space/place. Rodman (1992:649) reminds us that "*to bear the voices of the silenced...requires listening with all of one's senses...narratives of places are not just told with words, they can be told and heard with senses other than speech and hearing.*" Certainly, the struggle of Teduray-Lambangian women does not begin nor end with the peace process. When the protection of ancestral domain means the preservation of one's identity, then ultimately the struggle is inherently a quest for kefi-yo fedew—it is a long and arduous journey to find one's peace of mind.

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Appendix 1: Relevant provisions, definitions, and concepts in IPRA

(Source: <http://www.gov.ph/1997/10/29/republic-act-no-8371/>)

General Provisions

SECTION 2: Declaration of State Policies. — The State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) hereunder enumerated within the framework of the Constitution:

- a) The State shall recognize and promote the rights of ICCs/IPs within the framework of national unity and development;
- b) The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain;
- c) The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies;
- d) The State shall guarantee that members of the ICCs/IPs regardless of sex, shall equally enjoy the full measure of human rights and freedoms without distinction or discrimination;
- e) The State shall take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population; and
- f) The State recognizes its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICC/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.

Towards these ends, the State shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domains.

Definition of Terms

Ancestral Domains — Subject to Section 56 hereof, refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;

Ancestral Lands — Subject to Section 56 hereof, refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots;

Certificate of Ancestral Domain Title — refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and deline

Free and Prior Informed Consent — as used in this Act shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;

Indigenous Cultural Communities/Indigenous Peoples — refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

Indigenous Political Structures — refer to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified by ICCs/IPs such as, but not limited to, Council of Elders, Council of Timuays, Bodong Holders, or any other tribunal or body of similar nature;

National Commission on Indigenous Peoples (NCIP) — refers to the office created under this Act, which shall be under the Office of the President, and which shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to recognize, protect and promote the rights of ICCs/IPs;

Rights to Ancestral Domains (Chapter 3)

Concept of Ancestral Lands/Domains. — Ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership (Section 4).

Indigenous Concept of Ownership. — Indigenous concept of ownership sustains the view that ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC's/IP's private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. It likewise covers sustainable traditional resource rights (Section 5).

Rights to Ancestral Domains. — The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected (Section 7)

Such rights shall include:

Right of Ownership. — The right to claim ownership over lands, bodies of water traditionally and actually occupied by ICCs/IPs, sacred places, traditional hunting and fishing grounds, and all improvements made by them at any time within the domains;

Right to Develop Lands and Natural Resources. — Subject to Section 56 hereof, right to develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they may sustain as a result of the project; and the right to effective measures by the government to prevent any interference with, alienation and encroachment upon these rights;

Right to Stay in the Territories. — The right to stay in the territory and not to be removed therefrom. No ICCs/IPs will be relocated without their free and prior informed consent, nor through any means other than eminent domain. Where relocation is considered necessary as an exceptional measure, such relocation shall take place only with the free and prior informed consent of the ICCs/IPs concerned and whenever possible, they shall be guaranteed the right to return to their ancestral domains, as soon as the grounds for relocation cease to exist. When such return is not possible, as determined by agreement or through appropriate procedures, ICCs/IPs shall be provided in all possible cases with lands of quality and legal status at least equal to that of the land previously occupied by them, suitable to provide for their present needs and future development. Persons thus relocated shall likewise be fully compensated for any resulting loss or injury;

Right in Case of Displacement. — In case displacement occurs as a result of natural catastrophes, the State shall endeavor to resettle the displaced ICCs/IPs in suitable areas where they can have temporary life support systems: Provided, That the displaced ICCs/IPs shall have the right to return to their abandoned lands until such time that the normalcy and safety of such lands shall be determined: Provided, further, That should their ancestral domain cease to exist and normalcy and safety of the previous settlements are not possible, displaced ICCs/IPs shall enjoy security of tenure over lands to which they have been resettled: Provided, furthermore, That basic services and livelihood shall be provided to them to ensure that their needs are adequately addressed;

Right to Self-Governance and Empowerment (Chapter 4)

Self-Governance. — The State recognizes the inherent right of ICCs/IPs to self-governance and self-determination and respects the integrity of their values, practices and institutions. Consequently, the State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development (Section 13).

