



Land Rights, Displacement, and Transitional Justice in the Bangsamoro

Insights from household-level mapping
in Marawi City and Maguindanao

SUMMARY REPORT
March 2023

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*Results from a research partnership
between the Initiatives for
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United Youth for Peace and
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Timuay Justice and Governance
(TJG), Têduray-Lambangian
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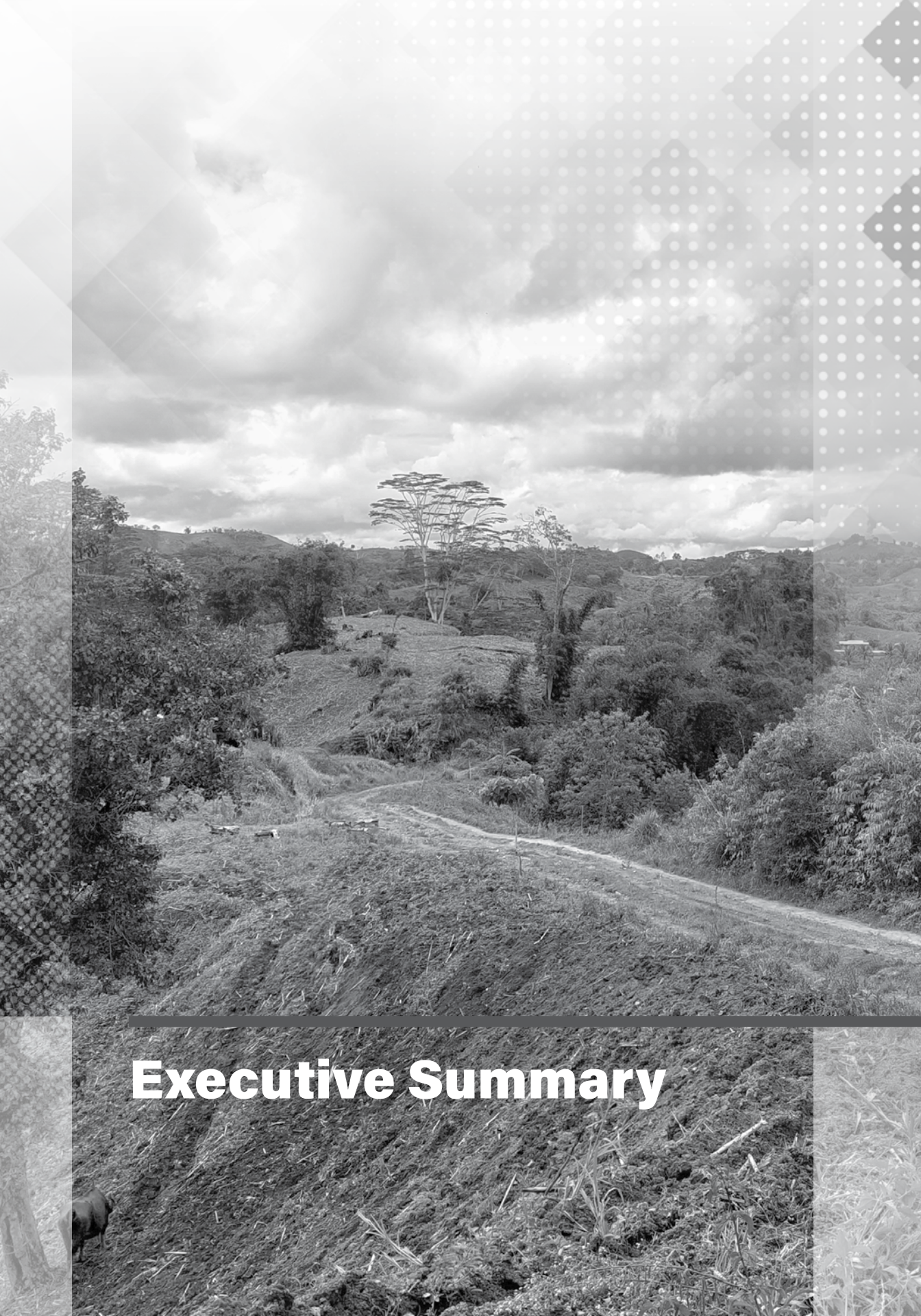
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Acronyms and Abbreviations

AD	ancestral domain
AO	administrative order
ARMM	Autonomous Region in Muslim Mindanao
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BIAF	Bangsamoro Islamic Armed Forces
BIFF	Bangsamoro Islamic Freedom Fighters
BIWAB	Bangsamoro Islamic Women's Auxiliary Brigade
BM-CRRP	Bangon Marawi Comprehensive Rehabilitation and Recovery Plan
BTA	Bangsamoro Transition Authority
CADT	Certificate of Ancestral Domain Title
CAFGU	Citizen Armed Force Geographical Unit
CALC	Certificate of Ancestral Land Claim
CALT	Certificate of Ancestral Land Title
CBFMA	Community-Based Forest Management Agreement
CLOA	Certificate of Land Ownership Award
CLUP	Comprehensive Land Use Plan
CTP	Camps Transformation Plan
DAFAC	Disaster Assistance Family Access Card
DENR	Department of Environment and Natural Resources
DHSUD	Department of Human Settlements and Urban Development
DRRM	disaster risk reduction and management
DSWD	Department of Social Welfare and Development
EO	executive order
FGD	focus group discussion
FPIC	free, prior, and informed consent
GPH	Government of the Philippines
HLP	housing, land and property
IDP	internally-displaced person
IGRB	Inter-Governmental Relations Board
IID	Initiatives for International Dialogue
IP	indigenous people
IPS	indigenous political structures

IPMR	indigenous peoples municipal representative
IPRA	Indigenous Peoples Rights Act of 1997
KFI	Kalimudan sa Ranao Foundation Inc.
LGU	local government unit
MAA	most affected area (formerly MBA, or main battle area)
MAFAR	Ministry of Agriculture, Fisheries, and Agrarian Reform
MCB	Marawi Compensation Board
MENRE	Ministry of Environment, Natural Resources and Energy
MHSD	Ministry of Human Settlements and Development
MILF	Moro Islamic Liberation Front
MILG	Ministry of Local Government
MPOS	Ministry of Public Order and Safety
MSVCA	Marawi Siege Victims Compensation Act of 2022
MSU	Mindanao State University
NAMRIA	National Mapping and Resource Information Authority
NCIP	National Commission on Indigenous Peoples
NMIP	non-Moro IP
OAA	other affected areas
OCT	original certificate of title
OFW	overseas Filipino worker
OSC	Office of Settler Communities
PCNA	Post-Conflict Needs Assessment
PSA	Philippine Statistics Authority
RA	Republic Act
RISE	Marawi RISE Plan
MMM	Reclaiming Marawi Movement
TCT	transfer certificate of title
TJR	transitional justice and reconciliation
TJRC	GPH-MILF Transitional Justice and Reconciliation Commission
TFBM	Task Force Bangon Marawi
TJG	Timuay Justice and Governance
TLADC	Tëduray-Lambangian Ancestral Domain Claim
TLWOI	Tëduray-Lambangian Women's Organization, Inc.
UNYPAD	United Youth for Peace and Development



Executive Summary



Executive Summary¹

Land dispossession is acknowledged as a root cause of historical and contemporary conflict in the Bangsamoro that must be jointly addressed by a wide range of stakeholders: the Government of the Philippines (GPH); the Moro Islamic Liberation Front (MILF); the recently-created Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM); relevant provincial, municipal, and barangay authorities; alongside traditional leaders, grassroots institutions, and clans. In response, this report summarizes findings from rapid community and household-level participatory and IDP-led mapping processes and dialogues conducted from late 2021 to mid-2022 in displaced neighborhoods in Marawi City, Lanao del Sur and South Upi and Firis Complex in Maguindanao. We present parcel-level evidence on the effects of protracted displacement and land tenure instability on Mranaw, Tëduray-Lambangian, and Maguindanaon internally-displaced persons (IDPs), along with concrete recommendations to aid in the resolution of land conflicts and dispossession, from the point-of-view of displaced residents themselves.

In Marawi, participatory maps, narratives, and household-level survey information were produced with four specific groups: IDPs in transitory shelters; imams of masjid (mosques) in the Most Affected Area (MAA); traders in the former padian (marketplace); and one (1) neighborhood with traditional land agreements that are also currently pursuing legal cases to protect their property rights.

In Maguindanao, three sites were prioritized due to ongoing and cyclical land-related violence involving communities mostly populated by non-Moro indigenous peoples (NMIP). The first two, Brgy. Kuya and Sitio Manguda in Brgy. Itaw, were selected in South Upi. The third site, Sitio Bagong, is mostly situated within Brgy. Kabengi in Datu Saudi Ampatuan, but has spillovers in at least

¹ Refer to maps and figures in the main report.

two other municipalities of Maguindanao that span the foothills of Mt. Firis, including Datu Unsay and Datu Hofer. Georeferenced barangay, sitio, and household and farmlot-level information were gathered in all three sites. Efforts were taken to cross-reference and triangulate narratives and timelines from Tëduray-Lambangian, Maguindanaon, and settler residents and stakeholders particularly in Brgy. Kuya, in order to balance recommendations and seek common ground.

General findings:

Marawi and Maguindanao show two faces of displacement, land rights, and transitional justice and reconciliation in the Bangsamoro. Marawi illustrates the impact of protracted urban warfare and contested post-crisis development amongst a mostly homogenous ethnic Mranaw population, while Maguindanao and its mixed ‘tri-peoples’ communities are grappling with rural tensions that have been recurring for the last sixty years. Both sites show that the unilateral importation of Western land laws to Mindanao at the turn of the century have enduring consequences amongst displaced Bangsamoro and NMIPs. This is despite the fact that Moro and Indigenous rights are protected by the 1987 Philippine Constitution, which explicitly mentions the ancestral land rights of indigenous peoples (IP) or indigenous cultural communities (ICC) and provides for an autonomous region in Muslim Mindanao.

The tension between customary and legal perspectives regarding land ownership and use is duly acknowledged by the 2014 Comprehensive Agreement on the Bangsamoro (CAB) and the Bangsamoro Organic Law (BOL), but requires national and regional government to create a formal interface between Philippine legal and administrative systems and traditional practices around land use, transfer, and control. Similarly, the weaponization of law (in relation to land expropriation, reclaimed areas, disaster-risk reduction [DRRM]-related no-build zones, and the privileging

of awarded land titles regardless of provenance over customary claims and transactions) will need to be reconciled with the Constitutional commitment of social justice and explicit peace agreement commitments on 'normalization' and transitional and restorative justice.

Moving forward, a unified land framework for the Bangsamoro is required. This demands reliable land data capturing both formal and traditional claims, occupancy and use. However, multiple discrepancies across official data sources must first be reconciled. Data holders include PSA-NAMRIA and LGUs for political boundaries; BARMM's ministries of environment, natural resources and energy (MENRE), agriculture, fisheries and agrarian reform (MAFAR), indigenous peoples affairs (MIPA), and human settlements and development (MHSD), who implement their own specific delineation processes; and local Registers of Deeds and Assessors' Offices. Given the role of land issues in the Bangsamoro conflict, this technical work can be considered as an integral part of the Bangsamoro Transition Authority (BTA) mandate to set up the building-blocks of a functioning BARMM.

Stakeholders are adamant that each decision-making processes be tailored to the specific needs of the area, at neighborhood scale. As proof of concept, we pilot a community-implemented process of household-level data collection to visualize both formal and traditional claims, first through analogue tarp and sketch maps, which were then digitized and layered using GIS software. Several validation processes were then used to validate these layers. By doing parcel-level data collection, analysis, and processing for entire urban neighborhoods and rural sitios and not just individual cases, we provide a tangible model of how to address data poverty in conflict areas by surfacing and making legible local knowledge, experiences, and expertise in a manner that can be efficiently integrated with multiple government datasets for future administrative and legal action.

The next sections summarize Marawi and Maguindanao-specific findings and recommendations, which can provide the evidence base for regional and national-level policy.

Summary of MARAWI FINDINGS

- The passage of the 2022 Marawi Siege Victims Compensation Act (MSVCA) provides an opportunity to revisit how Task Force Bangon Marawi (TFBM) and other government and non-government entities have been able to support Marawi's displaced residents. Much attention has been focused on the Bangon Marawi Comprehensive Rehabilitation and Reconstruction Program (BM-CRRP) and the MAA-focused RISE (Resilience, Identity, Sustainability, and Evolution) Plan. However, residents highlight how the social, economic, and legal challenges of protracted displacement are not fully addressed by plans, programs, and activities anchored on physical reconstruction and traditional DRRM. High expectations that the BTA and its fledgling ministries will be able to effectively work with national and local authorities to address gaps in Marawi policy have not been met as of present writing.
- The State decision to not allow residents to return until TFBM completes all horizontal and vertical infrastructure in the MAA is a major factor behind the prolonged displacement. While families in selected cleared sectors have been allowed to apply for building permits as of early 2022, not all IDPs have been able to comply with legal and administrative requirements such as clean land titles and detailed engineering designs. As a result, Marawi's IDP families have been forced to move multiple times (anywhere from three to 10 times or more) between 2017 to 2022 in search of stable housing and livelihood, often experiencing secondary and tertiary displacement events such as flooding, fires, volcanic eruptions, evictions, as well as the effects of the COVID-19 lockdowns. A common effect is that families are forced to separate, resulting in spouses and their children living in multiple sites to secure incomes and/or education despite cramped conditions, whether in transitory shelters or in ad-hoc home-based arrangements. Higher-income families who had the privilege of evacuating to secondary homes in Iligan, Cagayan de Oro, Manila, or other neighboring towns are an exception, not the rule.

- Continued uncertainty and lack of updated accurate information and clear feedback loops has made it difficult for both home-based and shelter-based IDPs to make meaningful decisions about their lives. A major source of anxiety for families living in TFBM's transitory shelters is the lack of clarity regarding the five-year usufructs, which lapse by the end of 2022. Home-based IDPs on the other hand complain that despite the lack of basic services in cramped shelters, at least they get more support and information compared to those outside. Not all families will get access to permanent housing, whose sites are located in Marawi's far-flung upland barangays. Key issues around access to services, livelihood, and even tenurial stability in the permanent shelter sites remain. Despite government use of social media, Facebook press releases are not enough to reach all displaced families, especially the most vulnerable.
- The MSVCA also urgently necessitates a review of TFBM's data capture systems, whose limitations will severely impact who will be able to avail of support. For example, the Kathanon biometrics system, only allows one (1) property to be registered per family, either a single house or a single business, but not both. While the reason for disallowing multiple properties as 'double entries' is unclear, this leads to dispossession of families who may have multiple homes or business properties in the MAA. It has also encouraged fraud on the part of frustrated property owners wishing to circumvent system limitations.
- Much of the work is mitigating the natural consequences of the spatial design of the Marawi RISE (Resilience, Identity, Sustainability, and Evolution) Plan, which replaces the city's traditional highly-dense mixed-use arrangements with Western-style exclusionary zoning. Legally, this will remain in force until the Marawi City Comprehensive Land Use Plan and Zoning Ordinance are updated, but is symptomatic of a deeper problem related to State norms. More than 50% of respondents experienced demolition of their homes without consent, reaching up to 69% in Brgy. Daguduban (although 17% of residents later signed a waiver providing post-facto consent). Similar patterns are expected in the lakeside areas of Sabalamanao, Datu sa Dansalan, Dansalan, and Datu Naga, although this will need

to be confirmed at the parcel level. Almost all respondents stated that the government's Damage and Loss Assessment (DALA) modules undervalue lost properties, and often do not include soft assets such as destroyed business goods, and lost or looted family relics, let alone human rights violations and psychological trauma.

- ➔ Despite nominal acknowledgment of IDP rights under Philippine and international humanitarian law, even the MSVCA glosses over the non-physical human impact of both the Siege and post-Siege development and focuses on infrastructure damage and compensation based on road-right-of-way. At the same time, concepts of post-conflict reconstruction and development differ between actors. While many officials and local leaders framed the Marawi Siege as an opportunity to improve upon the spatial ordering of Marawi by 'building back better', many residents have expressed fundamental disagreements with state frameworks of development and wish to be left alone to return to their original pre-Siege locations, on their own terms.
- ➔ Very few residents have sought legal remedies, partly due to lack of access and due to the perception that any dissent will be dealt with harshly by national and local power brokers. It also points to the fundamental tension between Philippine law and administrative mechanisms and traditional Mranaw beliefs and practices around housing, land, and property, which predate the Philippine nation-state. These traditional mechanisms—tied to kitab (or shari'ah laws) and the adat (customary laws) comprising igma, taritib, and other vernacular knowledge systems—endure as a base layer despite being dismissed as informal or illegal. Opportunities exist however with the BOL provision acknowledging traditional knowledge practices and customary law, although regional legislation has yet to be created to implement this. While the BARMM Ministry of Public Order and Safety theoretically has the mandate on dispute resolution, it presently does not have the capacity or mandate to proactively address land-related issues prior to the outbreak of violence. Other instruments apart from the Marawi Compensation Board are the TFBM Land Dispute Resolution Mechanism, nominally headed by LGU Marawi and MHSD but not fully maximized under

the Duterte administration; and Executive Order No. 75 s. 2019 which facilitates the release of public land particularly Camp Keithley and Camp Daraitan for displaced families through the Agrarian Reform functions of MAFAR.

Masajid

- To visualize the difference between pre-Siege occupancy and post-Siege challenges since 2017, we anchored much of the discussions by working with Muslim religious leaders and residents to identify 42 masajid (mosques) that were used as sites of worship in the MAA prior to 2017. Religious functions notwithstanding, respondents spoke of the mosques as hubs of social life as well as an anchor of the traditional Mranaw concept of settlement-building and communal land governance, as described by the phrase '*isa ka masjid, isa ka sulutan, isa ka agama* (for every mosque, there is one sultan, and one religion / religious court).' Not all masjid are equal: a handful are considered historically or traditionally significant to the sultanates, others are family-built, some are donated by waqf (religious foundations), and several are 'service' masajid in high-traffic areas for transients. TFBM committed to find non-state resources for approximately 30 mosques; only eight are confirmed to have been rebuilt or guaranteed support thus far. However mosques that have been rebuilt such as the Center Masjid and the Bato Ali Masjid have not been used for regular Friday prayers. To date, they have only been used for selected services such as Eid prayers in 2022 or for site visits.

Economic displacement and the padian

- Traders of the old Padian, who are the most equipped among IDPs for economic recovery, said that they experienced at least a 50% drop in daily income, although a smaller number of interlocutors who said they have not been able to restart their businesses. To approximate the economic and cultural impact of displacement, we produced a section-level map of the destroyed padian district, which spanned approximately 10.4 hectares from the areas adjacent to the pantalan (lakeside docks) to spillover sections on Gomisa Avenue,

and tracked interviewed traders’ dispersal between 2017 to 2022. Due to the abovementioned flaws in the TFBM biometrics and land adjudication systems, most of these traders will not be able to claim damages for their lost goods and stalls. Much of the district has also been ruled by the government as reclaimed land and therefore not subject to any private claims. A new public civic center now sits on the location of this formerly high-density district, which also featured homes on the upper floors of buildings.

- The pandemic forced many traders to pivot to online-based supply chains and distribution channels, but ultimately, most preferred to find stalls in public and private markets if they could afford it. This includes the public markets of municipalities directly adjacent to Marawi, namely Saguwaran, Marantao, and Ditsaan-Ramain, and Bubong with others moving to Iligan City Public Market as well as higher-end malls in Iligan and Cagayan de Oro. Not included here are market sites in Luzon, Visayas, and other areas in Mindanao, primarily non-BARMM urban areas such as Zamboanga and General Santos City, much less the smaller makeshift businesses in transitory shelters and along major thoroughfares. While the new TFBM-financed Grand Padian is being built in the MAA, these traders are still hoping to be provided stalls once the area reopens although the envisioned capacity of 400 will not be enough given the needs of approximately 2000 displaced traders.

Daguduban

- The Brgy. Daguduban model is the first, and currently the only case of a community-initiated, hybrid traditional-legal approach to establishing property claims and relationships in post-Siege Marawi. As the first neighborhood to have been demolished without consent by TFBM's contractors, the protest and litigation processes led residents to formalize a structure to collect, map, and reconcile their own data at family and parcel level. This was facilitated by community elders’ tracing the provenance of each land transaction dating back to World War II, most of which are informal and/or unnotarized. Nevertheless the dataset was agreed on by 5 major clans and 13 extended families

holding only 13 OCTs and 10 TCTs for over 13,030 sqm of land. This was then sealed through a *kapasadan* (traditional written covenant), which includes deeds of donation and usufruct from the primary title holders in preparation for any government housing or reconstruction support.

- As they hold a relatively complete dataset for a full neighborhood, the Daguduban residents are a prime candidate for systematic bulk subdivision and formalization of tenurial claims. The process also identified only four (4) contested plots in the neighborhood, all of which are within families and can be mediated—something which residents say disproves the misconception that Marawi’s land arrangements are too difficult to address. However, a lot of legal and public support is required to see these initiatives through. By presenting their experiences, it is hoped that residents’ recommendations can be used by the nascent Marawi Land Dispute Resolution Mechanism, the Marawi Compensation Board, and relevant national and BARMM bodies moving forward.

Summary of MAGUINDANAO FINDINGS

- Historical and contemporary land-related conflict in Maguindanao is well-documented, but is difficult to address due to political and technical factors. In contrast to dense urban spaces such as Marawi, high-resolution satellite imagery is not as useful in establishing parcel-level features. Both government and privately-held records are sparse in these far-flung rural areas. Residents are comparatively less affluent and have more literacy and numeracy challenges compared to their urban counterparts. Even basic physical framework data is unreliable. Interagency datasets are not linked, and local governments are incentivized to distort political boundaries in order to jack up Internal Revenue Allotment allocations.
- It is for these reasons that more evidence-driven work is needed in places such as South Upi and Firis Complex, which are clusters of the traditional Tëduray-Lambangian ancestral domain claim. The present focus on these sites can be attributed to escalated tensions from 2017 onwards, with increased demand for agricultural investments and development in the aftermath of the signing of the 2014 peace agreement and the 2018 plebiscite creating the BARMM. The increased number of killings, displacements, and torching of homes and crops led to Tëduray-Lambangian leaders declaring a state of '*guboten*' in January 2019—meaning, ancestral domain under siege.
- Detailed parcellary information is required to cut through the political tensions, which are dominantly framed as a push-and-pull between national land laws and policies (e.g. the Torrens Title system and the enduring effects of settler in-migration to Mindanao) and at least two frameworks of ancestral domain—the Bangsamoro framework of a political homeland for the 13 Islamized groups of Southern Philippines and all those who might self-identify as Bangsamoro, whether by blood or self-ascription; and the concept of ancestral domain for NMIPs. From the BARMM perspective, the accepted political formula is that the Bangsamoro is one united ancestral *domain*, but with plural ancestral *lands* within the region. Maguindanaons and the

Tëduray-Lambangian trace common ancestry all the way to siblings Mamalu and Tabunaway, with the latter choosing to convert to Islam with the coming of Shariff Kabunsuan in the early 18th century, and the former choosing to retain pre-Islamic identity. While this kinship remains as the basis for constructive engagement related to land, the post-peace deal environment means that lack of clear policy communications at grassroots level translate to different perceptions amongst stakeholders, particularly armed groups. This is despite the clear provisions in the CAB, BOL, and RA No. 8371, the Indigenous Peoples Rights Act (IPRA) of 1997, regarding protection of vested property rights for Muslims, NMIPs, and settlers alike.

- The passage of IPRA created an opportunity to better establish property rights of non-Moro indigenous peoples but because the National Commission on Indigenous Peoples (NCIP) power to delineate and award ancestral domain titles was not devolved to the ARMM Office of Southern Cultural Communities, it was ultimately agreed during the tenure of the 1st Bangsamoro Transition Commission under the Aquino Administration that the pending Tëduray-Lambangian Ancestral Domain Claim (TLADC) with NCIP would be held in abeyance until the creation of the BARMM. In contrast, the only two awarded CADTs in the region are located in the island of Basilan since they joined the ARMM only during the 2001 plebiscite, and so were previously under the jurisdiction of NCIP Region IX.
- The 2019 creation of the BTA and its Ministry of Indigenous Peoples Affairs (MIPA) in 2020 reopened the conversation under the Duterte Administration, but questions regarding the intergovernmental relationship between NCIP and MIPA persist, despite the general principle that all national laws should have local applicability. BTA Resolution No. 104/38 s. 2019 ordered NCIP to cease any actions related to TLADC delineation pending the passage of the Bangsamoro IP Code. While multiple national, regional, and civil society initiatives were deployed to assist displaced families and manage tensions particularly in South Upi, the non-passage of the BARMM IP Code spells continued uncertainty for these communities although many

have already returned.

- ➡ Several complicating processes exist. One is the partial overlap of some of these sites with areas associated with Camps Omar and Badr, which are two of the six acknowledged MILF camps scheduled for socio-economic 'transformation' under the auspices of the GPH-MILF Joint Normalization Committee and its Task Force on Camp Transformation. Another is MIPA's issuance of Administrative Order (AO) No. 3 in May 2021, providing technical guidelines on the delineation and recognition of ancestral domains and lands. Although the IP Code has not been passed and AO No. 3 largely unconsulted with other BARMM ministries, a second Firis Complex claim has been used using the latter policy document. Based on verbal reports from MIPA as of mid-2022, the Firis Complex claim filed by primary claimant Timuay Alex Ulama covers areas in the municipalities of Talayan, Guindulungan, Datu Saudi, Datu Unsay, and Datu Hofer adjacent to Mt. Firis. With the successful September 2022 plebiscite dividing Maguindanao, both South Upi and the municipalities around Firis are now part of the new province of Maguindanao del Sur, although the implications of this development are presently unclear.
- ➡ Political turbulence aside, managing family-level impacts of protracted displacement must be addressed not only from a humanitarian perspective but with a longer-term view towards spatial justice and protecting indigenous property rights. National and regional officials have long acknowledged the need for a shared due diligence and social safeguards process at the parcel level. These can be used for multiple purposes: whether for delineation and awarding of ancestral domain or ancestral lands; for local government Comprehensive Land Use Plans; for the GPH-MILF Camps Transformation Plan; or for other regular government tenurial instruments such as DAR-MAFAR's agrarian reform program, DENR-MENRE's Community-Based Forest Management Agreements (CBFMA), or the various housing projects implemented by MHSD, MILG, MSSD, or the Office of the Chief Minister's Kapyanan program. Offices such as the Ministry of Public Order and Safety and the Office for Settler Communities (OSC) also have roles to play in community engagement and managing potential conflicts.

- To visualize the complexity of issues in South Upi and Firis Complex in a manageable fashion, we gather and reconcile at least five layers of map data from official and community sources: i) municipal and barangay boundaries; ii) locations and names of sitios; iii) natural boundaries such as rivers, streams, hills, and mountains; iv) locations of houselots; and v) locations of farmlots. While these are proximate locations and will require validation with official surveyors, these maps are meant to serve as a starting point for evidence-driven dialogue, particularly when combined with historical timelines that are validated by all major community stakeholders, as well as household-level survey data. Due to the sensitivity of these documents, the annotated timelines have not been made public and are available upon clearance from the relevant stakeholders.

Brgy. Kuya, South Upi

- Brgy. Kuya came to widespread attention in 2017 when violence connected to land occupation and use triggered the displacement of hundreds of families, many of whom were Tëduray-Lambangian. Since then, annual or bi-annual recurrences have caused residents to evacuate for months at a time, either staying with nearby relatives or in makeshift evacuation centers in poblacion basketball courts. By 2020-2021, multiple government agencies, donors, and NGOs stepped in to provide humanitarian support and facilitate dialogues amongst affected Tëduray, settler, and Maguindanaon residents. These dialogues focused on six conflict-affected rural sitios: Walew Ideng, Furo Wayeg, Nuling, Dara, Langa-Langa, and Selaklak. All of these sites are upland farming communities adjacent to the left-hand side tributaries of the Rifao river.
- The participatory mapping process undertaken by the research allowed local stakeholders to map out for the first time all 47 of Brgy. Kuya's sitios, of which only 43 are currently acknowledged by the LGU. Because the political boundaries used by municipal LGUs, PSA-NAMRIA, and DENR have not been reconciled, stakeholders named community-accepted natural boundaries and landmarks such as creeks, rivers, hills, mountains, and large trees. Most place-names are predominantly Tëduray, but some sitios have different names in Tëduray and Maguindanaon. An example is Sitio Dara, which is often

called Uget after the nearby creek.

- We found that the complexity of claims and inter-group relationships in Brgy. Kuya can be traced to at least five waves of history: i) recorded oral history dating back to the 1930s; ii) the height of the wars in the 1960s and '70s, especially the era of the infamous Feliciano Luces, alias Commander Toothpick; iii) decline in inter-group relationships in the 1980s and several attempts by the Maguindanaons from Tran and Lebak to return to Kuya until the early 1990s; iv) ongoing tensions in the poblacion sites covered by the GSS-445 survey; and most recently, v) the newer tensions related to Sitio Dara from 2017 to the present.
- Based on the findings and recommendations from residents, decision-makers must disaggregate these different types of conflict, and tailor solutions based on the specific case and parties involved. For example, the dynamics between Tëduray residents and Maguindanaon families from Tran and Lebak with longstanding history with these lands are different from that with newer parties associated with the MILF-BIAF. Similarly, the GSS-445 poblacion overlaps, the majority of which involve contesting legal claims between Maguindanaons, although Tëdurays and settlers form the majority of occupants, should be treated differently. A major issue is the lack of titles amongst Tëduray residents, as many families and communities refuse to or are forbidden to execute individual titles within the ancestral domain. Other families have begun paying tax declarations on their farmlots particularly after the recent displacements, but this is the exception and not the rule.
- Any long-term solutions should reverse the fundamental precarity and lack of tenurial security that forces farmers to borrow seed and fertilizer at usurious rates from traders and other outsiders. Both South Upi research sites reported how drought, rat infestations, COVID-19 lockdowns and other illnesses forced them to mortgage their land. While this is a common story across the Philippines, the lack of systematic responses to these problems must be addressed.
- In order to make sense of multiple layers of information, we piloted a process of systematically comparing seven sources of data to plot out the estimated 202 house and farm lots covered by GSS-445 in

the poblacion. This includes both LGU assessors data, individual title information and survey returns, as well as community-generated information on occupancy gathered by TJG and UNYPAD. Government attempts to find ‘win-win’ solutions for the poblacion while managing tensions in the upland sitios were suspended by the May 2022 elections. Moving forward, this kind of parcel-level documentation that combines both legal documentation and actual occupancy and use will be required to facilitate dialogues and ultimately secure and formalize rights of residents in a transparent and inclusive manner.

Sitio Manguda, Brgy. Itaw, South Upi

- Although there are multiple contested sites in the eight sitios of Barangay Itaw, we focus on Sitio Manguda, arguably one of the most hard-to-reach areas of South Upi. Many residents identify as Lambangian, which is reflected in the spelling and pronunciation of the place’s names. However, more affluent traders and local officials in Itaw are settlers who moved to Itaw from Lebak during the Martial Law era.
- The research identified at least three layers of land issues. The first layer is related to the major displacement that occurred in December 2020 when unidentified armed men attacked Sitio Manguda and torched homes and fields, forcing the community to evacuate. Residents have reason to believe that the attack was related to development aggression, as leaders had refused to give way to agribusiness investors. The second layer is related to overlapping political boundaries between the Municipality of South Upi and other municipalities particularly Datu Hofer, Datu Unsay, and Ampatuan. The third involves intra-communal issues stemming from Tëduray farmers unable to pay debts to traders, leading to the mortgaging of their farmlands and the execution of predatory labor arrangements. A fourth emerging issue of military personnel beginning to farm in the area was also raised as of early 2022.
- The impact of prolonged displacement was clearest in Sitio Manguda, as the residents had just returned from more than six

months in evacuation centers at the time of data collection in late 2021. Residents were still living in makeshift tent-based homes throughout the community mapping and validation sessions. Food security is a major issue, along with economic precarity and trauma.

- ➡ The process allowed Sitio Manguda residents to map out the locations of the 87 households and at least 78 farmlots, which include communal-use areas where the homes are located. In the absence of a formal survey, residents identified accepted boundaries such as ravines and trees, as well as the agreed ordering of lots, which range anywhere from 5 hectares to at least 2 hectares for each family. Spaces were also reserved for members who were displaced by conflict and had yet to return. In order to address any threats moving forward, it is recommended that the community-accepted ordering be surveyed and formalized as soon as possible. The outstanding issue of mortgaged lands will require State intervention since residents do not have the money to pay the compounded debts. However economic recovery and staving off hunger is the top priority.

Sitio Bagong, Firis Complex

- ➡ Sitio Bagong is a semi-permanent community currently hosting just under 200 Tëduray-Lambangian families displaced from the foothills of Mt. Firis. While their clans were forced to periodically move and scatter due to outbreaks of violence over the last sixty years, the sacredness of Firis in Tëduray cosmology ensures that they cannot leave the area. Thus, many families still maintain farmsteads around the holy batew (rock) even if their children remain in Bagong and surrounding 'host' sitios for safety. Many of the families in Bagong were previously located in the military-designated Hill 224 after succeeding waves of violence involving MILF breakaway groups such as the Bangsamoro Islamic Freedom Fighters and various private armed groups and purported 'lost commands' in 2000, 2005, and 2008. Even after moving to Bagong and other sitios in the Firis Complex, residents remain exposed to violence due to its proximity to the so-called SPMS box and the recent spike in development aggression after 2017. Families are unable to harvest their crops unarmed. As a result, many residents have joined

- the CAFGU, whose checkpoints surround the community perimeter.
- There are at least four layers of land conflicts in Bagong.
 - The first is related to the overlapping political boundaries of at least four municipalities previously belonging to the second district of Maguindanao, now Maguindanao del Sur. Most government and military maps locate Bagong on the border of Datu Unsay and Datu Saudi Ampatuan municipalities. The majority of the homes straddle Barangay Kabengi, Datu Saudi Ampatuan, hence the appointment of Sitio Bagong's community leader as the Datu Saudi Ampatuan Indigenous People's Municipal Representative (IPMR).
 - The second layer involves development aggression, where various investors and clan-affiliated private armed groups have attempted to secure titles over the area's fertile agricultural land.
 - The third is related to Sitio Bagong and Mt. Firis's proximity to the influence areas of Camp Omar, which is one of the six MILF-BIAF camps acknowledged for socioeconomic 'transformation' under the 2014 CAB. Community narratives establish how the area was 'borrowed for jihad' by the MILF from residents after 1996, but the lack of legal documentation as well as misunderstandings regarding the meaning of the 'acknowledgment' by the joint GPH-MILF ceasefire committee creates an uncertain environment particularly for displaced Tëduray residents.
 - The fourth layer of land conflict is the unresolved issue of ancestral domain in the Bangsamoro, although even in the absence of a BARMM IP Code, the MIPA has begun delineating specific sitios and barangays in Firis under its AO No. 3, Sitio Bagong included.
 - In order to assist the residents in documenting their claims, the research team georeferenced 161 houselots in Sitio Bagong, although other families have since transferred to other nearby sitios. Ninety-eight (98) farmlots, or almost half of the total farming families have already been georeferenced by MAFAR in the course of documenting the provision of farm inputs in Bagong. The remaining farmlots have yet to agree to delineation due to fears of their land being stolen from them yet again. While the homelots and communal rice area is located in Bagong, the farms are spread across multiple sitios claimed by multiple municipalities, particularly Sitios Firis, Ba-ay (or Hill 224), Makon, Mara,

Maitumaig, and Kyamko. This process of documentation can be integrated into the regular tribal and government census, and can repurposed by the major tenorial agencies to help these residents secure their homes and livelihoods, even as the desire to return to Firis remains.



Recommendations

There is no lack of frameworks for action on the land-related challenges in Marawi and Maguindanao. The GPH-MILF Transitional Justice and Reconciliation Commission (TJRC) report includes specific recommendations on “addressing landlessness, land conflicts, and dispossession” by operationalizing powers on land administration and management vested in the new Bangsamoro government. Parallel efforts from the humanitarian sector, including proposed national and regional legislation protecting the rights of IDPs, echo similar principles. The challenge is following-through on existing recommendations; passing enabling laws; setting up mechanisms; and building the necessary data infrastructure to do two things: i) balancing the Philippine legal system and the multiple customary and informal practices in the Bangsamoro; and ii) reconciling overlapping claims, in order to formalize agreements plot by plot, in a fair, transparent, accessible, and rigorous fashion.

The table below summarizes recommendations to be implemented by both national and regional actors, as well as recommendations specific to Marawi and Maguindanao response. These recommended actions are: i) ensuring IDP-centered policy and decision-making; ii) developing a comprehensive land governance framework for BARMM; iii) empowering local mechanisms for land conflict settlement; iv) integrating socioeconomic interventions while v) guaranteeing simplified processes and legal support for displaced residents; vi) integrating land databases, covering both formal and customary information; and vii) providing open access to land information for IDPs.

TABLE 1. Summary of Recommendations

Themes	National and regional recommendations	Marawi-specific recommendations	Maguindanao-specific recommendations
IDP-centered policy and decision-making	Center all policy and decision-making on the needs of displaced families. This entails tracking IDPs beyond the immediate surge phase, closing the loop only once they have been able to return to their homes of origin or resettled in a suitable host community. This means that beyond humanitarian aid, the 'IDP lens' should be integrated into the long-term shelter and development plans of local government units across the BARMM, and the Philippines more broadly. At the same time, post-crisis assessments and programming should consider long-term impacts of protracted, multi-year displacements, and not just the first few months after a crisis event.	<p>All efforts in Marawi boil down to two things:</p> <p>i) assisting the dignified and speedy return of Marawi's residents to their former homes; and</p> <p>ii) operationalizing the Marawi Siege Victims Compensation Law and other policies so that residents have the necessary resources to rebuild their homes and go back to safe and productive lives.</p> <p>Address non-infrastructure damages (human rights violations, looting, community trauma), including designing possible support packages outside of the MSVCL.</p>	<p>Moving forward, addressing land issues in South Upi and Firis Complex will require grounded solution-building at the sitio level. Addressing patterns related to specific clusters of houselots and farmlots can help cut through the politicized tension, and contribute to the operationalization of non-Moro ancestral domain legislation vis-à-vis other peace process commitments in the BARMM.</p> <p>Address land issues based on typology; invest in legal processes to address issues plot-by-plot, claim-by-claim acknowledging not only existing titles but also occupancy and use.</p>

Themes	National and regional recommendations	Marawi-specific recommendations	Maguindanao-specific recommendations
Comprehensive land governance framework for BARMM	<p>Enact a new legal framework for land administration in the Bangsamoro, balancing both the existing legal tenure system and vernacular/customary perspectives on land occupancy, ownership, and use. The framework should integrate national, regional, and local workstreams on housing, land, and property rights with a strong intergovernmental lens. Existing initiatives to be brought together include:</p> <ul style="list-style-type: none"> i) National and regional efforts on normalization, transitional justice and reconciliation, and alternative dispute resolution; ii) Specialized tracks such as RA No. 11696, the Marawi Siege Victims Compensation Act of 2022, and EO No. 75 s. 2019; iii) General land policy reform efforts under MENRE, MAFAR, MHSD, MIPA, MILG, and specific legislation such as the proposed BARMM IP Code and the BARMM agrarian reform code; iv) Local initiatives led by provincial and municipal governments and traditional mechanisms. 	<p>Fully implement the provisions of RA No. 11696, the Marawi Siege Victims Compensation Act of 2022, and EO No. 75 s. 2019, while ensuring integration with other land-related mechanisms of the BARMM.</p> <p>Pending the passage of a comprehensive Bangsamoro land governance policy, state laws should be used to facilitate return of IDPs and not further dispossess displaced residents.</p> <p>Review BARMM policy regarding traditional practices around reclamation and housing adjacent to shorelines.</p>	<p>Pass and implement a conflict-sensitive BARMM IP Code and associated enabling legislation, while ensuring integration with other land-related mechanisms of the BARMM.</p>

Themes	National and regional recommendations	Marawi-specific recommendations	Maguindanao-specific recommendations
Empowering local mechanisms	<p>Activate mechanisms with technical and quasi-judicial mandates related to land governance. The GPH-MILF TJRC and subsequent roadmaps recommend the creation of a National Transitional Justice and Reconciliation Body (NTJRCB) with a sub-commission on Land, a Bangsamoro Land Commission, a special Bangsamoro Land Court, or a similar body with national powers. In the absence of such a mechanism, a BARMM-driven interagency body with strong links to their Central Government counterparts can begin these efforts, although efforts must be made to clarify legal and operational responsibilities. As of 2023, an Inter-agency Working Group on Land Administration and Management in BARMM has been proposed.</p>	<p>To do so, government and other locally-led mechanisms must empower locally-led customary relationships between residents and their land, and combines dispute resolution and dialogue functions with the rapid formalization of claims, whether through individual titles or other legal instruments.</p>	<p>Initiate evidence-driven dialogue processes involving relevant stakeholders. In Brgy. Kuya, this can start with intimate dialogues between Teduray and Maguindanao elders whose families were involved when the original Maguindanaos from Tran and Lebak were given permission to settle in Upi, before expanding to other groups. Sitio Manguda and Sitio Bagong, on the other hand, will require slightly different setups given that these involve multiple overlapping municipal claims. Evidence and consensus built on evidence can then inform broader processes involving MIPA and the GPH-MILF.</p> <p>Lock-in agreements by formalizing agreements and helping residents get on government databases as much as practicable, while avoiding perpetuating any further marginalization and dispossession. Invest in surveying and titling particularly in upland sitios, whether tied to ancestral domain and indigenous political structures, or using CBFMA or agrarian reform instruments. Link household level georeferencing not only to the NCIP and MIPA tribal census, but also the official household census run by LGUs and PSA.</p>

Themes	National and regional recommendations	Marawi-specific recommendations	Maguindanao-specific recommendations
Integrated socioeconomic interventions		<p>Provide in-situ support for IDPs focusing on both housing and livelihood while 'closing the loop' on return and/or dignified resettlement.</p> <p>Strengthen support for displaced traders and vendors, including those who have shifted to e-business; upgrade markets and ensure IDP access to basic goods and services particularly those living in far-flung transitory shelters.</p>	<p>Invest in agricultural support, access to markets, infrastructure for farmers for upland farmers to ensure that they will not go into debt and be forced to mortgage land due to shocks (rat infestation, illnesses). Invest in livelihood support beyond camp-based humanitarian aid to ensure that displaced communities are able to recover from shocks.</p>
Simplified processes and legal support for displaced residents	<p>Streamline processes by easing fees and documentary requirements for IDPs to access land-related services. Provide publicly-funded legal and administrative support, and reduce red tape.</p>	<p>Invest in legal support to perfect land tenurial arrangements, acknowledging informal/traditional land transactions while bringing in local resident-driven mediation expertise in the TFBM Land Dispute Resolution Committee and Marawi Compensation Board operations. Similar to the Daguduban model, neighborhood-scale rectification of tenurial instruments are recommended to ensure transparency and efficiency compared to doing piecemeal efforts. This should be coupled with legal aid clinics to provide IDPs with information on how to proceed.</p>	<p>Implement existing laws, policies, and local ordinances related to non-sale of ancestral land and the protection of subsistence farmers from predatory debts and leasehold arrangements.</p> <p>Assist farmers whose lands have been seized by traders to cover compounded debts.</p> <p>Invest in legal education for citizens on housing, land, and property rights. Expand the discussions on community security as part of the GPH-MLF normalization process beyond decommissioning and camps transformation.</p>

Themes	National and regional recommendations	Marawi-specific recommendations	Maguindanao-specific recommendations
Integrated land databases, covering both formal and customary information.	Integrate land databases. The current efforts by MAFAR and MENRE to conduct joint inspection, Verification, and Approval of Survey (IVAS) is a good start, but must be extended to include MHSD, MIPA, and other agencies with land-related mandates. Given the hybrid nature of land governance in the BARMM, being able to layer formal cadastral data with community-based map information will be important. In the language of the GPH-MILF TJRC report, this means acknowledging customary land data as legally admissible. Such a shift will prevent overlaps and ensure that lands already occupied by families or issued with tenorial instruments will not be included when implementing housing and infrastructure projects or issuing new CALTs, CADTs, CADCs, or CLOAs, as relevant.	Validate Kathanon entries based on community data in preparation for the implementation of the Compensation Law; allow multiple properties in biometrics structure, including those in the padian. Review reconstruction plans for masajid, particularly those with historical and cultural significance. Invest in memory work.	Work with the Central Government, DENR, MAFAR, MILG and the Office of the Chief Minister to finalize the BARMM cadastral survey and address ongoing contestation between and among LGUs.
Open access to land information for IDPs	Invest in making land governance data and relevant legal knowledge open-access and understandable to the public. Continuously communicate developments with affected stakeholders transparently, using vernacular languages and grassroots platforms ranging from public dialogues to radio programs, as practicable.	Strengthen the two-way flow of information and feedback between displaced residents, public officials, and humanitarian and development actors working on the topic. Ensure outreach for both shelter-based and house-based IDPs alike.	Invest in communications on key topics, particularly i) tempering community expectations regarding post-CAB development; ii) addressing misinformation regarding land rights. Ensure that citizens understand the provisions in the CAB and BOL guaranteeing respect for vested property rights.