Support for Autonomous Regions. — The State shall continue to strengthen and support the autonomous regions created under the Constitution as they may require or need. The State shall likewise encourage other ICCs/IPs not included or outside Muslim Mindanao and the Cordilleras to use the form and content of their ways of life as may be compatible with the fundamental rights defined in the Constitution of the Republic of the Philippines and other internationally recognized human rights (Section 14).

Justice System, Conflict Resolution Institutions, and Peace Building Processes. — The ICCs/IPs shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and

practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights (Section 15).

Right to Participate in Decision-Making. — ICCs/IPs have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils (Section 16).

Right to Determine and Decide Priorities for Development. — The ICCs/IPs shall have the right to determine and decide their own priorities for development affecting their lives, beliefs, institutions, spiritual well-being, and the lands they own, occupy or use. They shall participate in the formulation, implementation and evaluation of policies, plans and programs for national, regional and local development which may directly affect them (Section 17).

Means for Development/Empowerment of ICCs/IPs. — The Government shall establish the means for the full development/empowerment of the ICCs/IPs own institutions and initiatives and, where necessary, provide the resources needed therefor (Section 20).

Social Justice and Human Rights (Chapter 5)

Equal Protection and Non-discrimination of ICCs/IPs. — Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Human Rights Law, the State shall, with due recognition of their distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. It shall extend to them the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society. Accordingly, the State shall likewise ensure that the employment of any form of force or coercion against ICCs/IPs shall be dealt with by law (Section 21).

The State shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution and relevant international instruments are guaranteed also to indigenous women. Towards this end, no provision in this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application.

Rights During Armed Conflict. — ICCs/IPs have the right to special protection and security in periods of armed conflict. The State shall observe international standards, in particular, the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not recruit members of the ICCs/IPs against their will into the armed forces, and in particular, for use against other ICCs/IPs; nor recruit children of ICCs/IPs into the armed forces under any circumstance; nor force indigenous individuals to abandon their lands, territories and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition (Section 22).

Freedom from Discrimination and Right to Equal Opportunity and Treatment. — It shall be the right of the ICCs/IPs to be free from any form of discrimination, with respect to recruitment and conditions of employment, such that they may enjoy equal opportunities for admission to employment, medical and social assistance, safety as well as other occupationally-related benefits, informed of their rights under existing labor legislation and of means available to them for redress, not subject to any coercive recruitment systems, including bonded labor and other forms of debt servitude; and equal treatment in employment for men and women, including the protection from sexual harassment (Section 23).

Towards this end, the State shall, within the framework of national laws and regulations, and in cooperation with the ICCs/IPs concerned, adopt special measures to ensure the effective pro-

tection with regard to the recruitment and conditions of employment of persons belonging to these communities, to the extent that they are not effectively protected by laws applicable to workers in general.

ICCs/IPs shall have the right to association and freedom for all trade union activities and the right to conclude collective bargaining agreements with employers' organizations. They shall likewise have the right not to be subject to working conditions hazardous to their health, particularly through exposure to pesticides and other toxic substances.

Women. — ICC/IP women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition.

The State shall provide full access to education, maternal and child care, health and nutrition, and housing services to indigenous women. Vocational, technical, professional and other forms of training shall be provided to enable these women to fully participate in all aspects of social life. As far as possible, the State shall ensure that indigenous women have access to all services in their own languages (Section 26).

Cultural Integrity (Chapter 6)

Protection of Indigenous Culture, Traditions and Institutions. — The State shall respect, recognize and protect the right of ICCs/IPs to preserve and protect their culture, traditions and institutions. It shall consider these rights in the formulation and application of national plans and policies (Section 29).

Recognition of Cultural Diversity. — The State shall endeavor to have the dignity and diversity of the cultures, traditions, histories and aspirations of the ICCs/IPs appropriately reflected in all forms of education, public information and cultural-educational exchange. Consequently, the State shall take effective measures, in consultation with ICCs/IPs concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among ICCs/IPs and all segments of society. Furthermore, the Government shall take effective measures to ensure that the State-owned media duly reflect indigenous cultural diversity. The State shall likewise ensure the participation of appropriate indigenous leaders in schools, communities and international cooperative undertakings like festivals, conferences, seminars and workshops to promote and enhance their distinctive heritage and values (Section 31).

Community Intellectual Rights. — ICCs/IPs have the right to practice and revitalize their own cultural traditions and customs. The State shall preserve, protect and develop the past, present and future manifestations of their cultures as well as the right to the restitution of cultural, intellectual, religious, and spiritual property taken without their free and prior informed consent or in violation of their laws, traditions and customs (Section 32).