1. Introduction

2. A grounded approach to surfacing land governance issues in the BARMM



1. Introduction

Land dispossession is acknowledged as a root cause of historical and contemporary conflict in the Bangsamoro that must be jointly addressed by a wide range of stakeholders: the Government of the Philippines (GPH); the Moro Islamic Liberation Front (MILF); the recently-created Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM); relevant provincial, municipal, and barangay authorities; alongside traditional leaders, grassroots institutions, and clans. While many land conflict settlement initiatives have been attempted in the Bangsamoro region, these are often limited to interim compromise agreements rarely supported by reliable parcellary evidence, as public information for systematically addressing land issues remains sparse. At the same time, not all government legal mechanisms acknowledge the Bangsamoro's multi-layered customary tenurial arrangements, much of which predate the Philippine nation-state—not to mention the effects of protracted forced displacement in these communities. As a result, most processes conclude without definitively addressing the parcel-level tenurial uncertainty and deep-seated grievances that drive conflicts in the first place, allowing the cyclical recurrence of violence to continue.²

This report summarizes findings from rapid community and household-level participatory and IDP-led mapping processes and dialogues conducted from late 2021 to mid-2022 in Marawi City, Lanao del Sur and South Upi and Firis Complex in Maguindanao. We present parcel-level evidence on the effects of protracted displacement and land tenure instability on Mranaw³, Tëduray-

² This research project was designed addressing recommendations from several listening processes conducted by the Initiatives for International Dialogue with local partners in Marawi and Maguindanao from May-June 2021.

³ There is no definitive orthographic system in place for the language, with various sources using 'Maranaw', 'Maranao', 'Meranaw', 'Mranaw', and most commonly in Filipino, 'Mëranaw'.

Lambangian, and Maguindanaon internally-displaced persons (IDPs), along with concrete recommendations to aid in the resolution of land conflicts and dispossession, from the point-of-view of displaced residents themselves. This addresses the lack of available household-level parcel data required to support both legal and traditional methods of addressing land contestation plot by plot, claim by claim, given the requirements of multiple workstreams led by the national government, the joint GPH-MILF peace process mechanisms, the Bangsamoro Transition Authority (BTA), Task Force Bangon Marawi (TFBM), the future Marawi Compensation Board (MCB), and the relevant provincial and local governments. By visualizing community knowledge on land occupancy and use and overlaying this on available government records and satellite imagery, we provide a technical contribution towards one of the key recommendations of the GPH-MILF Transitional Justice and Reconciliation Commission (TJRC) and other land dispute resolution initiatives, which is to acknowledge community land rights clarification processes as legitimate and legally-admissible.⁴

For this to happen, displaced citizens must be supported in their collecting, consolidating, analyzing, and holding their own data. In the absence of a formalized TJR process, citizen-led initiatives will be key in the updating of the Marawi Post-Conflict Needs Assessment (PCNA), various processes associated with the Normalization Annex of the Comprehensive Agreement on the Bangsamoro (CAB) such as Camps Transformation, as well as the general clamor of IDPs for safe and dignified return, along with the passage of national and regional legislation protecting families in situations of forced displacement. Ultimately, this attempts to complement existing and ongoing policy research on addressing the structural infirmities of the fragmented Philippine land governance system, and how a culturally-sensitive approach to resource management and property rights can support the BARMM's goal of 'moral governance' in the land administration and management sector.⁵

⁴ TJRC Report, see WB-IOM (2016)

⁵ Fernandez (2021b). Parallel initiatives supported by INGOs and CSOs include the work of International Alert Philippines, Catholic Relief Services, and UNHCR, among others.

2. A grounded approach to surfacing land governance issues in the BARMM

Balancing regional land governance frameworks and area-specific analysis. Existing research highlights four basic issues in the BARMM land governance system that need to be acknowledged and addressed, namely:

1. Multiple and contesting practices and norms related to land rights and land justice;
2. Multiple data systems and data discrepancies at multiple levels;
3. Multiple and unclear processes to address land conflicts and formalize agreements; and⁶
4. Multiple displacements and vulnerabilities spanning years, even decades.

None of these issues are new or limited to Mindanao, but are complicated by the unique cultural practices and experiences of the Bangsamoro and remain unresolved due to both political and technical bottlenecks. While responses will emanate from national and regional legislation, they still need to be tailored to local needs. Because IDPs affected by urban conflict in Marawi and those facing rural and peri-urban displacement in Maguindanao face different, site-specific challenges and opportunities, understanding the conflict history of each site as well as area-specific vernacular concepts of land is crucial to orient analysis of housing and tenurial status, occupancy and use. The table below enumerates some of the key terms related to land tenure, durable solutions to forced displacement, and transitional justice and reconciliation used in the study areas, noting specific nuances for each site.

⁶ See documentation from LAMP II project; WB-IOM (2015); Fernandez (2021a).

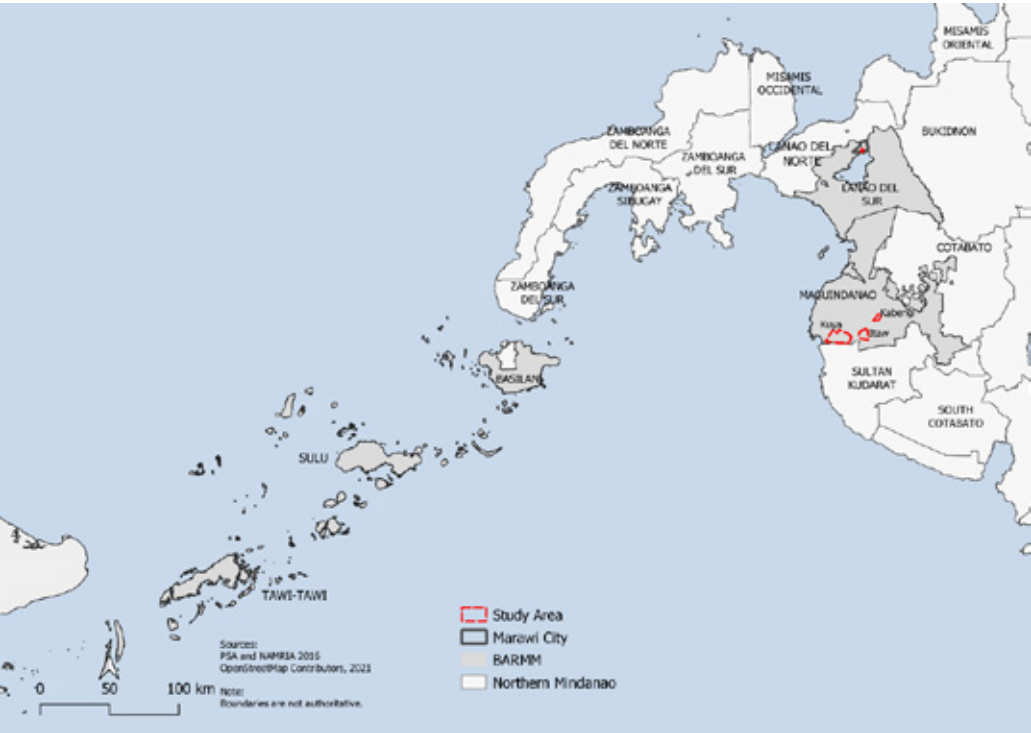
Concept	Mranaw	Maguindanaon	Tëduray-Lambangian
Land	Gapa Kawali Kakola	Darpa Dalepa Pusaka inged	Fantad Tuna Lati Fusaka inged
Land as political territory	Inged (pangampong, agama)	inged	Inged Remping fenuwo Fenuwo
Displacement	Kapaguyag Kambakwit	Kapaginalaten Kapagawa Kapambakwit, Kabalaguy	Mentekedan Merarey Menlef Demales
Return – ‘durable solutions’	Kambalingan Kasowi sa marinaw	Kambalingan Kabagalat	Mensefule Degonon bati Burongkow
transitional Justice and reconciliation	Kambalingan rakhes a Lomilintad a Mokarna ago Thitikna so Iman Okitokit a kapakamowayana ko langkap a kabenar ago kikasoy o kapamagongowa	kapedtuntot sa kawagib endo kagkapy na pageletan siya kanu peace process	Mendingken kefeyiyo fedew Kabaya-baya

TABLE 2. Vernacular concepts of land, displacement, durable solutions, and transitional justice

Grounded, area-specific analysis also entails dealing with vastly different temporal and spatial scales. For many Marawi IDPs, the 2017 Siege was their first experience of forced displacement, while Maguindanaon and Tëduray-Lambangian respondents can map out multiple displacement events directly affecting their families since the 1930’s. Questions were framed in relation to the shared need for transitional justice and reconciliation or ‘dealing with the past,’ and the equivalent truth-telling, justice, reparations, and guarantees of non-recurrence for both urban and rural realities.⁷

⁷ GPH-MILF TJRC Report

Community mapping. Map 1 below shows the locations of the study areas, which focuses on specific themes and sites in Lanao del Sur and Maguindanao.



MAP 1. Study Areas

To strengthen analysis, a targeted, multi-strand data collection process was deployed, combining household surveys, focus group discussions, and key informant interviews. Iterative community validation processes were used to cross-check historical narratives and parcel-level map data within the specific sites, producing ‘thick’ and grounded information despite limited time and resources.

Geolocated data was gathered and validated using large basemaps of both government boundary data and commercially-available high-resolution satellite imagery. These basemaps were printed on tarpaulins. Plastic sheeting, permanent markers, and stickers were then used to allow respondents to draw information

FIGURE 1

Community mapping activities in Maguindanao and Marawi City



as part of individual interviews and FGDs. These maps were then photographed and digitized in GIS software to allow community inputs to be overlaid with other administrative and thematic information.

2.1 Scope and limitations

The project, as with any other research process in conflict-affected areas, has substantial limitations. Limited time and resources, not to mention security and health and safety restrictions, meant that a targeted set of sites and thematic areas had to be prioritized. As such, shortlisting of sites and research interlocutors was conducted in consultation with representatives of the affected IDP communities and the Local Advisory Groups engaged by IID, informed by both the relative urgency and gravity of the issues at hand as well as ethical research practice in difficult settings. Selected key informant interviews with national and BARMM government officials as well as the relevant local government units informed the design of the research process. In Maguindanao, free, prior and informed consent was obtained from the Tëduray-Lambangian tribal leadership at every major step of the process.



In Marawi, participatory maps were produced with four specific groups: IDPs in transitory shelters; imams of masajid (mosques) in the Most Affected Area; traders in the former padian (marketplace); and one (1) neighborhood with traditional land agreements and live legal cases related to property rights. A total of 226 IDPs in Marawi, each of whom also provided contextual information for at least three to four other immediate neighbors in both residence and business locations, participated in a georeferenced household survey and community mapping alongside several larger FGDs. 95 of the respondents resided in transitory shelters at the time of the process, 130 respondents were house-based, while 1 was able to access a UN Habitat/TFBM permanent shelter unit.

In Maguindanao, three sites were prioritized in relation to recent land-related violence involving non-Moro indigenous peoples (NMIP). Brgy. Kuya and Sitio Manguda, Brgy. Itaw were selected in South Upi. The third site, Sitio Bagong, is mostly situated within Brgy. Kabengi, Datu Saudi Ampatuan, but has spillovers in at least two other municipalities of Maguindanao that span the foothills of Mt. Firis, including Datu Unsay and Datu Hofer. Due to unreliable political boundary data, sessions focused on visualizing community

knowledge regarding sitio locations and their natural boundaries such as major rivers, streams, and mountains; before collecting parcel-level data for houselots, farmlots, and communal areas. A total of 131 IDPs in Maguindanao participated in georeferenced household surveys, complementing broader FGDs and validation processes involving a broader swath of residents, community leaders, and stakeholders in each site.

All conversations were facilitated in the respective vernacular languages by local facilitators, many of them either current IDPs or had previously experienced displacement in their lifetimes. For Marawi, facilitators were from the Kalimudan sa Ranao Foundation and Mindanao State University - Marawi. For Maguindanao sites, sessions were run by Maguindanaon community facilitators from the United Youth for Peace and Development (UNYPAD) as well as representatives from Timuay Justice and Governance (TJG) and the Tëduray-Lambangian Women’s Organization Inc. (TLWOI) for Tëduray-Lambangian neighborhoods. While this process focused on data collection and analysis, all activities were designed to ensure that outputs can be directly used by displaced residents in engaging the relevant government mechanisms and authorities.







3. Marawi





3. Marawi

As of present writing, Marawi rehabilitation and reconstruction remains unfinished. Various assessments and statements from Mranaw IDP groups, civil society organizations, and development agencies over the last five years have pointed out mismatches between government rehabilitation and reconstruction plans, policies, and processes against the lived realities of Marawi's internally-displaced population. These mismatches—rooted in a development framework that is focused on physical reconstruction and traditional DRRM instead of the needs of a conflict-vulnerable region—have impeded citizens' safe and dignified return. While basic humanitarian issues such as access to water and sanitation remain, we focus on the core issue of property rights and the implications of prolonged displacement and uncertainty on citizens' livelihoods and well-being, as well as broader social cohesion and peace and stability in the region. With the passage of the 2022 Marawi Siege Victims Compensation Act (MSVCA) and new national and BARMM government mandates, there is an opportunity to accelerate the return of displaced Mranaws while making necessary adjustments that center the needs and aspirations of everyday citizens, particularly non-elites.

Map 2 below highlights specific neighborhoods and thematic areas in the MAA analyzed by the research, which drove respondent selection. This include: i) damaged masjid, which are not only sites of worship but are considered primary anchors in Mranaw customary traditions related to land governance; ii) the padian (market) district, with specific interest in the Shopping Mall; iii) expropriated areas, including lakeshore sites reclaimed by residents as well as the still-contested no-build zone; and iv) Barangay Daguduban, which was the first area to be demolished without residents' consent. Since data collection was conducted prior to the passage of the Marawi Compensation Law, no specific analysis was conducted in the so-called Other Affected Areas (OAA), or the eight barangays of Saduc Proper, Panggao Saduc, Raya Saduc, Lilod Saduc, Datu Saber, Bangon, Fort, and Wawalayan Caloocan.

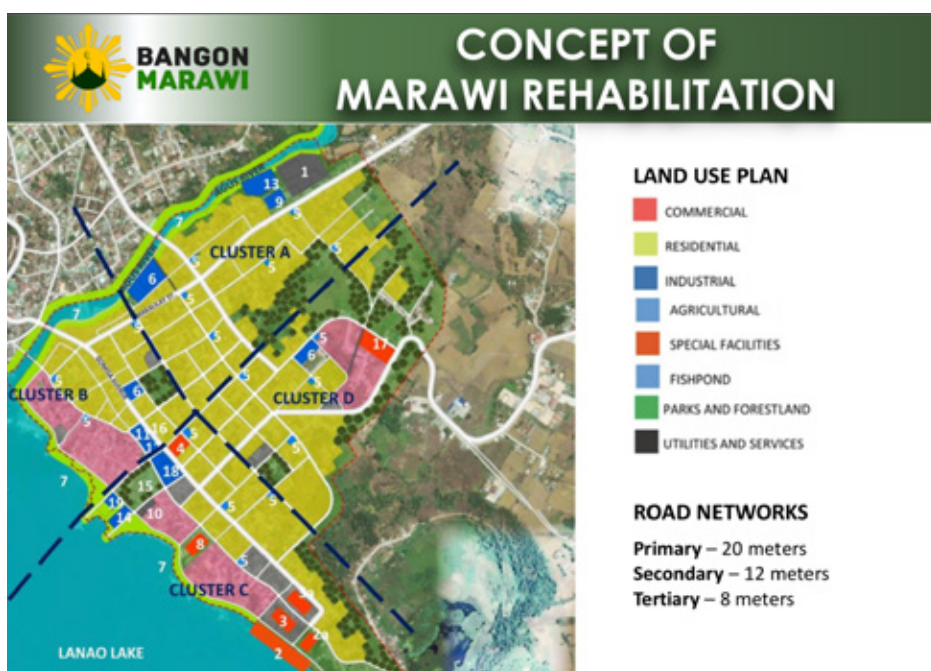


- 10 meters buffer
- 20 meters buffer
- Daguduban
- Expropriated
- SM
- Padian District
- Reclamation
- Location of Masjid
- With TFBM Support
- Coastline
- Road network
- MAA
- OAA

MAP 2. 42 masjid and other research areas

3.1 Assessing the BM-CRRP and the RISE Plan

Our findings are consistent with that of the BTA Special Committee on Marawi's 2020 report, which found that while the MAA is heavily titled, at least seven types of legal infirmities—mostly related to undocumented land transactions and informally subdivided mother titles—prevent straightforward documentation.⁸ The same report found that up to 50% of former residents are affected by expropriation proceedings related to post-Marawi reconstruction as laid out in the government's Bangon Marawi Comprehensive Rehabilitation and Reconstruction Program (BM-CRRP) and the MAA-focused RISE Plan.⁹



MAP 3. BM-CRRP Land Use Plan (TFBM, 2018)

⁸ BTA Special Committee on Marawi (2020) citing Baunto (2020).

⁹ In contrast to standard post-crisis reconstruction practice, Marawi rehabilitation plans are divided into two: the BM-CRRP covering areas in Marawi outside the 24 barangays of the MAA and conflict-affected areas in Butig and Piagapo, Lanao del Sur; and the RISE Plan for the 24 barangays of the MAA. See Fernandez (2021) for a more in-depth review of Marawi reconstruction policy.

The magnitude of displacement is a natural consequence of the spatial design of the RISE Plan, which replaces the city's traditional highly-dense mixed-use arrangements with Western-style exclusionary zoning. Legally, this will remain in force until the Marawi City Comprehensive Land Use Plan and Zoning Ordinance are updated, but is symptomatic of a deeper problem related to State norms. Despite nominal acknowledgment of IDP rights under Philippine and international humanitarian law, even the MSVCA glosses over the human impact of both the Siege and post-Siege development and focuses on infrastructure damage and compensation based on road-right-of-way.

Process issues abound. More than 50% of respondents experienced demolition of their homes without consent, reaching up to 69% in Brgy. Daguduban (although 17% of this neighborhood later signed a waiver providing post-facto consent). Similar patterns are expected in the lakeside areas of Sabalamanao, Datu sa Dansalan, Dansalan, and Datu Naga based on interviews, although this will need to be confirmed. Almost all respondents stated that the government's Damage and Loss Assessment (DALA) modules undervalue lost properties, and often do not include soft assets such as destroyed business goods, and lost or looted family relics, let alone human rights violations and psychological trauma.

Respondents also pointed out key limitations to the data capture systems used by Task Force Bangon Marawi. The Kathanon biometrics system, designed with technical assistance from the World Bank and the World Food Programme, only allows one (1) property to be registered per family, either a single house or a single business, but not both. While the reason for disallowing multiple properties as 'double entries' is unclear, this leads to dispossession of families who may have multiple homes or business properties in the MAA. It also encourages fraud on the part of frustrated property owners wishing to circumvent system limitations. Several respondents admitted that family members tended to split profiling of assets among themselves in order to be included in Kathanon. Others complained of irregularities around enumeration, access to documentation such as DAFAC (Disaster Assistance Family Access

Cards), relief goods, and cash and housing support, which they said were often controlled by barangay captains. Common complaints include allegations of outsize benefits for local government officials' relatives as well the privileging of Marawi voters at the expense of property owners or renters and sharers who vote in other municipalities. Similar to other cities in the Philippines and elsewhere, the presence of non-voters in the Marawi is not uncommon given its role as Lanao's economic and administrative hub. Others decried that more house renters, not house owners, were able to sign up for the Kathanon biometrics system and therefore prioritized for *ayuda* (relief goods, particularly in the context of pandemic aid) since most middle-class house owners were not around - often staying outside Marawi to work elsewhere. Concerns were also raised regarding the Kathangombalay and Social Cartography processes. Respondents from Sectors 7, 8, and 9 said that they were not allowed to participate in these sessions aimed to profile returning owners regarding real property ownership, as they were told that their homes would likely be expropriated for development projects despite the lack of a formal expropriation notice and offer of compensation from the State.

All of these issues highlight the tension between Philippine law and administrative mechanisms and traditional Maranao beliefs and practices around housing, land, and property, which predate the Philippine nation-state. These traditional mechanisms—tied to *kitab* (or shari'ah laws) and the *adat* (customary laws) comprising *igma*, *taritib*,¹⁰ and other vernacular knowledge systems—endure as a base layer despite being dismissed as informal or illegal. At the same time, concepts of post-conflict reconstruction and development differ between actors. While many officials and local leaders see the Marawi Siege as an opportunity to improve upon the spatial ordering of Marawi by 'building back better,' many residents have expressed fundamental disagreements with state frameworks of development and wish to be left alone to return to their original pre-Siege locations, on their own terms. This includes

¹⁰ Saber and Tamano (1986) describe *igma* (Arabic, *izma* or *ijma*) as 'ordinance' while *taritib* are 'ordered ways' or 'established ways'.

disagreements with State policies ranging from the mandatory relocation of residents previously living in identified ‘danger’ or ‘no-build zones’ such as those adjacent to Lake Lanao and the Agus River, to the decision to construct sports stadiums and government facilities in formerly-dense neighborhoods. *‘Gumanda nga ang ground zero, pero nawala naman ang bahay namin, nawala ang lahat* (Ground zero may have been made more beautiful, but our home is gone, everything is gone).’¹¹ While critics are often dismissed by officials as ‘anti-development’, these debates often conclude with displaced residents asking the question: development for whom?

3.2 Prolonged displacement and its effects

The State decision to not allow residents to return until TFBM has completed horizontal and vertical infrastructure in the MAA has resulted in protracted displacement. While families in selected cleared sectors have been allowed to apply for building permits as of early 2022, not all IDPs have been able to comply with legal and administrative requirements such as clean land titles and detailed engineering designs. As a result, IDP families have been forced to move multiple times (anywhere from 3 to 10 times or more) between 2017 to 2022 in search of stable housing and livelihood, often experiencing secondary and tertiary displacement events such as flooding, fires, volcanic eruptions, evictions, as well as the effects of the COVID-19 lockdowns. A common effect is that families are forced to separate, resulting in spouses and their children living in multiple sites to secure incomes and/or education despite cramped conditions, whether in transitory shelters or in ad-hoc home-based arrangements.