Rights to Religious, Cultural Sites and Ceremonies. — ICCs/IPs shall have the right to manifest, practice, develop, and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect and have access to their religious and cultural sites; the right to use and control of ceremonial objects; and, the right to the repatriation of human remains. Accordingly, the State shall take effective measures, in cooperation with the ICCs/IPs concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected (Section 33).

Appendix 2: Relevant provisions, definitions and concepts in House Bill 5811 (Draft Bangsamoro Basic Law as approved by Congress Ad Hoc Committee on the Bangsamoro)

PREAMBLE

We, the Bangsamoro people, the non-Moro indigenous peoples, Christian settlers, and the other inhabitants of the Bangsamoro Autonomous Region, imploring the aid of the Almighty God, aspiring to establish an enduring peace on the basis of justice in our communities and a justly balanced society, and asserting our right to conserve and develop our patrimony;

Within the framework of the Constitution and national sovereignty as well as the territorial integrity of the Republic of the Philippines, the universally accepted principles of human rights, liberty, justice, democracy, and the norms and standards of international law, reflective of our system of life prescribed by our faith, and in harmony with our customary laws, cultures and traditions;

Affirming the distinct historical identity and birthright of the Bangsamoro people to their ancestral homeland and their right to self-determination – beginning with the struggle for freedom of their forefathers in generations past and extending to the present – that will secure their identity and posterity, and allow for genuine autonomy and meaningful self-governance;

With the blessings of the Almighty God, do hereby ordain and promulgate this Basic Law, through the Congress of the Republic of the

Philippines, as the Basic Law of the Bangsamoro Autonomous Region, that establishes the asymmetrical political relationship with the National Government founded on the principles of subsidiarity and national unity.

BANGSAMORO IDENTITY (Article 2)

Bangsamoro People. – Those who at the time of conquest and colonization were considered natives or original inhabitants of Mindanao and the Sulu archipelago and their adjacent islands including Palawan, and their descendants, whether of mixed or of full blood, shall have the right to identify themselves as Bangsamoro by ascription or self- ascription. Spouses and their descendants are classified as Bangsamoro (Section 1).

Freedom of Choice. – The freedom of choice of other indigenous peoples shall be respected. There shall be no discrimination on the basis of identity, religion, and ethnicity (Section 2).

Bangsamoro Symbol. – The Bangsamoro Parliament shall adopt the official emblem, seal and hymn of the Bangsamoro Autonomous Region (Section 3).

GENERAL PRINCIPLES AND POLICIES (Article 4)

Self-Governance. – In the exercise of its right to self- determination, genuine autonomy, and meaningful self-governance, the Bangsamoro people is free to pursue its political, economic, social and cultural development (Section 1).

Promotion of Right. – The Bangsamoro Government shall adhere to the principle of enjoin-

ing what is right and forbidding what is wrong (Section 6).

Social Justice. – The Bangsamoro Government shall ensure that every person in the Bangsamoro area is provided the basic necessities and equal opportunities in life. Social justice shall be promoted in all phases of development and facets of life within the Bangsamoro area (Section 7).

International Treaties and Agreements. – The Bangsamoro Government shall respect and adhere to all international treaties and agreements binding upon the National Government (Section 8).

Declaration on the Rights of Non-Moro Indigenous Peoples. – The Bangsamoro Government recognizes and promotes the rights of non-Moro indigenous peoples within the framework of national unity and development (Section 9).

POWERS OF GOVERNMENT (Article 5)

Concurrent Powers. – Concurrent powers refer to the powers shared between the National Government and the Bangsamoro Government within the Bangsamoro as provided in this Basic Law (Section 2)

Ancestral Domains/Ancestral lands of the non-Moro indigenous peoples. – There is hereby created the Ministry for Non-Moro Indigenous Peoples which shall be part of the Bangsamoro cabinet. The Ministry on Non-Moro Indigenous Peoples shall have the primary responsibility to formulate and implement policies, plans, programs to promote and protect the well-being of non-Moro indigenous peoples and the recognition of their ancestral domains as well as the rights thereto. Towards this end, the Ministry shall ensure that the non-Moro indigenous peoples shall have a meaningful participation in all activities pertinent thereto in accordance with their own indigenous decision-making institutions.

The Bangsamoro Government and the National Government shall cooperate and coordinate through existing national laws such as Republic Act No. 8371, otherwise known as the “Indigenous Peoples’ Rights Act of 1997,” to create policies for the identification, delineation and titling of ancestral domains (Section 2n).

Exclusive Powers. - Exclusive powers are matters over which authority and jurisdiction pertain to the Bangsamoro Government. The Bangsamoro Government shall exercise these powers over the following matters within the Bangsamoro (Section 3):

Ancestral domain and natural resources (Section 3cc);

Land management, land distribution, and agricultural land use reclassification. – The classification of public lands into alienable and disposable lands shall be initiated and recommended by the Bangsamoro Government to the President for the timely implementation of Bangsamoro development plans and targets (Section 3dd)

THE BANGSAMORO GOVERNMENT (Article 7)

Bangsamoro Parliament

Composition. – The Bangsamoro Parliament is composed of at least sixty (60) members, unless otherwise provided by the Parliament, who are representatives of political parties elected through a system of proportional representation, those elected from single member districts, and to reserved seats to represent key sectors in the Bangsamoro Autonomous Region, except as otherwise provided under this Article (Section 5).

Classification and Allocation of Seats. – The seats in the Bangsamoro Parliament are classified and allocated as follows (Section 6):

District Seats. – Forty percent (40%) of the Members of Parliament shall be elected from single member parliamentary districts apportioned for the areas and in the manner provided in the Appendix of this Basic Law. The Bangsamoro Parliament may, by law, undertake new redistricting to ensure a more equitable representation of the constituencies in the Bangsamoro Parliament. The district representatives shall be elected through direct, plurality vote by the registered voters in the parliamentary districts.

Party Representatives. – Fifty percent (50%) of the Members of Parliament shall be representatives of political parties who win seats through a system of proportional representation based on the whole Bangsamoro area. Parties shall submit their respective list of approved candidates prior to the election.

Reserved Seats; Sectoral Representatives. – Sectoral representatives, constituting ten percent (10%) of the Members of Parliament, including two (2) reserved seats each for non-Moro indigenous peoples and settler communities. Women and Youth sectors be entitled to one reserved seat each. The Youth representative shall be at least eighteen (18) years but less than twenty-five (25) years of age at the time of the election.

BASIC RIGHTS (Article 8)

Basic Rights in the Bangsamoro Autonomous Region. – In addition to the basic rights already enjoyed by the citizens residing in the Bangsamoro Autonomous Region, the Bangsamoro Government shall guarantee the following enforceable rights (Section 1) :

- Right to life and to inviolability of one's person and dignity;
- Right to freedom and expression of religion and beliefs;
- Right to privacy;
- Right to freedom of speech;
- Right to express political opinion and pursue democratically political aspirations;
- Right to seek constitutional change by peaceful and legitimate means;
- Right of women to meaningful political participation and protection from all forms of violence;
- Right to freely choose one's place of residence and the inviolability of the home;
- Right to equal opportunity and non-discrimination in social and economic activity and the public service, regardless of class, creed, disability, gender and ethnicity;
- Right to establish cultural and religious associations;
- Right to freedom from religious, ethnic and sectarian harassment;
- Right to redress of grievances and due process of law; and
- Right to free public education in the elementary and high school levels.

Non-Moro Indigenous People's Rights. – The Bangsamoro Government recognizes the rights of the non-Moro indigenous peoples, and shall adopt measures for the promotion and protection of their rights, the right to their native titles or fusaka inged, indigenous customs and traditions, justice systems and indigenous political structures, the right to an equitable share in revenues from the utilization of resources in their ancestral lands, the right to free and prior informed consent, right to political participation in the Bangsamoro Government including reserved seats for the non-Moro indigenous peoples in the Bangsamoro Parliament, the right to basic services and the right to freedom of choice as to their identity in accordance with the Indigenous Peoples' Rights Act, the United Nations Declaration of the Rights of Indigenous Peoples and the United Nations Declaration on Human Rights (Section 5).

Customary Rights and Traditions. – The customs, beliefs and traditions of the people in the Bangsamoro Autonomous Region are hereby recognized, protected and guaranteed. The Bangsamoro Parliament shall adopt measures to ensure mutual respect and protection of the distinct beliefs, customs and traditions of the Bangsamoro people and the other inhabitants in the Bangsamoro (Section 6).