Access to shelter. Government and UN assessments in 2017 recorded up to 95% of Marawi’s approximate 300,000 IDPs as house-based, with the remaining fraction staying in various evacuation centers spread across northern Mindanao.¹² Around 2,800 transitory shelters were built by various national government

¹¹ Interview with displaced Marawi resident, 2022.

¹² UN OCHA (2017)

agencies and the now-defunct ARMM Regional Government in Barangay Sagonsongan and the adjacent municipality of Saguian, with one PAGCOR-supported shelter in Matungao, Lanao del Norte. However, these were not enough to absorb all residents of the 24 most-affected barangays. TFBM has committed the construction of 2,776 permanent housing units specifically for around 2,800 IDPs relocated from designated 'danger' and 'no-build' zones on the banks of Agus and Lake Lanao. Of this number, around 1,000 units in Barangays Kilala, Gadongan, Dulay West, Dulay Proper and Patani have been built as of early 2022 with support from UN Habitat and the Government of Japan.

Study respondents universally expressed difficulties in accessing transitory and permanent shelters, including those who admitted that they were able to get on the priority list through the intercession of their barangay captain and other elites. There are reports where awarded beneficiaries of shelter programs include non-MAA residents, as well as more affluent individuals who choose not to reside in the transitory sites but are renting out these spaces to other IDPs. Nevertheless, the focus on shelter-based support disguises the larger population of house-based IDPs spread across the archipelago, as well as the increase in rental and sub-household 'sharer' arrangements particularly in areas such as Mindanao State University, the adjacent municipalities of Marantao and Saguian, as well as the nearby cities of Iligan and Cagayan de Oro. Several respondents admitted that they were already staying outside Marawi but returned due to the perceived bias against house-based IDPs. *"Bumalik kami ng Marawi para mag-apply sa Sagonsongan dahil nabalitaan namin na kapag hindi ka nakatira sa transitory site ay babaliwalain ka ng gobyerno (We returned to Marawi to apply [for a shelter] in Sagonsongan because we heard that if you don't live in the transitory site, government will not pay any attention to you)."*¹³

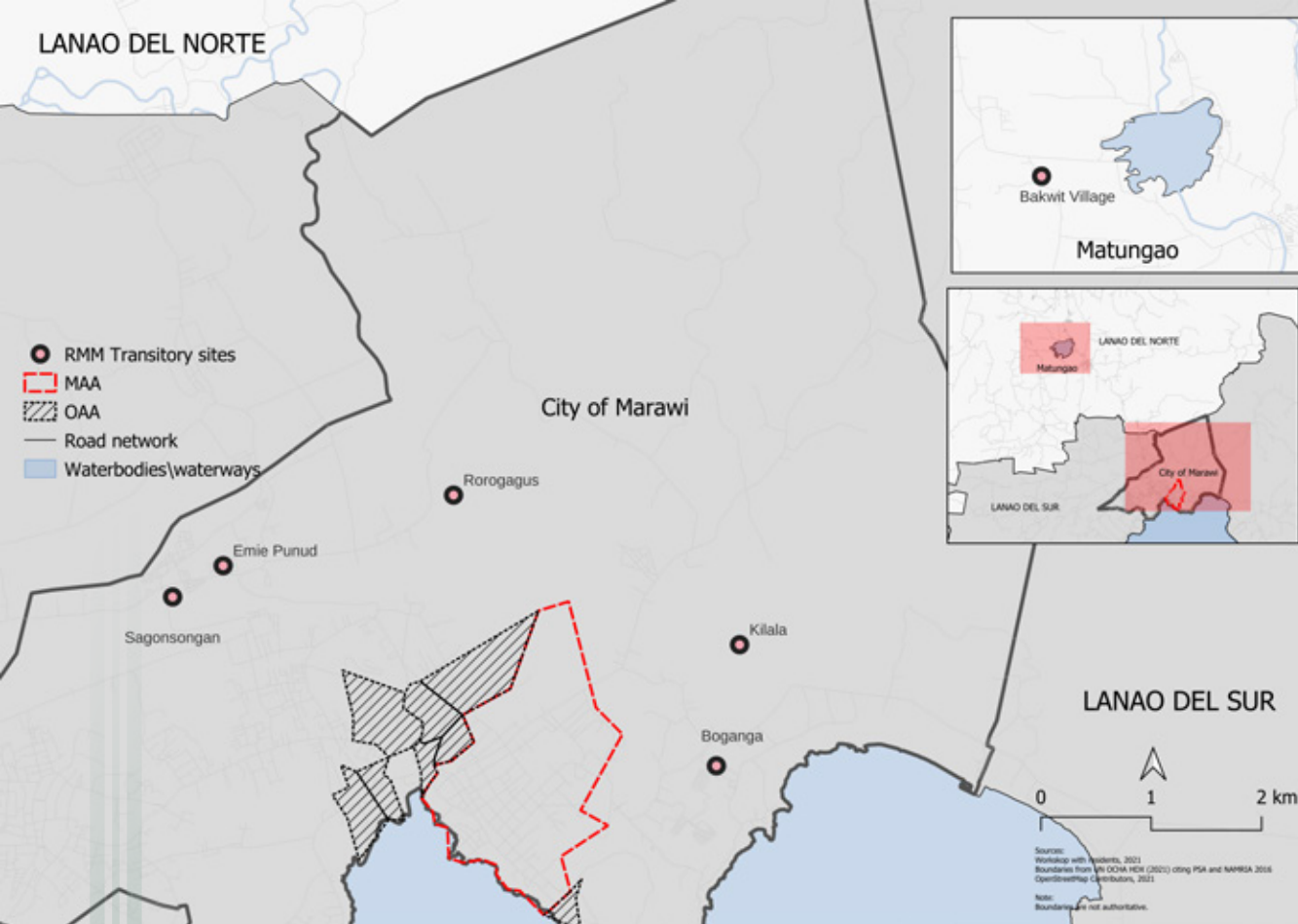
Basic access to services. Map 4 below illustrates locations of transitory sites with members of Reclaiming Marawi Movement

¹³ Interview with displaced Marawi resident, 2022.

(RMM), one of the larger organized networks of shelter-based IDPs. Most government and CSO reports acknowledge the lack of basic services in these sites, which began accepting IDPs from early 2018 onwards. Challenges include the continued lack of potable water—which means that IDPs have been dependent on hauled water paid for by donors and the local government, as well as filtered water sold at PHP 350 per barrel—for the last five years. The lack of running water contributes to serious sanitation and hygiene issues, such as open canals adjacent to the shelters, and is a trigger of conflict among IDPs. Respondents shared that water rationing schedules decreased from three times a week to just once a week in late 2021 and early 2022, particularly during negotiation periods given that the five-year usufructs for these shelters are set to end in late 2022. Despite the limited space of 1-room transitory shelters, respondents said multiple sub-families of anywhere from 7 to 12 persons are forced to stay in the same space. As a result, it is common for Marawi IDPs to build informal extension rooms adjacent to their relatives' transitory shelters. Extension shelters are also often built by house-based IDPs in Marawi and other municipalities in Lanao del Sur, although most report that host families are often only willing to support IDPs for a limited duration, regardless of blood ties.

While new TFBM-related and private sector investments such as access roads and solar lighting adjacent to the Sagonsongan transitory sites have increased the land value of these areas, there are no nearby public markets, jobs, or public schools. As a result, IDPs are forced to spend an average of PHP 200 on transportation just to purchase food and basic supplies. These access issues were exacerbated by the COVID-19 pandemic and accordant mobility restrictions. The BARMM has the lowest rate of vaccination nationwide, with the lowest uptake in Lanao del Sur.¹⁴ While citizens have pivoted to online schooling and businesses, mobile and broadband connectivity in Marawi is notoriously weak, and has worsened further due to the use of illegal boosters.

¹⁴ See MSF (2020) and Fonbuena (2020).



MAP 4. IDP Shelters with members of Reclaiming Marawi Movement

Continued uncertainty and lack of information. There is still no clarity regarding future options since the 5-year usufructs between TFBM and the landowners of the transitory sites are expiring by year-end 2022. IDP respondents from Bakwit Village in Matungao, Lanao del Norte, have faced multiple eviction attempts since late 2021 and have less protection and support given that they are located outside the BARMM. For both house-based and shelter-based IDPs, however, lack of reliable information is a common concern. Online press releases and news reports notwithstanding, official issuances from TFBM and LGU Marawi are sparse,

prompting multiple respondents to say, "*Hindi sapat yang FB lang* (It's not enough to post [reports and press releases] on Facebook)."¹⁵ The majority expressed frustration regarding how consultations are run, and the perception that these sessions are only meant to implement decisions already made by TFBM and LGU Marawi; feedback loops are rarely closed. "Even if you join consultations, they don't return whatever [data] they collect to you," remarked one resident. "They don't give clear updates about actions taken." As a result, IDPs rely on rumors and hearsay, or whatever filters through relatives and friends. One well-known case involved a resident who had tried to pay annual real property tax, only to be told at the Marawi Assessors Office that their family would not be allowed to pay taxes since the area would be used for TFBM reconstruction projects. The lack of a formal expropriation notice and the basic legal requirements including a formal offer of State purchase were not conducted, leading residents to accuse TFBM of 'land grabbing' and 'sequestration' in the four barangays of Sabalamanao, Datu sa Dansalan, Dansalan, and Datu Naga.¹⁶

The lack of information affects multiple dimensions of decision-making. Some are unable to leave Marawi City to work in other cities for fear that they would not be present should TFBM and LGU Marawi call for yet another enumeration process. Several respondents from Sagonsongan said that they heard rumors regarding potential extension for two more years in the transitory sites, but are uneasy with news that they may have to rent the land if they wish to stay. Others said that they did not apply for permanent shelters due to the rumor that beneficiaries would be forced to give up their titled properties in the MAA. A limited number of families have been able to secure permanent shelters within Marawi City, but are concerned by the sites' accessibility and lack of running water and its being adjacent to the dumpsite, not to mention legal overlaps with agrarian reform areas. As of June 2022, reports are surfacing regarding awarded permanent shelter beneficiaries being asked to pay rent or leave.

¹⁵ Interview with displaced Marawi resident, 2022.

¹⁶ BusinessWorld (2021).

3.3 Masajid

Map 5 below illustrates the locations of 42 masjid (mosques) identified by imams and other stakeholders as sites of worship in the MAA prior to 2017. Religious functions notwithstanding, respondents highlighted mosques as an anchor of the traditional Mranaw concept of settlement-building and communal land governance, as described by the phrase *'isa ka masjid, isa ka sulutan, isa ka agama* (for every mosque, there is one sultan, and one religion / religious court).'

While this adage is true for Marawi's older, historically-significant mosques, variations exist, such as some mosques constructed by families for clan use; mosques donated by waqf (foundations); and 'service' mosques devoid of historical significance or land ownership implications but were constructed in high-traffic locations and buildings for ease of access.

Many masjid were damaged or destroyed, but national officials were adamant that public funds could not be used for 'private goods' and religious structures. This was contested by Moro scholars and development workers who cited post-Bohol earthquake efforts to reconstruct 21 colonial-era Catholic Churches in the name of cultural heritage.¹⁷ By 2020, TFBM announced that mosques would be rebuilt either through "private donations from developers" or the "incentivized utilization of housing developers escrow funds".¹⁸

Various reports cite anywhere from 15 to 30 mosques programmed for reconstruction but as of present writing, at least eight have confirmed and publicized TFBM support, namely: the Jameo Mindanao Al-Islamie Islamic Center in Pangarungan Village, more popularly known as the Marawi Grand Mosque, which was used once during Eid prayers in 2022; Masjid Bato Ali in Brgy. Dansalan; Masjid Disomangcop in Brgy. Daguduban; Masjid Darussalam in Brgy. Raya Madaya; the White Mosque in Lumbaca Madaya; Masjid Macaorao in Brgy. Tolali; Masjid Ramadan in Brgy. Moncado Kadilingan; and Masjid Marinaut in West Marinaut.

¹⁷ Sembrano (2021)

¹⁸ DHSUD (2020)



Number	Masjid name	Number	Masjid name
1	Masjid Sabalamanao	22	Amatonding Ricemill Masjit
2	Masjid Tata Compound	23	JMIF Mosque (Compound)
3	Raya Madaya 1 Mosque	24	Icom Terminal Masget
4	Masjid Darussalam	25	Darul Mu'minin
5	Bandar-a-Inged	26	Ramadhan Mosque
6	Palao a Okap	27	Darul Aman
7	Bilal Sunrise	28	Raguillah Mosque
8	Haroun al-Rashid	29	Punod a Madaya
9	Bato Ali Masjid	30	Imam Mana-ali
10	Masjet Center	31	Zainoden Alawi
11	Barrio Naga Masjid	32	Imam Abu Yusir
12	Abubacar	33	Tuca Lilod
13	no name available	34	no name available
14	Yahya	35	Masjid Marinaut
15	Shaykh Mura Naga Pacasum	36	Masjid Pantalan a Masiu
16	Masjid Da'awa Mayor Tuburca	37	Masjid Dsumanglito
17	Bubonga Madaya Masjid	38	Grand Mosque
18	Abdul wajid H. Salic Abu Osama	39	KMIA Masjid Mama Ampuan
19	no name available	40	no name available
20	JPI	41	Masjid Nadua
21	White Mosque	42	Masjid Macaorao

MAP 5. 42 masjid

3.4 The padian and economic displacement

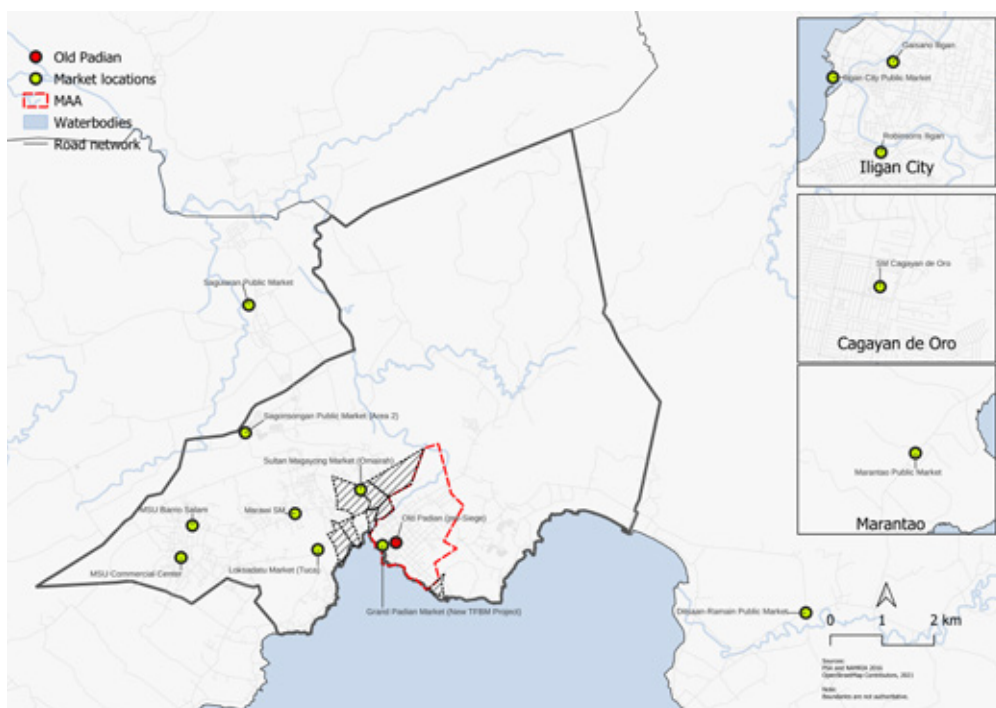
Effects on income. Effects on livelihood have been devastating. Interviewed vendors and traders from the old Padian, who are the most equipped among IDPs for economic recovery, said that they experienced at least a 50% drop in daily income, with a smaller number of interlocutors who said they have not been able to restart their businesses. Families who were able to bounce back the fastest were those who had at least one uninterrupted source of monthly salaries (government employees, teachers) and access to loans from family and friends. Other non-entrepreneurial IDPs have been forced to find employment outside Marawi City, including other cities outside the Bangsamoro, and as far as Visayas and Luzon. Since limited livelihood options are available for shelter-based IDPs, some families are being sustained by members living and working elsewhere, including as OFWs.

Mapping the Old Padian. Map 6 below shows a general qualitative map of the pre-Siege Padian district and its general features based on extensive interviews with various vendors and traders' associations, former market administrators, and general users of the space. We illustrate the degree of economic density by mapping out locations of the 44 sections previously acknowledged by the LGU Marawi Office of the Market Administrator. Prior to the siege, Marawi's padian vendors were organized into sections and their respective section presidents, ranging from goods-based networks such as Auto Supply, Bakas (Dried Fish), Ukay-Ukay (secondhand clothing), Gold, Fruit, Cellphones, and RTW (ready-to-wear clothing); to service providers providing money transfer and airline booking and ticketing; to location-specific networks such as the Gomisa Avenue Section, the Shopping Mall Second Floor Restaurant Section, and the traders of the Towa ka Lapot and Towa ka Bata alleyways.

The heart of the padian is generally acknowledged as the 2-hectare area centered on the 'shopping mall' building located along Perez St. (formally known as Dansalan St.) and Baccarat and Bayabao Streets. However if the sections are used as the unit of analysis, we are able to map extensive spillovers up to Gomisa Avenue and down



Based on 106 individual surveys and several FGDs with traders and vendors, the majority (49%) said they owned the locations where they sold goods and services prior to 2017, with another 16% saying that they rented out one or more of their stalls to other vendors. Another 33% said that they did not own stalls, but



MAP 7. Current marketsites across Northern Mindanao

were renters. Only 2% said that they shared locations with others, either for free or with minimal remuneration. 77% of respondents said that they owned one padian stall, 15% had two stalls, 7% had three stalls, and 1% claimed ownership over four or more stalls. When asked to define what they meant by 'ownership' they showed deeds of sale to said stalls, averaging purchase costs of PHP 1.5 to 2 million. At least one respondent showed official receipts of real property taxes dating back to the 1990s. All had business permits and certifications from the LGU Marawi market administrator. This is at odds with the current official stance of LGU Marawi and TFBM, who claim that a sizeable part of the padian as reclaimed land, and therefore owned by the State.

Effects of economic displacement. Map 7 illustrates primary markets that eventually took in displaced traders within Northern Mindanao as of early 2022. This includes the public markets of municipalities directly adjacent to Marawi, namely Saguwaran, Marantao, and Ditsaan-Ramain, with others moving to Iligan City Public Market as well as higher-end malls in Iligan and Cagayan de Oro. Not included here are marketsites in Luzon, Visayas, and other areas in Mindanao, primarily non-BARMM urban areas such as Zamboanga and General Santos City. Also not included businesses that did not set up in marketsites, but built stalls along roadsides, in front of transitory shelters, and in rented spaces across their host municipalities. In the months after the siege, many vendors wishing to restart operations found such spaces around the Basak Malutlut and Mindanao State University area, which was largely left intact by the fighting.

Although the proposed Sagonsongan Area 2 marketsite is included here for documentation purposes, it has never been used since its construction in 2019. To overcome its current white elephant status, many adjustments are required such as ensuring adequate running water and waste management, as well as making it financially viable for vendors to use. In the meantime, IDPs are forced to purchase food and other basic supplies elsewhere, such as the Loksadatu Public Market in Brgy. Tuca, or for those residing in MSU, the small talipapa in Bo. Salam. From 2019 onwards, RTW clothing vendors have restarted their businesses in private markets, notably one in Loksadatu (more popularly called the Omairah Market) and recently, one new building in Basak Malutlut.

Interviews with RTW owners fixed their daily pre-Siege padian earnings at anywhere from PHP 5,000 to 20,000 per day, and said they were able to employ anywhere from 2-4 employees. The majority of vendors said that their income has been cut by at least half; now only 2% of respondents have more than 1 stall. 21% said they were unable to restart their businesses due to lack of capital, not to mention existing debts from losing their 2017 stock in the padian (declared values ranging from PHP 200,000 to several millions, especially since the siege occurred just before the onset of

Ramadan). Most are no longer able to hire more than one employee, relying on their spouses and children to assist. Only one respondent from the sample said that they earn more now compared to before.

Rent is another aspect of the burden. Average rental costs in the padian from 2014-2017 were fixed at PHP 3500 per stall per month. Now, stalls at Brgy. Lomidong and MSU Commercial Center (Comcen) are at PHP 4000 per month, with the Basak Malutlut and Loksadatu markets averaging PHP 5000 per month, depending on the size and location of the stalls. Others without the money to restart have been forced to shift to less capital-intensive and less profitable businesses, such as several respondents who now sell food in front of their transitory shelters. With other equally-impooverished IDPs as their only buyers, they said they would be fortunate to earn PHP 500 per day.

Current and future livelihood support. Criticisms of TFBM's economic support packages are well documented by the BTA Special Committee on Marawi and the relevant Senate and Congressional committees. While the cash grants provided by both the national government and BARMM were needed and well-appreciated, in most cases these were used for survival and debt payments. The padian vendors particularly criticized the basis of selection of recent donor-funded trader-focused programs, stating that the pre-siege LGU market database (which includes stall location maps countersigned by the pre-Siege section presidents and the city market administrator) was not used. Instead, new enumeration processes were undertaken, voters lists were prioritized, and multiple Chambers of Commerce created. As a result even non-entrepreneurs and those already doing business in Greenhills, San Juan in Metro Manila would fly back to Marawi just to avail of these programs.

Multiple sources describe the in-kind packages from DTI and training from TESDA as not fit-for-purpose, economically viable, or culturally-sensitive. More fundamentally, interventions were not designed to support existing local supply chains and extensive networks and practices—a missed opportunity given how Mranaws

are famous as traders and businesspersons all over the Philippines. Respondents shared how COVID-19 restrictions forced them to pivot to online sourcing and selling. While RTW traders and sellers would previously travel regularly to Jakarta in Indonesia, Kuala Lumpur in Malaysia, or Shenzhen in China to select and purchase goods, they were forced to use WeChat, Instagram, and Whatsapp to buy products with the use of middlemen who they communicated with via Google Translate. The goods would then be shipped to Manila and Marawi to be sold. Respondents were clear that these innovations were done by individual initiative, with no capital infusions or even bulk buying and shipping options available to make things easier or cheaper. While the new TFBM-financed Grand Padian is being built in the MAA, these traders are still hoping to be provided stalls once the area reopens although the envisioned capacity of 400 will not be enough given the needs of approximately 2000 displaced traders.