BANGSAMORO JUSTICE SYSTEM (Article 9)

Office for Traditional or Tribal Justice System. – There is hereby created an Office for Traditional or Tribal Justice System responsible in overseeing the study, preservation and development of the tribal justice system within the Bangsamoro Autonomous Region. The powers and functions of the Office for Traditional or Tribal Justice System shall be defined by the Bangsamoro Parliament. The Office for Traditional or Tribal Justice System shall ensure the full participation of indigenous peoples in the formulation, implementation and evaluation of policies related to the strengthening of tribal justice system; ensuring further that such systems maintain their indigenous character in accordance with the respective practices of each tribe (Section 24).

FISCAL AUTONOMY (Article 12)

Sharing in the Exploration, Development and Utilization of Natural Resources

Share of Indigenous Communities. – Indigenous peoples shall have an equitable share from the revenues generated from the exploration, development and utilization of natural resources that are found within the territories covered by a native title in their favor. The share shall be provided for in a law to be passed by the Bangsamoro Parliament. The Bangsamoro Parliament shall enact a law that shall provide in detail the sharing system, including the percentage of the shares of the indigenous peoples and communities, and the mechanisms therefor (Section 34).

ECONOMY AND PATRIMONY

Bangsamoro Economy and Social Justice. - The Bangsamoro Government's economic policies and programs shall be based on the principle of social justice. Pursuant to this principle, the Bangsamoro Parliament shall legislate laws pertaining to the Bangsamoro economy and patrimony that are responsive to the needs of its people (Section 1).

Equitable and Sustainable Development. – In order to protect and improve the quality of life of the inhabitants of the Bangsamoro Autonomous Region, development in the Bangsamoro Autonomous Region shall be carefully planned, taking into consideration the natural resources that are available for its use and for the use of future generations. The Bangsamoro Government shall promote the effective use of economic resources and endeavor to attain economic development that shall facilitate growth and full employment, human development, and social justice. The Bangsamoro Government shall also provide equitable opportunities for the development of constituent local government units and shall strengthen governance systems to ensure people's participation (Section 2).

Comprehensive Framework for Sustainable Development. – The Bangsamoro Government shall develop a comprehensive framework for sustainable development through the proper conservation, utilization and development of natural resources. Such framework shall guide the Bangsamoro Government in adopting programs and policies and establishing mechanisms that focus on the environment dimensions of social and economic interventions. It shall include measures for the reduction of vulnerability of women and marginalized groups to climate change and variability (Section 3).

Bangsamoro Development Plan. – The Bangsamoro Government shall formulate its development plans taking into consideration the Bangsamoro people's unique needs and aspirations and consistent with national development goals. The Bangsamoro Development Plan shall also consider the revenue generation efforts needed for the post-conflict rehabilitation, reconstruction and development of its area. The Bangsamoro Development Plan shall include the promotion of growth and full employment, human development, and address social and economic inequities that have resulted from decades of neglect, historical injustice, poverty and inequality (Section 5).

Natural Resources

Natural Resources. – The Bangsamoro Government shall have the authority, power, and right to the control and supervision over the exploration, utilization, development, and protection of the mines and minerals and other natural resources within the Bangsamoro Autono-

mous Region in accordance with the Constitution and the pertinent provisions of this Basic Law except for the strategic minerals such as uranium, petroleum, and other fossil fuels, mineral oils, and all sources of potential energy, provided that the Bangsamoro Government shall be consulted (Section 8).

Preferential Rights of Bona Fide Inhabitants of the Bangsamoro Autonomous Region.

– Qualified citizens who are bona fide inhabitants of the Bangsamoro Autonomous Region shall have preferential rights over the exploration, development, and utilization of natural resources, excluding fossil fuels (petroleum, natural gas, and coal) and uranium, within the Bangsamoro Autonomous Region. Existing rights over the exploration, development and utilization of natural resources shall be respected until the expiration of the corresponding leases, permits, franchises or concessions, unless legally terminated (Section 10).

Rights of Indigenous Peoples Over Natural Resources. – The Bangsamoro Parliament shall enact a law recognizing the rights of indigenous peoples in the Bangsamoro in relation to natural resources within the territories covered by a native title, including their share in revenues, as provided in this Basic Law, and preferential rights in the exploration, development and utilization of such natural resources within their area. The right of indigenous peoples to free and prior informed consent in relation to development initiatives shall be respected (Section 11).