3.5 Daguduban

The Marawi analysis concludes with the experience of Brgy. Daguduban, located in the northeastern quadrant of the MAA designated as Sector 1. The Daguduban model is the first, and currently the only case of a community-initiated, hybrid traditional-legal approach to establishing property claims and relationships in post-Siege Marawi. By presenting their experiences, it is hoped that residents' recommendations can be used by the nascent Marawi Land Dispute Resolution Mechanism and relevant BARMM bodies moving forward.

Challenges: demolition without consent. Officially, Brgy. Daguduban prior to the Siege was recorded by PSA (2015) to have 6,883 residents living in 1,008 households, which dropped to 5,808 displaced residents as of the 2020 Census of Population and Housing. This analysis however is based on community-generated data focusing on 106 households in Puroks 1 and 2, covering at least 13,030 sqm. of titled land.

According to resident-respondents, Daguduban suffered less damage compared to other areas in the MAA. Several community leaders, including the enthroned Sultan of Marawi, said that they participated in various TFBM workshops and understood from Sec. del Rosario's statements that basic improvements such as some road widening, repairs to the water system, and reestablishing electricity would be installed before they would be allowed home. The official Kambisita visits in April and May 2018, they said, showed that most structures were still serviceable with minor repairs. As a result, they used the visits to cut overgrown grass and tidy their homes since they assumed that they would be allowed to rebuild soon. It was to their horror that they received calls on 4 December 2018 informing them that FINMAT International Resources Incorporated, TFBM's contractor for Sector 1 debris clearing, had begun demolishing their homes without their consent.

This triggered a series of protests from residents aided by Mranaw civil society networks and various local professionals and lawyers, including a rally in the Lanao del Sur Provincial Capitol during the visit of the Congressional Committee on Disaster Management and Resiliency.¹⁹ It soon emerged that only a handful of residents had signed waivers agreeing to the demolition of their structures. Worse, FINMAT was operating without the requisite Environmental Compliance Certificate (ECC) and demolition permits.²⁰ Government officials denied giving the go-signal to begin demolition despite indications to the contrary. The National Housing Authority (NHA) and TFBM temporarily suspended the demolition by 6 December 2018, but events soon culminated in residents' filing cases against FINMAT as well as administrative cases against TFBM and the Marawi city government, citing residents' fundamental right to liberty of abode. Initial legal aid was provided by the Integrated Bar of the Philippines - Lanao del Sur Chapter. As the original lawyers were no longer available, legal aid was then provided by the Public Attorney's Office (PAO). While at least 50 Daguduban residents were prepared to file cases, only

¹⁹ Moro Consensus Group (2018)

²⁰ Suson (2018)



MAP 8. Digitized community records, Brgy. Daguduban

33 individuals were allowed to be represented by PAO since only those with income below PHP 13,000 could be assisted by state lawyers.

These cases are still ongoing, although residents continue to grapple with a pervasive culture of fear where any criticisms of TFBM and government operations, even if warranted, will be met harshly. One example is a several-month delay in processing of building permits. *"Hindi muna kami pinaprocess kasi daw may ongoing na kaso ang Daguduban, pero mga two months later siguro nakalimutan na at linabas na rin ang papel namin* (They initially didn't allow us to process our [building permit] applications because of

the ongoing cases filed by Daguduban residents, but around two months later they probably forgot about it and finally released our papers).” Another issue that affects not only Daguduban but all the barangays of the MAA is the hauling and sale of putao (scrap metal) of TFBM contractors during the initial COVID-19 lockdowns without residents’ consent, although LGU Marawi has unofficially responded by saying that the proceeds from MAA scrap metal sales would be placed in a trust fund for the benefit of residents. No further updates have been forthcoming.

Community-led mapping and arbitration. The legal action taken by Daguduban residents triggered the need for extensive documentation. Since these efforts were self-implemented and self-financed, it helped that many residents were middle-class professionals with social capital and basic data management and public engagement skills. At the same time, the case involved properties originally held or sold by the family of the enthroned Sultan of Marawi, who keeps records regarding the tarsila (genealogies) of Marawi’s families and their traditional landholdings as part of his role as customary mediator and arbitrator. This facilitated residents’ deployment of an internal process for data gathering, validation, and arbitration of internal issues, which also came in handy during their negotiations with the BARMM government for potential housing support in early 2020.

Map 8 shows a digitized and georeferenced version of the original parcel map of Daguduban, which was manually prepared by Daguduban residents from early 2020 onwards using Google Earth imagery. Each plot has been linked to the TFBM House Numbers used during profiling, along with other available household-level information. While the BARMM housing program initially planned under BARMM-BRIDGE financing²¹ has yet to materialize, the

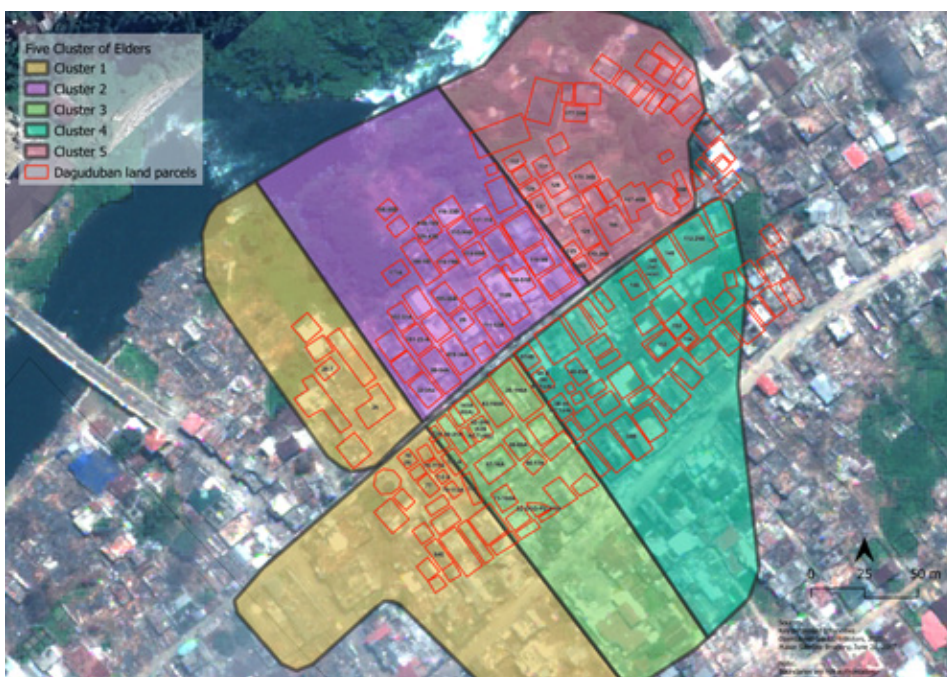
²¹ BRIDGE refers to Bangsamoro Regional Inclusive Development for Growth and Empowerment, originally a project of the now-defunct ARMM Regional Government. As a result of the transition after the passage of the BOL in 2018 and the successful plebiscite in 2019, the former assets and budget line items of the old ARMM were transferred to the Bangsamoro Transition Authority, including at least PHP 500 million for Marawi rehabilitation projects. These resources became the seed fund for the BTA’s Marawi Recovery Program (MRP).

Daguduban residents’ approach is laudable because it uses wholesale capture and processing of information covering the entire neighborhood, as opposed to other efforts that focus on individual claims or overlaps.

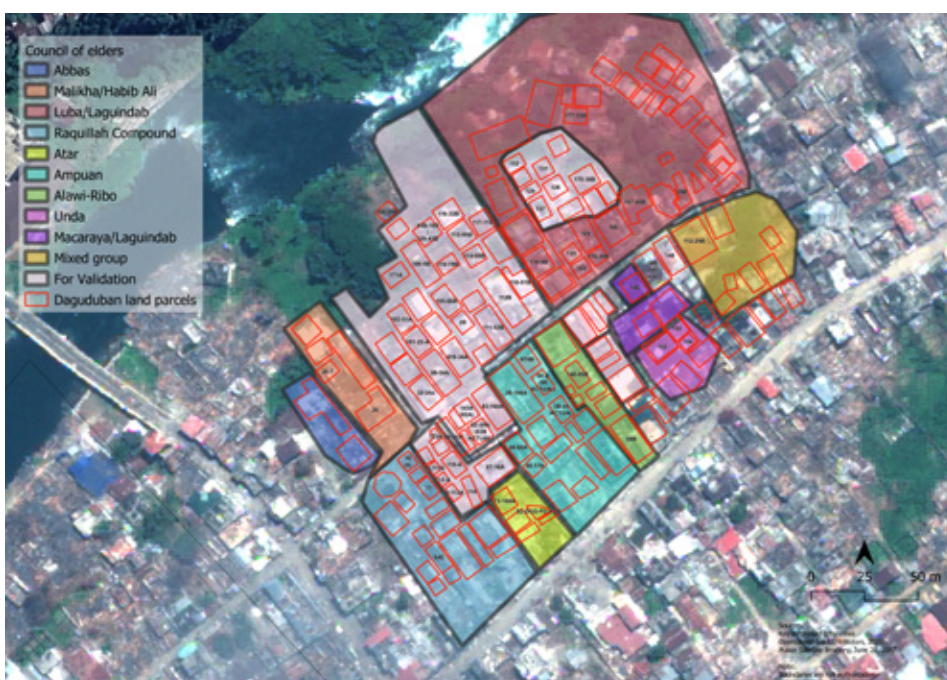
We highlight three notable process features. First, all activities were conducted with Mranaw traditional values of extensive consultation and dialogue in mind. To do so, they organized residents by family and clan, with a “council of elders” comprising appointed representatives from the five major clans in the neighborhood, and the Sultan of Marawi as the sixth member. The clans were responsible for processing and gathering their internal documentation, with the Council of Elders stepping in to manage any disputes or points of clarification. Maps 9 and 10 below show the coverage of the five major clans and their respective Elders, as well as 13 rough subclusters within the five which will require additional validation. It must be noted that the family names have not been redacted and are reflected in these maps upon respondents’ request.

Secondly, the residents gathered both technical and context data in a basic Excel-based system, spanning at least 106 families of which 73 homes are confirmed to have been demolished without residents’ consent. While a geodetic engineer was brought in to confirm the land holdings covered by Official Certificates of Title and Transfer Certificates of Title, extensive meetings facilitated by the Council of Elders and the Sultan of Marawi traced the history of how land parcels in the neighborhood were subdivided over time, both formally and informally, since the First World War.

Of the validated 13,030 sqm covered by at least 106 families, at least 7,073 sqm (or 54%) are titled under 13 OCTs and 10 TCTs held by 13 clans. 5,957.4 sqm (46%) are under eight tax declarations shared by 20 families. This forms the legal base layer for dozens of informal transactions where the subdivision of ‘mother titles’ and subsequent sales to both relatives and non-relatives have not been formalized. It must also be noted that this database does not



MAP 9. Initial clusters, Brgy. Daguduban



MAP 10. Family clusters for validation, Brgy. Daguduban

include detailed information related to the 18 families who signed waivers for demolition, of which seven signed to FINMAT pre-December 2018, while 11 were executed between said families and LGU Marawi, including after December 2018.

Because this data gathering and reconciliation exercise was originally initiated in order to facilitate housing projects, the group also executed a series of memoranda of agreements (MOA) and deeds of donation in September 2020 to cover the informal land transactions. All of this information was then attached to a signed *kapasadan* (covenant) communicating the neighborhood's collective decision, which was primarily built on the desire to allow all residents to their pre-May 2017 properties regardless of legal status. This technical work was done in preparation for an intended site validation to Daguduban originally coordinated with the BARMM MRP office and the office of MP Abdullah 'Commander Bravo' Makapaar, but residents were reportedly blocked by military personnel from entering the MAA. Discussions with the BTA regarding housing support fell through and has yet to materialize as of this writing. The abovementioned mismatch between government frameworks of post-crisis reconstruction and displaced residents' desire for greater agency and control over the reconstruction process is a contributing factor, as residents want to be able to rebuild their homes on their own terms, and not settle for the traditional state model of low-cost public housing. Expropriation of private land for public facilities is especially unpalatable. "*Ibalik na sana sa amin ang sa amin* (Just return to us what is ours)," one resident remarked. "*Ok lang kung iexpand ang kalsada, ipasok ang water district and utilities pero ayaw namin ang government building* (We don't mind if you expand the road (a little), and bring the water district and utilities, but we don't want government buildings [to be built on our homes])."²²

Residents nevertheless remain hopeful that they will be eventually able to return to their homes, although bearing the costs of ongoing legal cases and continuous meetings are difficult given

²² FGD with Daguduban residents, 2021.

their displaced status. Of the 50-odd core members of the group, a fair number are renting in Iligan City, others are scattered across various host municipalities in the first district of Lanao del Sur, while a few have been able to secure jobs allowing them to rent in Marawi City. Seven members are staying in transitory shelters.

Implications and recommendations. The Daguduban database provides rich insights regarding the nature of informal land markets in Marawi before the siege, which can be used by other residents and government's land governance bodies for perfecting land tenure arrangements. Notably, the Daguduban neighborhood mapping process identified only four (4) contested plots, all of which involve disagreements between relatives that can be resolved through mediation. During the FGD, Daguduban residents stressed that this definitively disproves the misconception that Marawi land arrangements are too complicated to be resolved, which can be used to justify heavy-handed government interventions. Instead, these four cases can be easily addressed internally, but only if addressed by locally-led mechanisms that acknowledge both legal and customary relationships between residents and their land.

Ultimately, this is the core of the findings of the Marawi research process. Locals recommend that addressing complex land issues for displaced populations is most efficiently done when data collection, processing, and problem-solving empowers communities and acknowledges both legal and customary 'proof' of tenurial relationships. This also presumes that dispute settlement and the process of perfecting informal land transactions should be done for full neighborhoods and not on a case-to-case basis. This can save time and resources, and provides a more global picture particularly when collective land narratives are discussed and settled in public, respecting the role of Marawi's traditional leaders and sultans in deploying *taritib* and *izma*. These collective agreements can then be locked in through formal government titling. All respondents stressed the role of *bityala* (dialogue) and constant communication to ensure transparency and support IDPs' sense of dignity, safety, and self-determination. *"Kailangan kausapin ang mga tao sa baba. Ito ang problema. Mahirap pag walang updates.* (They have to speak



MAP 11. Official title data, land cases, and pending claims, Brgy. Daguduban

to people on the ground. This is the problem. It’s hard when they don’t give any updates).”

The Daguduban case is unusual given that the core residents have enough social standing and technical capacity to gather their own data and advocate for their rights despite possible political,

social and economic repercussions. Nevertheless their efforts can only truly bear fruit if acknowledged and enabled by government mechanisms. Continued legal support is needed, ideally to formalise communal agreements through a formal titling program, particularly through the Marawi Land Titling Program mentioned in the Marawi Siege Victims Compensation Act. The mandate of TFBM's Marawi Land Dispute Resolution Mechanism remains unclear in the post-May 2022 transition period and in the absence of Implementing Rules and Regulations (IRR) for the MSVCA, although there have been discussions regarding the BARMM's Ministry of Human Settlements and Development (MHSD) possibly taking on some of these functions, in collaboration with allied agencies such as the Ministry of Public Order and Safety (MPOS).

Given the language in the Bangsamoro Organic Law regarding transitional justice, land dispossession, as well as acknowledging traditional and customary practices and the legal plurality of the BARMM, the lessons of the Daguduban model can be applied not only by other Marawi neighborhoods but also other displaced communities in the BARMM in advocating for their right to return.



4. Maguindanao

4. Maguindanao

Much of the literature on land dispossession in the Bangsamoro is drawn from the experience of Central Mindanao, particularly the province of Maguindanao.²³ Key features include: i) a heterogenous population comprising the so-called 'tri-peoples' of Moros, Christian settlers, and non-Moro indigenous peoples, each with a plurality of practices and legal-customary traditions particularly on land use and property rights; ii) more rural and peri-urban displacement, given that places such as Cotabato City tends to receive IDPs but has never been a direct arena of armed conflict with non-state armed groups; and iii) annual displacements driven by both the presence of armed actors and seasonal inundations from the Rio Grande de Mindanao as it flows into the Ligawasan Marsh and out towards Illana Bay. As a result, the frequency and magnitude of conflict and flooding-related displacements in this area historically outstrips that of any other province in the BARMM prior to the 2017 Marawi siege.

It is against this backdrop that our research focuses on three sites: Brgy. Kuya and Brgy. Itaw in the municipality of South Upi, and Sitio Kabengin in the foothills of Mt. Firis in Maguindanao.

A participatory and rigorous approach to documenting land governance and land justice issues in rural Maguindanao poses its own set of challenges. In contrast to high-density urban spaces such as Marawi, high-resolution satellite imagery is not as useful in establishing parcel-level features. In these far-flung areas, both government and privately-held records are sparse; residents are comparatively not as affluent and have more literacy and numeracy challenges compared to their urban counterparts. Even basic physical framework data are unreliable, with local governments incentivized to distort political boundaries in order to jack up Internal Revenue Allotment allocations. This is one reason why BARMM remains the only region in the Philippines without an

²³ LGSPA (2009)

approved regional cadaster. Fuzziness and uncertainty are further heightened in places considered as ancestral land (*pusaka inged*), where collective tribal ownership claims exist and slash-and-burn and rotation farming practices still hold sway. More importantly, the history of conflict, decades-long displacement, and the resulting contested narratives intertwine with tenurial uncertainty and general distrust, making it difficult to secure enduring solutions that satisfy all parties involved.

4.1 Addressing Moro and non-Moro ancestral domain claims

At the heart of the issue are tensions between two frameworks of ancestral domain—the Bangsamoro framework of a political homeland for the 13 Islamized groups of Southern Philippines and all those who might self-identify as Bangsamoro, whether by blood or self-ascription; vs. the concept of ancestral domain for non-Moro Indigenous Peoples (NMIPs), which is tied to existing Philippine laws governing Indigenous Peoples and Indigenous Cultural Communities. Both are protected by the 1987 Philippine Constitution, which has explicit mention of IP/ICC ancestral land as well as provisions for an autonomous region in Muslim Mindanao. From the BARMM perspective, the accepted political formula is that the Bangsamoro is one united ancestral *domain*, but with plural ancestral *lands* within the region. The challenge lies in places where both rights overlap.

The term *lumad*, short for *katawhang lumad*, has been used as an autonym since 1986 by the non-Moro indigenous peoples of Mindanao in order to differentiate themselves from their Moro brethren.²⁴ The term ‘*lumad*’ appears in Republic Act No. 6734, the law that created the ARMM. These issues are not a function of religion, but of political identity; it is generally understood that

²⁴ The original 15 groups that participated in the June 1986 Lumad Mindanaw Congress in Kidapawan, Cotabato and came up with the term ‘*katawhang lumad*’ are the Subanen, B’laan, Mandaya, Higaonon, Banwaon, Talaandig, Ubo, Manobo, T’boli, Teduray, Bagobo, Tagakaolo, Dibabawon, Manguangan, and Mansaka.

the Indigenous Peoples Rights Act of 1997 refers to non-Moro IPs although there are NMIPs who in fact have reverted to Islam. Nevertheless various frameworks highlighting the kinship between Moro and lumad groups exist, including the Central Mindanao narrative of siblings Mamalu and Tabunaway, referring to the ancestors of the Tëduray-Lambangian and the Maguindanaons, respectively. These concepts are acknowledged in the 2014 GPH-MILF peace agreement, which specifically names the non-Moro IPs in the Bangsamoro as the Tëduray, Lambangian, Dulangan Manobo, Higaonon, and Bla'an. The National Commission on Indigenous Peoples (NCIP) further lists the Erumanen ne Menuvu, Yakan, Badjao, Sama Bangingi, Jama Mapun, and Sama Dilaut as indigenous peoples within the BARMM, although the latter four are included in the 13 Islamized groups. In practice, sensitivities abound. This is partly due to an uncomfortable history of subjugation and slavery done against NMIPs by their own neighbors in the centuries prior to colonization, and partially due to other conflicts that have arisen over the last fifty years. While Bangsamoro peoples are technically indigenous to the Philippines, the common choice to not self-ascribe as 'indigenous persons' or members of 'indigenous cultural communities' is also driven by deep-seated biases that are difficult to transcend or ignore.

Ultimately, the lack of a regional law that is consistent with IPRA facilitating the delineation and titling of indigenous lands is the main stumbling block. Basilan is currently the only province in the Bangsamoro region with awarded Certificates of Ancestral Domain Titles (CADTs) since it only joined the ARMM during the 2001 plebiscite, and therefore was under the jurisdiction of the National Commission on Indigenous Peoples (NCIP) Region IX from 1997 to 2001. The now-defunct ARMM's counterpart agency, the Office of Southern Cultural Communities (OSCC), did not have the power to issue CADTs. Although a national law such as IPRA is assumed to have applicability in any region of the Philippines, pending CADT applications in Maguindanao and other areas were held in abeyance until the new BARMM could be created due to the aforementioned sensitivities. An Administrative Order No. 3 was released by MIPA in May 2021 providing guidelines on the delineation of ancestral

domains and lands, but the delay in the passage of a BARMM IP code and continued uncertainty has serious implications for communities, notably in Maguindanao.

4.2 Ancestral domain under siege: South Upi and Firis Complex

South Upi and Firis Complex are clusters of the traditional Tëduray-Lambangian ancestral domain claim (*memusaka inged*). As a political entity, South Upi was created in 1976 under Presidential Decree No. 1011 in response to a petition by the Tëduray Welfare Association and the Mindanao Highlanders Association for a separate municipality for non-Muslim minorities, especially those who had been driven up from their previous areas in the lowlands. Although the Tëduray and their relatives the Lambangian remain the majority group in the municipality, many of South Upi's 11 barangays are now mixed communities with Maguindanaons and Christian settlers. South Upi's Comprehensive Development Plan acknowledges borders with Upi to the north; Talayan, Shariff Aguak, Ampatuan, and Esperanza, Sultan Kudarat to the east; Lebak, Sultan Kudarat to the south, and Datu Blah Sinsuat to the west.²⁵ At present, there are overlapping boundary claims between LGU South Upi and the municipalities of Datu Unsay and Datu Hofer, which were both carved out from Shariff Aguak in 2003 and 2009, respectively.

Mt. Firis, which spans the second-district municipalities of Datu Unsay, Datu Saudi Ampatuan, Shariff Aguak, Talayan, and Guindulungan, is considered as a holy mountain by both the Tëduray-Lambangian and Dulangan Manobo, with oral records reaching back well prior to the turn of the century.²⁶ Contemporary reports describe this place as adjacent to contested areas between the AFP and the MILF and more recently the BIFF and other armed groups and paramilitaries. However, Tëduray and Lambangian

²⁵ Municipality of South Upi (2017) Comprehensive Development Plan, 2017-2022.

²⁶ See Bandara (2018) and IAG (2012)

oralists trace decades of almost-continuous displacement reaching back to skirmishes with the MNLF, the Blackshirts, and their forebears. What is consistent is the commitment to always return to the mountain.

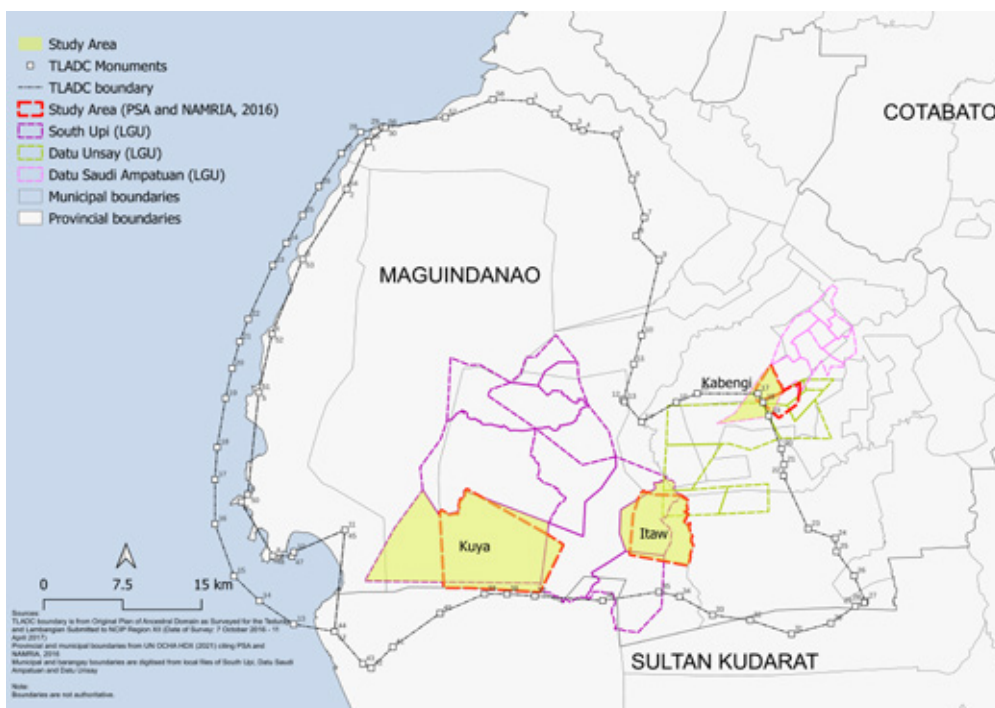
In the midst of instability, the trajectory particularly of the Tëduray-Lambangian and other non-Moro indigenous peoples has been to formally assert its ancestral domain claim using the instruments provided by RA No. 8371, the Indigenous Peoples Rights Act of 1997. In 2002, the Tëduray and Lambangian tribal government, through conversations convened by the baglalan (tribal title holders), decided to formally incorporate as Timuay Justice and Governance (TJG, or Késéfa-nangguwit Timuay). TJG was acknowledged as an indigenous political structure under ARMM Muslim Mindanao Act (MMA) No. 241 s. 2008 and NCIP Certificate of Confirmation CO-R12-2017-12-014 through a 22 Dec 2017 en banc resolution. Initial efforts towards a unified ancestral domain claim in Central Mindanao were pursued by the Tëduray-Lambangian and Erumanenne Manuvu leadership, but this was later split into two separate claims. Processing of the Tëduray-Lambangian Ancestral Domain Claim (TLADC) with NCIP was initiated during the Aquino era and the push towards the passage of the Bangsamoro Basic Law under the 1st Bangsamoro Transition Commission, but it was encouraged that delineation and titling be pursued under the auspices of a new Bangsamoro government to manage sensitivities, and in acknowledgment of regional autonomy as well as Moro-IP kinship.

The non-passage of the BBL and delays in the passage and ratification of Bangsamoro Organic Law was accompanied by escalation of tensions from 2017 onwards, leading the Tëduray-Lambangian tribal leadership to declare 'guboten' or a state of ancestral domain under siege in January 2019. Attacks on communities were notable in South Upi and in the foothills of Mt Firis adjacent to two of the six MILF camps acknowledged by the normalization agreement, Camp Omar and Camp Badr. These continued even during the pandemic lockdowns, as burned homes and lost crops intensified longstanding food security and precarity.

Following the principle that national laws will have regional applicability even within an autonomous region, the TLADC claim was pursued with NCIP, albeit plagued by technical issues such as the problematic transmittal of certificate of recognition in October 2020. With the creation of the Bangsamoro Transition Authority in 2019, another major issue is BTA Resolution No. 104/38 s. 2019, which ordered NCIP to cease and desist TLADC delineation pending the passage of the Bangsamoro IP Code. This triggered discussions at the level of the Intergovernmental Relations Body between NCIP and MIPA. Another development is the ongoing MIPA delineation of a second Firis Complex claim using AO 3 s. 2021 despite the lack of an IP Code. Based on verbal reports from MIPA, the Firis Complex claim filed by primary claimant Timuay Alex Ulama covers areas in the municipalities of Talayan, Guindulungan, Datu Saudi, Datu Unsay, and Datu Hofer adjacent to Mt. Firis, although delineation is not complete and has been delayed by the reappointment of new MPs under the Marcos Administration.²⁷

Even as all parties await the reactivation of the BTA Committee responsible for the IP Code, multiple streams of technical work needs to be done. Part of this is validating at the parcel level the TLADC boundary survey submitted to NCIP, by doing a technical accounting of existing vested tenurial rights and instruments within the boundary. This will protect existing title holders, while balancing historical acknowledgment of AD claims as well as the basis for assigning indigenous peoples municipal representatives (IPMR) within covered LGUs. At the same time, these will have to be reconciled with ongoing and pipeline development and investment plans, such as the provincial and municipal CLUPs and CDP-ELAs, private sector agricultural in tenants, and the camps transformation plans under the GPH-MILF normalization agreement. In the meantime, multistakeholder initiatives to address ongoing land conflicts and displacements are ongoing, including efforts from LGU South Upi and PLGU Maguindanao (Peace MERUIT). With the successful September 2022 plebiscite, both South Upi and the municipalities surrounding Mt. Firis are now part of the new

²⁷ Interview with MIPA personnel, 2022.



MAP 12. Maguindanao study areas and TLADC boundary

province of Maguindanao del Sur under RA No. 11550, although its implications on ongoing disputes and claims remains uncertain.

Political turbulence at the regional level aside, managing the household-level impacts of protracted displacement must be addressed, not only from a humanitarian perspective but with a longer-term view towards spatial justice and protecting indigenous property rights.

We discuss these prospects using historical, sitio, and parcel-level analysis in three sites: Barangay Kuya and Sitio Manguda in Brgy. Itaw in South Upi, and Sitio Bagong in the foothills of Mt. Firis (Map 11).

4.3 Barangay Kuya, South Upi

Barangay Kuya is the largest barangay in the municipality of South Upi, province of Maguindanao. Based on the Comprehensive Development Plan of the municipality, Brgy. Kuya has an official land area of 11,775 hectares or roughly 25.4% of the entire land area of South Upi. It is bisected by the Rifao River and bounded to the south by the Tran river. The sitios on the left hand side of the Rifao occupies very steep upland terrain, most of which have slope gradients between 18-30% and 30-50%. Mountain passageways – path to coastal communities of Datu Blah Sinsuat, roads to Lebak, Kalamansig, Palimbang, making it a very strategic area. As of 2016, 5,510 individuals or 976 families are reported to live in Kuya, although its size and topography makes it the second least-densely populated out of South Upi’s 11 barangays.

Brgy. Kuya came to widespread attention in 2017 when violence connected to land occupation and use triggered the displacement of hundreds of families, many of whom were Tëduray-Lambangian. Since then, annual or bi-annual recurrences have caused residents to evacuate for months at a time, either staying with nearby relatives or in makeshift evacuation centers in poblacion basketball courts. By 2020-2021, multiple government agencies, donors, and NGOs stepped in to provide humanitarian support and facilitate dialogues amongst affected Tëduray, settler, and Maguindanaon residents. These dialogues focused on six conflict-affected rural sitios: Walew Ideng, Furo Wayeg, Nuling/Nara, Dara/Uget, Langa-Langa, and Selaklak. All of these sites are upland farming communities adjacent to the left-hand side tributaries of the Rifao river.

Setting a historical baseline is challenging in Kuya given that Lambangian/Baleg, Tëduray and Manobo history is oral, and very few fixed dates are recorded. Multiple accounts cite the original name of Poblacion Kuya as ‘Merinow’, alternatively called ‘Malinao’ in Maguindanao, after the clear river water passing through the settlement. Others cite Basak as the old name of Kuya, although Basak, now part of Lebak, is named as part of Kuya’s old boundaries, including Embanger (Christianuevo) and Tran. Nevertheless the triangulation of accounts from official LGU,

Tëduray, and Maguindanaon sources establishes a mutually-agreed timeline of events, which begin in the 1930s and 1940s. In these accounts, Modwayag Lumao is named as the first Kefeduan or Tumanggong, or tribal leader, followed by Ansa Sadang, the first Tenyente del Baryo (village head, later changed to barangay captain). Samson Saguili, who served as the Tenyente del Baryo from the 1950s-1960s is recorded to have been the community leader to formally engage with Datu Macacana Matabalao of Tran on the entry of Maguindanaons to Kuya. In line with the Mamalu-Tabunaway kinship narrative, the Maguindanaons had a barter agreement with the Lambangian and Tëduray, trading bulad and fresh fish with the upland communities while Kuya's residents would visit Tran annually, sharing work during harvest season. Saguili granted Matabalao's request to allow fish traders to set up a temporary storehouse in Malinao. Eventually, several families were allowed to resettle in Kuya, since there was more space ("*kasi malapad ang lupa*") and the soil was fertile.

4.3.1 History of conflict in area

We found that the complexity of claims and inter-group relationships in Brgy. Kuya can be traced to at least five waves of history: i) recorded oral history dating back to the 1930s; ii) the height of the wars in the 1960s and '70s, especially the era of the infamous Feliciano Luces, alias Commander Toothpick; iii) decline in inter-group relationships in the 1980s and several attempts by the Maguindanaons from Tran and Lebak to return to Kuya until the early 1990s; iv) ongoing tensions in the poblacion sites covered by the GSS-445 survey; and most recently, v) the newer tensions related to Sitio Dara from 2017 to the present.

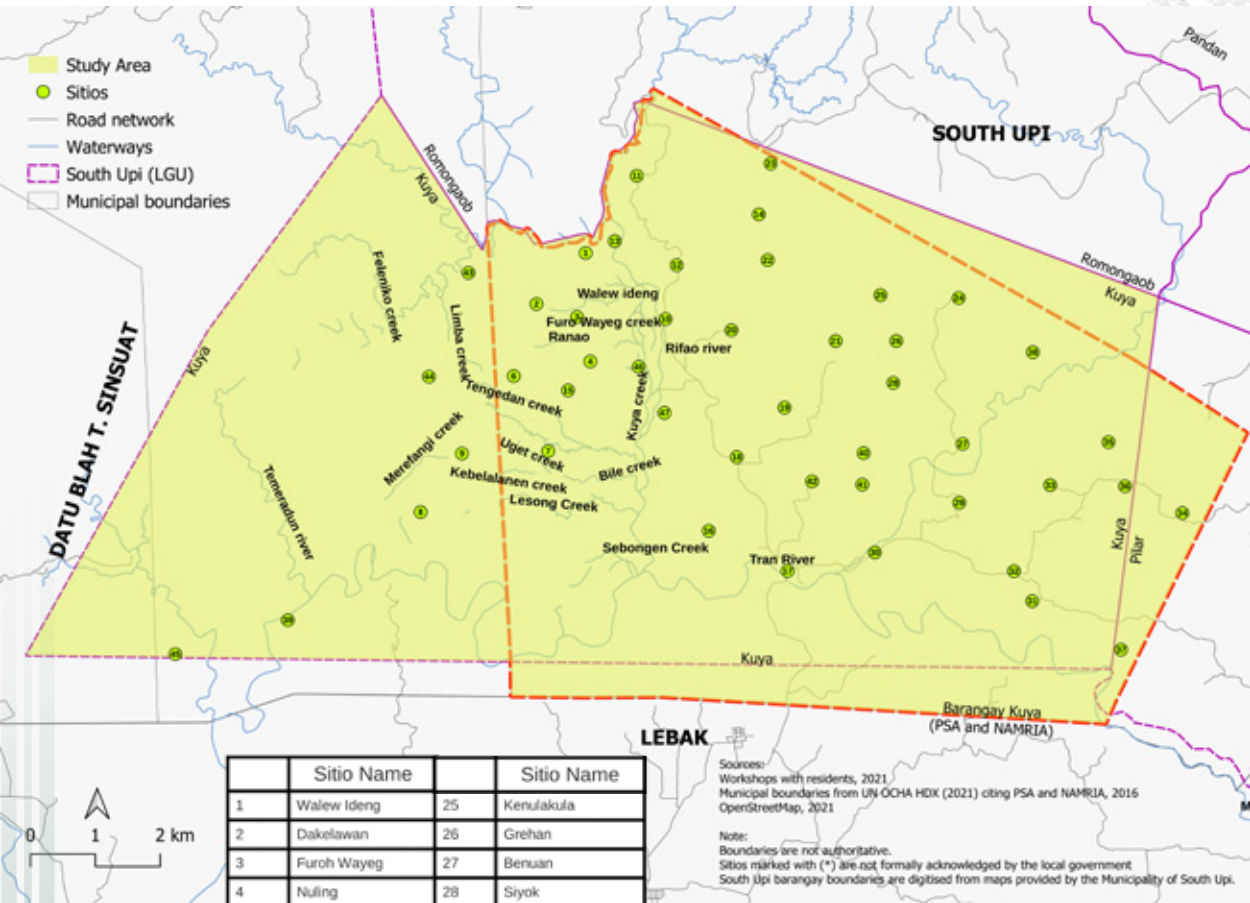
All stakeholders acknowledge that there were generally good relationships between Kuya's

Tëdurays and Maguindanaons from Tran and Lebak, hence the decision to allow Maguindanaons space in the poblacion to store and sell fish, and eventually access land for farming. However there remained sporadic outbreaks of violence, often tied to

the practice of 'jizya' or forced tithing. Notable events were the attacks on Brgy. Kuya by Kumander Utyak in 1958, and Kumander Guialoson (alternatively spelled Dialoson / Jaluson) in the 1960s. These events contributed to some grassroots support for Ilaga leader Feliciano 'Kumander Toothpick' Luces and his lieutenants such as Boy 'Kumander Labuyo' Duran, who were based in Sitio Kitol but whose atrocities led to mass displacement and evacuation of Maguindanaon civilians to Lebak and other places. Luces eventually surrendered in the 1970s. In the lulls between displacements, there were political discussions such as the passage of Presidential Decree (PD) No. 1011, dividing the previously unified Upi to allow for a separate municipality for Tëdurays. During the appointment of Santiago Moendeg as OIC Mayor, he called for previously displaced families to return to their homes and untended farmlands. Sporadic outbreaks of displacements curtailed this process, but it was at this stage that Maguindanaon families began surveying and titling their properties.

Cyclical tensions due to various violent incidents came to a head in the 1980s, leading to the Maguindanaons being driven out from Kuya. With these families gone, some parcels were sold informally to settlers from the Visayas, who came from Lebak and other areas. The first Church in Kuya was built during this period. Various dialogues around allowing Maguindanaons to return were again initiated in 1984 (during the time of Gov. Candao's Task Force Kalilintad) and in 1991 (during the time of Gen. Matabalao), but each were stymied by violence. The last attempt was in 1991, after which many Maguindanaons acknowledged that "*hindi na sila makakabalik, kasi wala nang mababalikan* (they cannot return, because there is nothing to return to)."

The signing of the CAB in 2014 opened up the possibility of return for Maguindanaons (many of whom held legitimate titles), and with it, an escalation of tensions after 2017. Lack of clarity around what the peace agreement means made many people assume that prior arrangements could now revert. Several Maguindanaon families began asking permission from the barangay chairman of Kuya to resettle in Sitio Dara, although they had previously lived in other



	Sitio Name		Sitio Name
1	Walew Ideng	25	Kenulakula
2	Dakelawan	26	Grehan
3	Furoh Wayeg	27	Benuan
4	Nuling	28	Siyok
6	Selaklak/ Buludan	29	Uboy
7	Langa-Langa	30	Ilak
8	Meglaway	31	Kitol
9	Sefe Madew	32	Tumlok*
10	Cocob	33	Kibunguy*
11	Teritit	34	Remegubrub
12	Simen	35	Kolo
13	Klengkol/ Kukob	36	Kerkah
14	Kitekaf	37	Bengkog
15	Dara (Uget, Lesong)	38	Kubanganfanan
16	Tegudbud/ Angkeb	39	Kroon Uwa
17	Guila-Guila	40	Bagras
18	Afus	41	Ranao Badak
19	Bituen	42	Semedi
20	Enros/ Anros	43	Uga
21	Bagbagan	44	Fengalungon
22	Menggan	45	Milaya
23	Blegen	46	Bulig*
24	Blesong	47	Malinaw*

MAP 13. Sitio map, Brgy. Kuya, South Upi

sitios prior to displacement. This coincided with the rat infestation and other agricultural shocks that made residents more amenable to sell or mortgage lands to returning Maguindanaons, particularly in sitios Selaklak and Dara. An MILF-BIAF community was installed in Dara at the same time, following instructions to hold the strategic boundary of Sultan Kudarat and Maguindanao. Tensions and misunderstandings led to a string of killings and strafing triggering multiple displacements, which were then reported to both the police, the AFP, and the joint GPH-MILF normalization mechanisms.²⁸

4.3.2 Setting the spatial framework

To orient the discussions, all sixty-two individual interviews (of which 35 were facilitated by TJG and 27 by UNYPAD) were georeferenced and refined through a series of FGDs and validation exercises with both the LGU and Tëduray and Maguindanaon residents.

The participatory mapping process undertaken by the research allowed local stakeholders to map out for the first time all 47 of Brgy. Kuya's sitios, of which only 43 are currently acknowledged by the LGU based on definition that 1 sitio = minimum 50 households..

Because the political boundaries used by municipal LGUs, PSA-NAMRIA, and DENR have not been reconciled, stakeholders named community-accepted natural boundaries and landmarks such as creeks, rivers, hills, mountains, and large trees. Most place-names are predominantly Tëduray, but some sitios have different names in Tëduray and Maguindanaon. An example is Sitio Dara, which is often called Uget after the nearby creek. It is a similar case with Selaklak/Buludan, Klengko/Kukob, Tegudtud/Angkeb, and Enros/Anros. Tumfok and Kibunguy are considered sitios by residents but currently fall under the 50-household cutoff set by the LGU. Bulig and Malinaw, on the other hand, are largely labeled as part of Poblacion Kuya.

²⁸ Individual interviews, validation FGDs in Lebak and Poblacion Kuya, 2022.

The process also revealed that only six of 47 are currently conflict-affected, with some spillover tensions in the upland sitios on the left-hand side of the Rifao river. Tensions in the poblacion areas covered by GSS-445 are another potential trigger of violence if they remain unaddressed. This highlights the spatial dynamics of the conflict, with different features at the sitio and sub-sitio level.

As such, decision-makers must disaggregate these different types of conflict, and tailor solutions based on the specific case and parties involved. For example, the dynamics between Tëduray residents and Maguindanaon families from Tran and Lebak with longstanding history with these lands are different from that with newer parties associated with the MILF-BIAF. Similarly, the GSS-445 poblacion overlaps, the majority of which involve contesting legal claims between Maguindanaons, although Tëdurays and settlers form the majority of occupants, should be treated differently. A major issue is the lack of titles amongst Tëduray residents, as many families and communities refuse to or are forbidden to execute individual titles within the ancestral domain. Other families have begun paying tax declarations on their farmlots particularly after the recent displacements, but this is the exception and not the rule.

Any long-term solutions should reverse the fundamental precarity and lack of tenurial security that forces farmers to borrow seed and fertilizer at usurious rates from traders and other outsiders, especially after drought, rat infestations, COVID-19 lockdowns and other illnesses forced them to mortgage their land. While ordinances against the sale and seizure of ancestral land exist, many of them are not implemented. Follow-through is also required on previous LGU discussions regarding debt relief for farmers whose lands have been taken over by traders.

4.3.3 Parcel-level issues

Ultimately, solutions must be found at the parcel level. A large part of the work is unpacking the various incomplete surveys conducted in Brgy. Kuya over the years. As Maguindanaons tended to be more literate than their neighbors, they were more able to have their

lands titled. At the same time, the concept of individual titling is not uniformly acknowledged even among all Tëduray-Lambangian elites, as the Torrens title system goes against tribal perspective of fusaka inged, or native title not based on legal instruments issued by the Philippine state or its colonial predecessors. Respondents identified at least five survey processes directly affecting Kuya’s residents since the 1960s:

- ▶ The first survey initiated by Mayor Datu Ugkog Sinsuat in 1962, covering Malinao in Pob. Kuya until the highway;
- ▶ The Presidential Assistant on National Minorities (PANAMIN) program for Philippine cultural minorities during the Marcos I era, which included Brgy. Bahar, South Upi and Brgy. Kuya-adjacent Rifao plots in its distribution of land;
- ▶ General Social Survey (GSS-445) conducted during the tenure of Mayor Labina. This covers most of the built-up areas in Kuya;
- ▶ A limited 10-lot survey conducted during Samama Calutiag’s tenure as Teniente del Barrio. This spans an area from the Tran River, partially covering parts of Lebak and Tran; and
- ▶ A 1993 unapproved homelot survey initiated by Catalino Ariston.

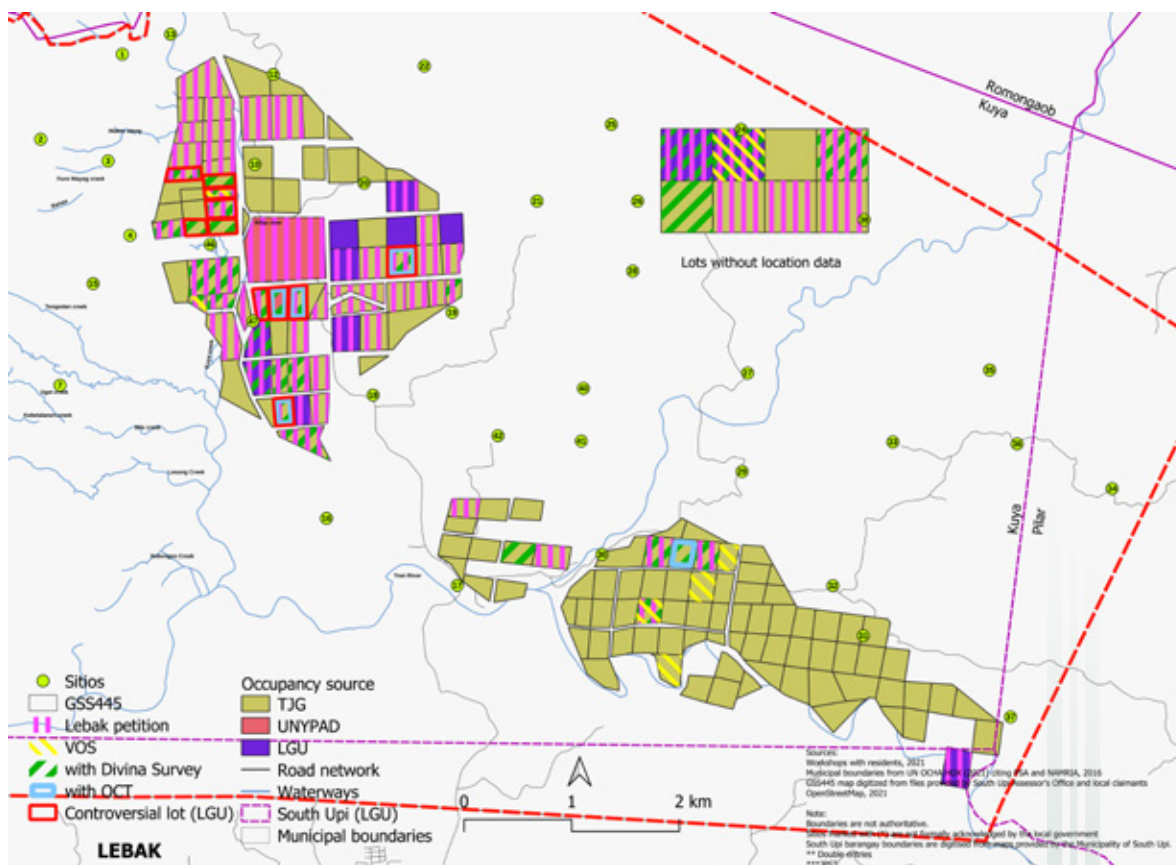
In order to make sense of multiple layers of information, we piloted a process of systematically comparing seven sources of data to plot out the estimated 202 house and farm lots covered by GSS-445 in the poblacion. This includes both LGU assessors data, individual title information and survey returns, as well as community-generated information on occupancy gathered by TJG and UNYPAD.

Map 14 below illustrates data from seven different sources, described in detail as Table 3. The request from both Tëduray and Maguindanaon residents is to use evidence for dialogue and problem-solving moving forward, as government attempts to find ‘win-win’ solutions for the poblacion while managing tensions in the upland sitios were suspended by the May 2022 elections. Moving forward, this kind of parcel-level documentation that combines both

legal documentation and actual occupancy and use will be required to facilitate dialogues and ultimately secure and formalize rights of residents in a transparent and inclusive manner.

TABLE 3. GSS-445 Datasets

	Name of dataset	Source	Description		
1	List of original occupants under GSS 455 as of 1985	LGU South Upi Copy. Copied from the original submitted to the Honorable Governor Sandiale A. Sambolawan, Al Haj, on September 4, 1985, at the Kabunsuan Cultural Center Hall	37 with lot information	168 claimants	
2	Summary of Relocated Lots and Lot Status (Brgy. Kuya, South Upi, Maguindanao)	LGU	31 lots (plus 5 sub-lots)	151 claimants	99 with documentation, 53 with no documents - occupants only
3	Controversial Lots of Barangay Kuya	South Upi Municipal Assessors Office	15 lots (including 4 sub-lots)	28 registered claimants	no data on actual occupants
4	Lebak petition dated 17 June 2020 sent to Mayor Insular for preferential rights	Lebak Group petition submitted to Mayor Insular	63 lots (2 sub-lots, 3 unnamed)	74 petitioners	5 petitioners claiming multiple lots; 9 lots with multiple claimants
5	Lots with survey plan data provided to research team for digitization	Provided by claimants to research team	6 lots	7 petitioners	
6	Community list of actual occupants	Gathered by TJG in March - April 2022	84 lots		
7	Community list of actual occupants	Gathered by TJG in March - April 2022	80 lots		
8	Community list of claimants	Inputs from UNYPAD session	27 individual surveys + group validation		



	Sitio Name		Sitio Name
1	Walew Ideng	24	Blesong
2	Dakelawan	25	Kenulakula
3	Furoh Wayeg	26	Grehan
4	Nuling	27	Benuan
7	Langa-Langa	28	Siyok
10	Cocob	29	Uboy
12	Simen	30	Ilak
13	Klengko/ Kukob	31	Kitol
15	Dara (Uget, Lesong)	32	Tumfok*
16	Teguditud/ Angkeb	33	Kibunguy*
17	Guila-Guila	34	Remegubrub
18	Afus	35	Kolo
19	Bituen	36	Kerkah
20	Enros/ Anros	37	Bengkog
21	Bagbagan	38	Kubanganfatan
22	Menggan	40	Bagras

MAP 14. Overlapping tenorial claims, GSS-445 Brgy. Kuya, South Upi

4.4 Sitio Manguda, Barangay Itaw, South Upi

Brgy. Itaw covers 2,751.1465 hectares, or 5.95% of the total land area of South Upi. As of 2016 it was home to 1,426 residents or 252 households. This makes Brgy. Itaw one of the most sparsely populated barangays in the municipality, second only to Kuya, largely due to its remoteness. The South Upi CLUP officially acknowledges Brgy. Itaw's borders as Pilar to the north-east, the municipalities of Ampatuan and Shariff Aguak to the east, and Brgy. San Jose to the South. However due to the many political overlaps in the former second district of Maguindanao, Brgy. Itaw also has overlaps with the municipalities of Datu Unsay and Datu Hoffer Ampatuan. The contested area in Sitio Manguda is the area around Fenangkhet Creek. It is now being claimed as a separate barangay of another municipality, although there are no direct road openings between Sitio Manguda and the municipalities claiming the space. Land issues are also prevalent in the eastern border with Ampatuan municipality, notably the area covered by the DM Consunji logging corporation.

Although there are multiple contested sites in the eight sitios of Barangay Itaw, we focus on Sitio Manguda, arguably one of the most hard-to-reach areas of South Upi. Many residents identify as Lambangian, which is reflected in the spelling and pronunciation of the place-names. Oral history states that Sitio Manguda was founded by the Tëduray-Lambangian clan leader Lukes Manguda for his eight wives and their children, setting up small shanty-homes (tenines) by the forest clearing. Currently, however, the more affluent traders and local officials in Itaw are settlers who moved to Itaw from Lebak during the Martial Law era.

4.4.1 History of conflict

As with most areas in South Upi, community members were deeply affected during the time of the Ilaga led by Kumander Toothpick, as well as other atrocities during Martial Law. The elders shared that during that time, they hid in the forest that was still part of their ancestral land because they were afraid. The 1970s also saw the arrival of settlers from Lebak in Manguda.

The selection of Sitio Manguda was driven by recent events, but residents shared major attacks from unnamed Moro armed groups in 2000 and 2012. These attackers burned houses, stole animals and other properties, and harmed key sitio leaders, although it was never clear as to why their sitios were harmed. One interview respondent shared:²⁹

Sa taong dalawang libo ay nakaranas kami ng pagbabakwit, Hindi rin namin alam ang dahilan ng pag- harass sa amin. kung aking isisipin wala man kaming alam na nagawang kasalanan sa kanila pra I harras kame, o sadyang ginugulo lang kami na walang totoong dahilan at lalong wala rin akong sapat na kaalaman kung sino ang grupo na iyon,sa katunayan hindi namin nakita sir o nakilala kung sino-sino po sila,.

(In 2000 we experienced displacement. We don't really know the reason why we were harassed. If I think about it, we don't know of any sin we committed against them for them to harrass us, or they just wanted to wreak havoc without any real reason. And I most definitely do not have enough information who that group was. In truth, we did not see their faces nor did we recognize who they are.)

The research identified at least three layers of contemporary land issues. The first layer is related to the major displacement that occurred in December 2020 when unidentified armed men attacked Sitio Manguda and torched homes and fields, forcing the community to evacuate. Residents have reason to believe that the attack was related to development aggression, as leaders had refused to give way to agribusiness investors. In 2020, an offer was given to Manguda family regarding a possible foreign-funded project for a mahogany, African palm oil, banana, and pineapple plantation requiring 2,300 hectares. The contract offered was reportedly for 25 years, and a verbal promised was made to the clan members to provide PHP 100,000 per hectare in rent, along with PHP 750 salary for farm workers. The family refused, although the offer was later changed to corn, and later, the proposed creation of a 'Mamalu Municipality' covering Sitio Manguda.

²⁹ Key informant interview with resident, December 2021

Soon after, some Moro residents began planting mahogany trees beyond existing agreed boundaries.

On 2 December 2020, armed attacks and the subsequent firefight between the BIFF and AFP forced the evacuation of more than 300 families or approx. 1600 individuals) from Sitio Manguda and neighboring Sitios Silay and Guite, and Purok 2 Lovers. They were temporarily settled in the COVID-19 isolation center in Sitio Poblacion, Itaw.³⁰

On New Years Eve, 31 December 2021, the BIFF then proceeded to burn thirteen (13) houses and the rice harvests of Tëduray and Lambangian families in Sitio Manguda, Barangay Itaw, South Upi, Maguindanao, with the attack lasting from around 10am until 2pm. On the next day, New Year's Day January 2021, 599 families (or approximately 2,790 individuals) evacuated from the area. Some 80 families (approximately 400 individuals) went to adjacent Municipality of Talayan, particularly in Barangay Fugotan, while the rest opted to stay in Barangay Pandan proper.³¹

On the afternoon of the 3rd of January 2021, rural health unit workers and the mayor of South Upi were ambushed along the border of Barangay Pandan and Pilar (in Sitio Fanang, Brgy. Pandan) after conducting relief operations for displaced families from Sitio Manguda. BIFF claimed responsibility for the ambush. One was killed and three people hurt; another 200 families displaced. According to reports, 517 families evacuated from Barangay Pandan, South Upi, Maguindanao: Sitio Fanang: 220; Sitio Bira: 36; Sitio Bolo: 50; Sitio Masagana: 221.

It was only by September 2021 that Sitio Manguda's IDPs were able to begin returning from the evacuation center. The impact of prolonged displacement is heightened in Sitio Manguda, as the residents had just returned from more than six months in evacuation centers at the time of the interviews. Residents were still living in makeshift tent-based homes throughout the community mapping

³⁰ 312 individuals based on an initial LGU report, revised to 320 from UNHCR.

³¹ South Upi MDRRMO cited by UNHCR.



MAP 15. Torched homes in Sitio Manguda

and validation sessions. Food security is a major issue, along with economic precarity and trauma.

The second layer is related to overlapping political boundaries between the Municipality of South Upi and other municipalities particularly Datu Hofer, Datu Unsay, and Ampatuan. The third involves intra-communal issues stemming from Tëduray farmers unable to pay debts to traders, leading to the mortgaging of their farmlands and the execution of predatory labor arrangements. Residents believe that the first two layers of conflict intertwine and compound, to some extent.

As of the research, there was a fourth emerging issue of military personnel beginning to farm in the area.

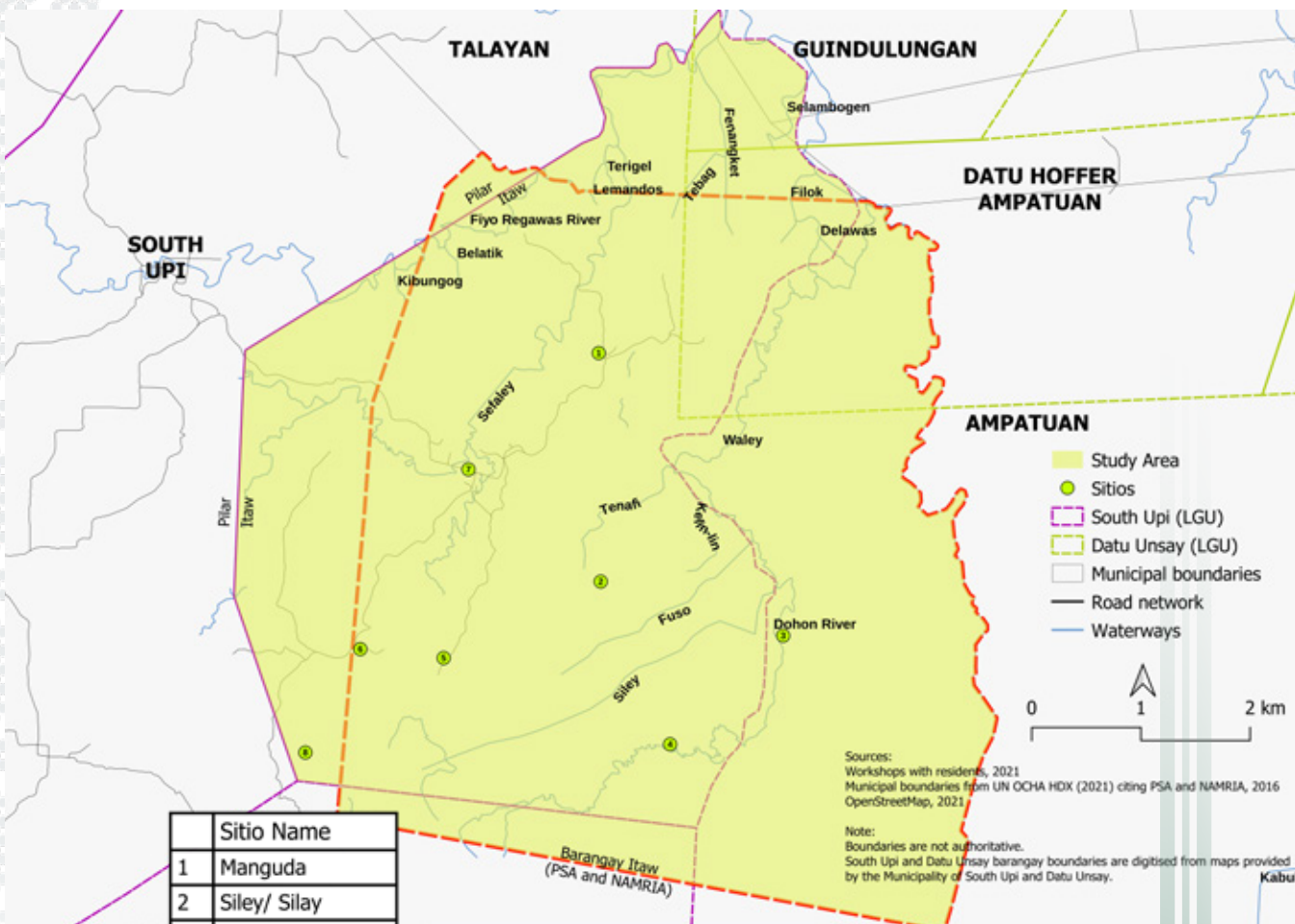
4.4.2 Setting the spatial framework

Map 16 illustrates the eight identified sitios of Brgy. Itaw, along with the different spellings used by the Cebuano-dominated LGU along with Lambangian residents. It is highly recommended that these borders and names should be codified. The map also shows the key differences between the boundaries used by different national government agencies against those claimed by South Upi, Datu Saudi Ampatuan, Ampatuan, and Datu Hofer Ampatuan. A definitive reconciliation of these boundaries should be considered a top priority of the BARMM government and the newly created provincial government of Maguindanao del Sur.

4.4.3 Parcel-level issues

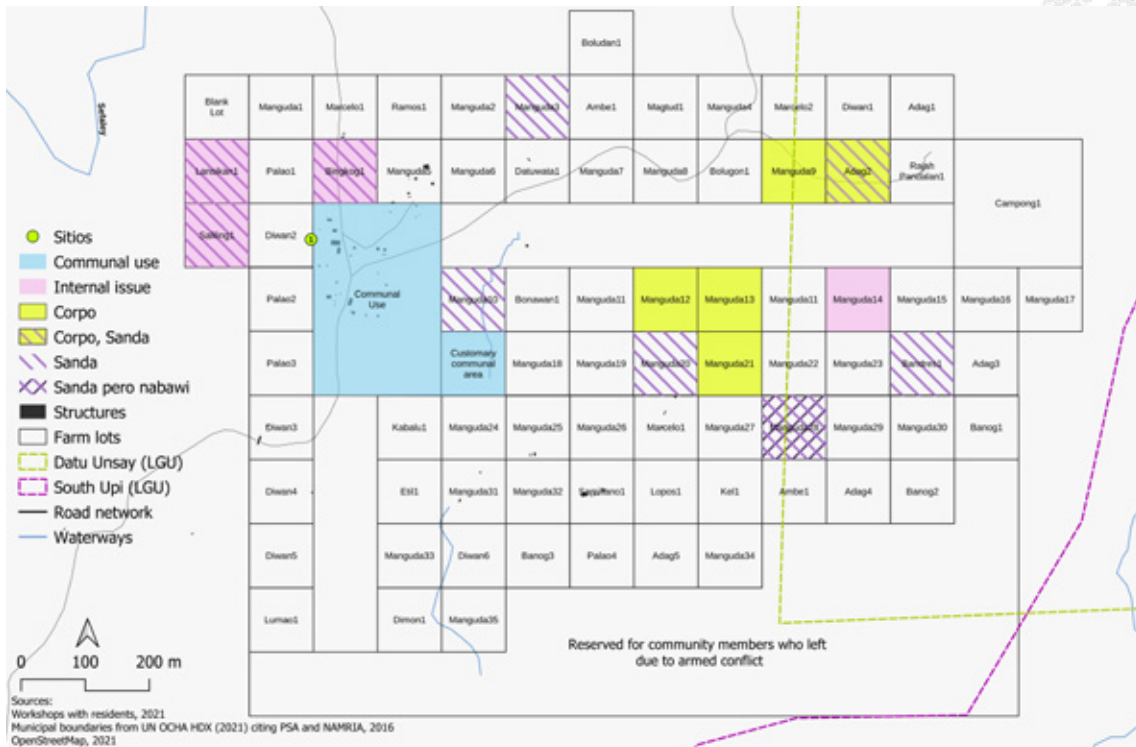
The process allowed Sitio Manguda residents to map out the locations of the 87 households and at least 78 farmlots, which include communal-use areas where the homes are located. In the absence of a formal surveyor, residents identified accepted boundaries such as ravines and trees, as well as the agreed ordering of lots, which range anywhere from 5 hectares to at least 2 hectares for each family. The georeferenced houselots as well as the tribal halls are located in the communal area. Designated communal lands are also identified for young people who would like to farm but had yet to secure a separate farmlot. Spaces were also reserved for members who were displaced by conflict and had yet to return.

Map 17 below shows a very indicative visualization of the spatial ordering of sitio Manguda, whose count begins from the ravine on the right-hand side of the sitio marking the beginning of the Campong family property. This ordering has been discussed extensively in the participatory mapping workshops and revised iteratively during group validation sessions with all family members and elders present. The map also visualizes some of the debt- and fraud-related encumbrances on specific lots that will need to be addressed with support from external authorities.



MAP 16. Sitios of Brgy. Itaw, South Upi

In order to address any threats moving forward, it is recommended that the community-accepted ordering be surveyed and formalized as soon as possible. The outstanding issue of mortgaged lands will require State intervention since residents do not have the money to pay the compounded debts. However economic recovery and staving off hunger is the top priority.



MAP 17. Encumbrances on farmlots, Brgy. Itaw, South Upi

4.5 Sitio Bagong

Sitio Bagong is a semi-permanent community currently hosting just under 200 Tëduray-Lambangian families displaced from the foothills of Mt. Firis. While their clans were forced to periodically move and scatter due to outbreaks of violence over the last sixty years, the sacredness of Firis in Tëduray cosmology ensures that they cannot leave the area. Thus, many families still maintain farmsteads around the holy batew (rock) even if their children remain in Bagong and surrounding 'host' sitios for safety. Many of the families in Bagong were previously located in the military-designated Hill 224 after succeeding waves of violence involving MILF breakaway groups such as the Bangsamoro Islamic Freedom Fighters and various private armed groups and purported 'lost commands' in 2000, 2005, and 2008. Even after moving to Bagong and other sitios in the Firis Complex, residents remain exposed to violence due to

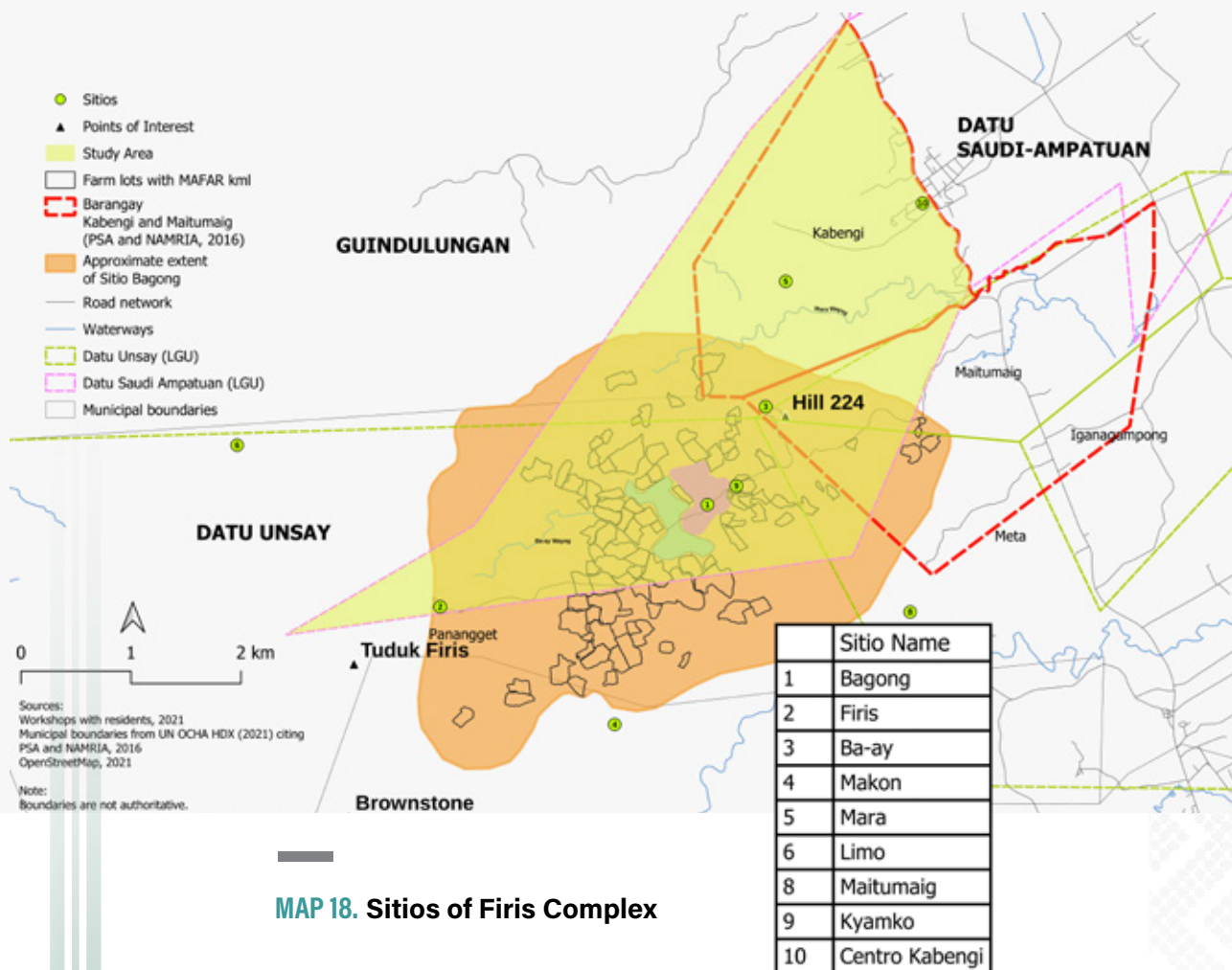
its proximity to the so-called SPMS box and the recent spike in development aggression after 2017. Families are unable to harvest their crops unarmed. As a result, many residents have joined the CAFGU, whose checkpoints surround the community perimeter.

4.5.1 History of conflict

There are at least four layers of land conflicts in Bagong. The first is related to the overlapping political boundaries of at least four municipalities previously belonging to the second district of Maguindanao, now Maguindanao del Sur. Most government and military maps locate Bagong on the border of Datu Unsay and Datu Saudi Ampatuan municipalities. The majority of the homes straddle Barangay Kabengi, Datu Saudi Ampatuan, hence the appointment of Sitio Bagong's community leader as the Datu Saudi Ampatuan Indigenous People's Municipal Representative (IPMR) The second layer involves development aggression, where various investors and clan-affiliated private armed groups have attempted to secure titles over the area's fertile agricultural land. The third is related to Sitio Bagong and Mt. Firis's proximity to the influence areas of Camp Omar, which is one of the six MILF-BIAF camps acknowledged for socioeconomic 'transformation' under the 2014 CAB. Community narratives and various research pieces establish how the area was 'borrowed for jihad' by the MILF from residents after 1996, but the lack of legal documentation as well as misunderstandings regarding the meaning of the 'acknowledgment' by the joint GPH-MILF ceasefire committee creates an uncertain environment particularly for displaced Tëduray residents. The fourth layer of land conflict is the unresolved issue of ancestral domain in the Bangsamoro, although even in the absence of a BARMM IP Code, the MIPA has begun delineating specific sitios and barangays in Firis under its AO No. 3, Sitio Bagong included.

4.5.2 Setting the spatial framework

In order to assist the residents in documenting their claims, the research team georeferenced 161 houselots in Sitio Bagong, although other families have since transferred to other nearby



MAP 18. Sitios of Firis Complex

sitios. Ninety-eight (98) farmlots, or almost half of the total farming families have already been georeferenced by MAFAR in the course of documenting the provision of farm inputs in Bagong. The remaining farmlots have yet to agree to delineation due to fears of their land being stolen from them yet again. While the homelots and communal rice area is located in Bagong, the farms are spread across multiple sitios claimed by multiple municipalities, particularly Sitios Firis, Ba-ay (or Hill 224), Makon, Mara, Maitumaig, and Kyamko. This process of documentation can be integrated into the regular tribal and government census, and can be repurposed by the major tenurial agencies to help these residents secure their homes and livelihoods, even as the desire to return to Firis remains.

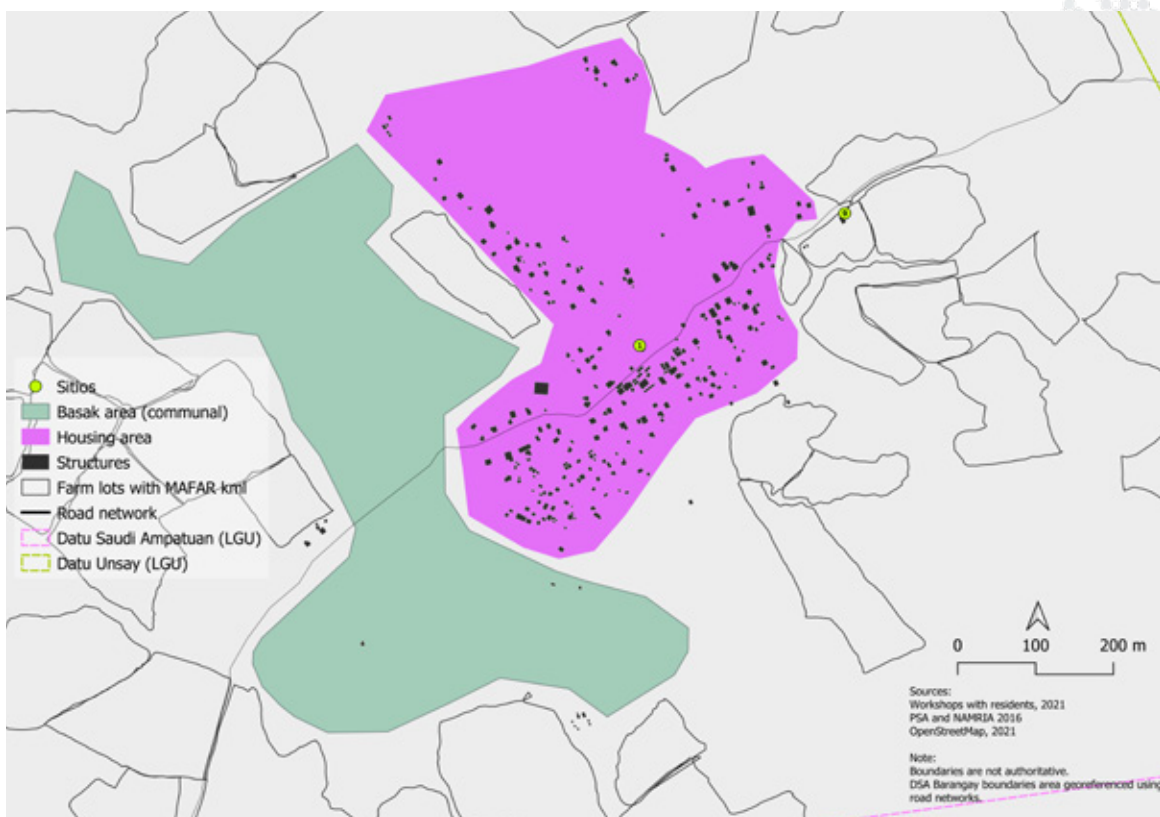
4.5.3 Parcel-level issues

Figure 2 below illustrates the general process of gathering community data on the spatial ordering of specific homelots in the center of Sitio Bagong. These sketches were validated and georeferenced, then linked to specific survey datasets or MENRE-captured farmlot data.

Given that the Sitio Bagong community has a generally strong internal governance structure with its own decision-making and documentation mechanisms, there are no real internal parcel-level issues, whether for theouselots, the communal rice production area (basakan), or individual family farmlots. The main problem has to do with the encroachment of other interests, mostly armed, and the lack of clarity regarding municipal boundaries and responsibilities.



FIGURE 2 Sketching household locations, Sitio Bagong.



MAP 19. Houselot and rice paddy locations, Sitio Bagong



5. General findings and recommendations

There is no lack of frameworks for action on the land-related challenges in Marawi and Maguindanao. The general provisions of the GPH-MILF peace process and the resulting Transitional Justice and Reconciliation Commission (TJRC) report includes specific recommendations on “addressing landlessness, land conflicts, and dispossession” by operationalizing powers on land administration and management vested in the new Bangsamoro government. Parallel efforts from the humanitarian sector, including proposed national and regional legislation protecting the rights of IDPs, echo similar principles. The challenge is following-through on existing recommendations; passing enabling laws; setting up mechanisms; and building the necessary data infrastructure to do two main things: i) balancing the Philippine legal system and the multiple customary and informal practices in the Bangsamoro; and ii) reconciling overlapping claims, in order to formalize agreements plot by plot, in a fair, transparent, accessible, and rigorous fashion.

The section below summarizes recommendations to be implemented by both national and regional actors, as well as recommendations specific to Marawi and Maguindanao response. Although there are site-specific nuances, the general recommended actions are: i) ensuring IDP-centered policy and decision-making; ii) developing a comprehensive land governance framework for BARMM; iii) empowering local mechanisms for land conflict settlement; iv) integrating socioeconomic interventions while v) guaranteeing simplified processes and legal support for displaced residents; vi) integrating land databases, covering both formal and customary information; and vii) providing open access to land information for IDPs.

5.1 Integrating multiple land governance frameworks

The tension between traditional/customary and legal perspectives regarding land ownership and use is duly acknowledged by the 2014 Comprehensive Agreement on the Bangsamoro and the Bangsamoro Organic Law, but requires national and regional government to create formal interface between the Philippine legal system and traditional practices around land use, transfer, and control. Similarly, the weaponization of law (in relation to land expropriation, reclaimed areas, DRRM-related no-build zones, and the privileging of awarded land titles over customary and traditional claims) will need to be reconciled with the Bangsamoro peace processes' commitment towards transitional and restorative justice.

Thus, there is a need to enact a new legal framework for land administration in the Bangsamoro, balancing both the existing legal tenure system and vernacular/customary perspectives on land occupancy, ownership, and use. The framework should integrate national, regional, and local workstreams on housing, land, and property rights with a strong intergovernmental lens. Existing initiatives to be brought together include:

- ▶ National and regional efforts on normalization, transitional justice and reconciliation, and alternative dispute resolution;
- ▶ Specialized tracks such as RA No. 11696, the Marawi Siege Victims Compensation Act of 2022, and EO No. 75 s. 2019;
- ▶ General land policy reform efforts under MENRE, MAFAR, MHSD, MIPA, MILG, and specific legislation such as the proposed BARMM IP Code and the BARMM agrarian reform code; and
- ▶ Local initiatives led by provincial and municipal governments and traditional mechanisms.

Ultimately, the integration of these policies must center decision-making on the needs of displaced families. This is consistent with the Bangsamoro government's theme of 'moral governance'; the

TJR framework of 'dealing with the past' and its four components of the right to justice, the right to know, the right to compensation or reparations, and the right to guarantees of non-recurrence; not to mention the UN Durable Solutions framework guaranteeing IDPs' right to dignified return, resettlement, or integration into host populations. This entails tracking IDPs beyond the immediate surge phase, closing the loop only once they have been able to return to their homes of origin or resettled in a suitable host community. This means that beyond humanitarian aid, the 'IDP lens' should be integrated into the long-term shelter and development plans of local government units across the BARMM, and the Philippines more broadly. At the same time, post-crisis assessments and programming should consider long-term impacts of protracted, multi-year displacements, and not just the first few months after a crisis event. Current efforts to integrate the 'durable solutions' criteria into BARMM operations exist, and provide concrete handles for designing programs in both Marawi and Maguindanao. These seven criteria are:

- i) Long-term safety, security, freedom of movement;
- ii) Adequate standard of living;
- iii) Access to livelihoods and employment;
- iv) Effective HLP restoration or compensation;
- v) Access to and replacement of documentation;
- vi) Voluntary reunification with family members separated during displacement;
- vii) Participation in public affairs; and
- viii) Access to remedies.

Similarly, a clear process and platform to resolve land claims is required. Even as the policy framework is being threshed out, decision-makers can already activate existing mechanisms with technical and quasi-judicial mandates related to land governance. The GPH-MILF TJRC and subsequent roadmaps recommend the creation of a National Transitional Justice and Reconciliation Body (NTJRCB) with a sub-commission on Land, a Bangsamoro Land

Commission, a special Bangsamoro Land Court, or a similar body with national powers. In the absence of such a mechanism, a BARMM-driven interagency body with strong links to their Central Government counterparts, although efforts must be made to clarify legal and operational responsibilities. As of 2023, an Inter-agency Working Group on Land Administration and Management in BARMM has been proposed.

While LGUs such as Maguindanao have their own initiatives (ex. Peace MERUIT), platforms such as the Marawi Siege-related Land Dispute Resolution Mechanism (LDRC) need more teeth and should link dialogue with formal titling processes. The Marawi Land Titling Program ‘intends to return real property to the owner in the form of new land titles,’ while EO No. 75 s. 2019 uses the mechanisms of the Department of Agrarian Reform to distribute public land to qualified IDPs. Not all areas can and should be formally titled due to ongoing contestations, but a clear protocol should be established in order to make residents’ claims ‘formal enough,’ essentially testing processes for a future Bangsamoro Land Commission.

Centering IDPs’ experiences also means making it easier for them to engage government processes. Concretely, this means that the BARMM and Central Government should streamline processes by easing fees and documentary requirements for IDPs to access land-related services. Publicly-funded legal and administrative support will also be essential as part of efforts to reduce red tape.

5.2 Data requirements and processes

A unified land framework for the Bangsamoro requires reliable land data capturing both formal and traditional claims, occupancy and use. However, multiple discrepancies across official data sources such as PSA-NAMRIA and LGUs for political boundaries and parcellary records held by the Registers of Deeds and the Assessors’ Office must first be reconciled. The current efforts by MAFAR and MENRE to conduct joint Inspection, Verification, and Approval of Survey (IVAS) is a good start, but must be extended to include MHSD, MIPA, and other agencies with land-related mandates.

The second step is to collect information through community-led processes that acknowledge both traditional and legal claims. Given the hybrid nature of land governance in the BARMM, being able to layer formal cadastral data with community-based map information will be important to address data poverty in conflict areas, but also to surface local knowledge and expertise. In the language of the GPH-MILF TJRC report, this means acknowledging customary land data as legally admissible. This will prevent overlaps and ensure that lands already occupied by families or issued with tenurial instruments will not be included when implementing housing and infrastructure projects or issuing new CALTs, CADTs, CADCs, or CLOAs, as relevant. At the same time, getting hybrid data in this fashion will allow government mechanisms to formalize full neighborhoods and not on a case-to-case basis, which will save time, money, and resources during legal processing.

All of these functions should be accessible to affected communities. Access to information and basic acknowledgment of harms can help IDPs feel more safe and secure even as government processes take time. Thus, actors should invest in making land governance data and relevant legal knowledge open-access and understandable to the public. Continuously communicate developments with affected stakeholders transparently, using vernacular languages and grassroots platforms ranging from public dialogues to radio programs, as practicable.

5.3 Marawi recommendations

All efforts in Marawi boil down to two things: i) assisting the dignified and speedy return of Marawi’s residents to their former homes; and ii) operationalizing the Marawi Siege Victims Compensation Law and other policies so that residents have the necessary resources to rebuild their homes and go back to safe and productive lives. To do so, government and other locally-led mechanisms must:

TABLE 4. Recommendations for Marawi

Themes	Marawi-specific recommendations
IDP-centered policy and decision-making	<p>Support Marawi IDPs’ calls for a safe and dignified return to their former homes, in a manner that is sensitive to local needs and will not cause further communal strife.</p> <p>Address non-infrastructure damages (human rights violations, looting, community trauma), including designing possible support packages outside of the MSVCL.</p>
Comprehensive land governance framework for BARMM	<p>Fully implement the provisions of RA No. 11696, the Marawi Siege Victims Compensation Act of 2022, and EO No. 75 s. 2019, while ensuring integration with other land-related mechanisms of the BARMM.</p> <p>Pending the passage of a comprehensive Bangsamoro land governance policy, state laws should be used to facilitate return of IDPs and not further dispossess displaced residents.</p> <p>Review BARMM policy regarding traditional practices around reclamation and housing adjacent to shorelines.</p>
Empowering local mechanisms	<p>Empower locally-led mechanisms that acknowledge both legal and customary relationships between residents and their land, and combines dispute resolution and dialogue functions with the rapid formalization of claims, whether through individual titles or other legal instruments.</p>

Themes	Marawi-specific recommendations
Integrated socioeconomic interventions	<p>Provide in-situ support for IDPs focusing on both housing and livelihood while ‘closing the loop’ on return and/or dignified resettlement.</p> <p>Strengthen support for displaced traders and vendors, including those who have shifted to e-business; upgrade markets and ensure IDP access to basic goods and services particularly those living in far-flung transitory shelters.</p>
Simplified processes and legal support for displaced residents	<p>Invest in legal support to perfect land tenurial arrangements, acknowledging informal/traditional land transactions while bringing in local resident-driven mediation expertise in the TFBM Land Dispute Resolution Committee and Marawi Compensation Board operations. Similar to the Daguduban model, neighborhood-scale rectification of tenurial instruments are recommended to ensure transparency and efficiency compared to doing piecemeal efforts. This should be coupled with legal aid clinics to provide IDPs with information on how to proceed.</p>
Integrated land databases, covering both formal and customary information.	<p>Validate Kathakor entries based on community data in preparation for the implementation of the Compensation Law; allow multiple properties in biometrics structure, including those in the padian.</p> <p>Review reconstruction plans for masjid, particularly those with historical and cultural significance. Invest in memory work.</p>
Open access to land information for IDPs	<p>Strengthen the two-way flow of information and feedback between displaced residents, public officials, and humanitarian and development actors working on the topic. Ensure outreach for both shelter-based and house-based IDPs alike.</p>

5.4 Maguindanao recommendations

Moving forward, addressing land issues in South Upi and Firis Complex will require grounded solution-building at the sitio level. Addressing patterns related to specific clusters ofouselots and farmlots can help cut through the politicized tension, and contribute to the operationalization of non-Moro ancestral domain legislation vis-à-vis other peace process commitments in the BARMM, aligning the CAB and BOL with relevant national laws such as IPRA.

TABLE 5. Recommendations for Maguindanao

Themes	Maguindanao-specific recommendations
IDP-centered policy and decision-making	Address land issues based on typology; invest in legal processes to address issues plot-by-plot, claim-by-claim acknowledging not only existing titles but also occupancy and use.
Comprehensive land governance framework for BARMM	Pass and implement a conflict-sensitive BARMM IP Code and associated enabling legislation, while ensuring integration with other land-related mechanisms of the BARMM.
Empowering local mechanisms	<p>Initiate evidence-driven dialogue processes involving relevant stakeholders. In Brgy. Kuya, this can start with intimate dialogues between Têduray and Maguindanaon elders whose families were involved when the original Maguindanaons from Tran and Lebak were given permission to settle in Upi, before expanding to other groups. Sitio Manguda and Sitio Bagong, on the other hand, will require slightly different setups given that these involve multiple overlapping municipal claims. Evidence and consensus built on evidence can then inform broader processes involving MIPA and the GPH-MILF.</p> <p>Lock-in agreements by formalizing agreements and helping residents get on government databases as much as practicable, while avoiding perpetuating any further marginalization and dispossession. Invest in surveying and titling particularly in upland sitios, whether tied to ancestral domain and indigenous political structures, or using CBFMA or agrarian reform instruments. Link household level georeferencing not only to the NCIP and MIPA tribal census, but also the official household census run by LGUs and PSA.</p>

Themes	Maguindanao-specific recommendations
Integrated socioeconomic interventions	Invest in agricultural support, access to markets, infrastructure for farmers for upland farmers to ensure that they will not go into debt and be forced to mortgage land due to shocks (rat infestation, illnesses). Invest in livelihood support beyond camp-based humanitarian aid to ensure that displaced communities are able to recover from shocks.
Simplified processes and legal support for displaced residents	<p>Implement existing laws, policies, and local ordinances related to non-sale of ancestral land and the protection of subsistence farmers from predatory debts and leasehold arrangements.</p> <p>Assist farmers whose lands have been seized by traders to cover compounded debts.</p> <p>Invest in legal education for citizens on housing, land, and property rights.</p> <p>Expand the discussions on community security as part of the GPH-MILF normalization process beyond decommissioning and camps transformation.</p>
Integrated land databases, covering both formal and customary information.	Work with the Central Government, DENR, MAFAR, MILG and the Office of the Chief Minister to finalize the BARMM cadastral survey and address ongoing contestation between and among LGUs.
Open access to land information for IDPs	Invest in communications on key topics, particularly i) tempering community expectations regarding post-CAB development; ii) addressing misinformation regarding land rights. Ensure that citizens understand the provisions in the CAB and BOL guaranteeing respect for vested property rights. Coordinate with specific ministries such as MIPA and the Office for Settler Communities, as relevant.

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Summary Report March 2023

Results from a research partnership between the Initiatives for International Dialogue (IID), United Youth for Peace and Development (UNYPAD), Timuay Justice and Governance (TJG), Tëduray-Lambangian Women's Organization (TLWOI), Kalimudan sa Ranao Foundation, Inc. (KFI), Mindanao State University (MSU) Marawi and the University of Cambridge with support from the Global Community Engagement and Resilience Fund (GCERF), the Kingdom of the Netherlands, and British Council-Department of Science and Technology (DOST) Newton Agham



The Initiatives for International Dialogue (IID) is a Philippines-based advocacy institution promoting peace, human security, democratization and people-to-people solidarity. IID conducts policy advocacy and campaign programs on Burma, Mindanao, Southern Thailand, West Papua, and East Timor.

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