



The island research team from BARM-MIPA during the presentation of the ethnographic data of Sama Bangingi & Sama Dilaut to Minister Guiamal Abdulrahman on October 2, 2025 in Cotabato City.

actively documenting their Indigenous Political Structure (IPS).

- **Groups not covered in the mainland (case studies) and island research (ethnographic research).** No missions were organized for the B'laan communities (mainland), nor for the Sama Pangutaran and Jama Mapun (island), resulting in significant gaps in understanding their unique tenure contexts.

The research report series acknowledge the need for immediate, targeted research to include these groups to ensure that the proposed policy interventions truly reflect the diversity of tenure challenges across the Bangsamoro. In addition, while multiple methods were deployed, including participant observation and ethnography with the Sama Bangingi and Sama Dilaut groups, the time allotted for field engagement was very limited. This constraint affected the depth of analysis in several areas:

- **Environment and Climate Change.** There is an acknowledged necessity for a deeper dive into the aspects of environment and the climate crisis, and their implication to conflict within Moro and NMIP communities. The current findings link tenure loss to vulnerability, but future research must quantitatively and qualitatively assess how climate change impacts the marine resources (for Sama IPs) and the

forest ecosystems (for NMIPs), and how customary governance structures can enhance climate adaptation. In addition, corporate encroachment into these resources is critical to be studied further, along with how they exacerbate the marginalization of communities and the structural violence in the region through environmental injustice.

- **Gender and Inclusion.** While findings of the study reveal this theme, there needs to be a deeper analysis of how gender dimensions and exclusion play out in the governance and security of tenure over land and sea discourse. Future studies must focus on the differential impacts of tenure insecurity and conflict on women, and how indigenous women's roles and knowledge contribute to environmental management and conflict resolution within both mainland and island contexts.
- **Community Agency.** For further studies, there must be a deliberate focus on the agency of Moro and NMIP communities. While the case study research shows the community peacebuilding practice in Brgy. Kuya, South Upi, future studies should thoroughly document the agency, self-determination efforts, and indigenous innovations developed by communities to assert their rights and reclaim domains.

GOVERNANCE AND SECURITY OF TENURE OVER LAND AND SEA
RESEARCH REPORT SERIES AND POLICY PROPOSAL

GOVERNANCE AND SECURITY OF TENURE OVER LAND AND SEA DOMAINS

RESEARCH REPORT SERIES AND POLICY PROPOSAL



This publication was produced with the financial support of the European Union (EU) and the German Federal Ministry for Economic Cooperation and Development (BMZ). Its contents are the sole responsibility of GIZ and do not necessarily reflect the views of the EU or the BMZ.

WWW.IIDNET.ORG
 @dialogue@iidnet.org
 +6382 2992052



Transitional Justice and Reconciliation in the Bangsamoro: Opening the Pages towards Governance and Security of Tenure Over Land and Sea Domains

The Initiatives for International Dialogue (IID), through the Peace and Resiliency in BARMM Project of the Transform Program (Transforming Historical Resource- and Identity-based Injustice & Conflicts in BARMM and Mindanao), carried out the development of the research report series and policy proposal with the goal to emphasize that governance and security of tenure over land and sea domains are not simply economic and resource-based concerns but critical issues that are fundamentally rooted in the structural prejudice that threatens transitional justice and reconciliation (TJR) in the Bangsamoro.

Findings from the research series complemented the Transitional Justice and Reconciliation Commission's (TJRC) 2016 and 2017 reports, particularly on the following critical areas:

1. Historical and Structural Origins

The reports point to the foundational clash between incompatible legal systems, which led directly to the violent and systematic dispossession of indigenous domains. For instance, colonizers introduced a Western-centric system of individualized land ownership based on formal titles and surveys. This directly contradicted the Moro and IP systems of communal land ownership and native title which are primarily based on ancestral claims and customary laws. Further, it was also found out how conflicts and displacements were utilized to secure titles and/or ownership over abandoned ancestral territories, apart from weak and complex land administration processes which resulted in the issuance of spurious titles and multiple deeds claiming the same piece of land.

2. Domains Beyond Land

It was revealed from the findings that there is a critical need for the security of tenure policies not just to be comprehensive, but also to acknowledge the maritime heritage, economic base, and crucial link of sea domain to island communities' identities. The Sama Bangingi of

Pilas Island in Basilan and the Sama Dilaut of Sitangkai in Tawi-Tawi are cases in point, highlighting their profound relationship with the sea which is deeply existential. It does not refer to livelihood alone but how their sea domain shaped the core of their cultural identity, beliefs, and historical contexts.

The nature of their sea-based existence makes the Sama acutely vulnerable to modern state policies, environmental degradation, and the over-exploitation of their marine resources. The continuous barriers they face within their ancestral waters constitute a form of injustice and dispossession which should be systematically addressed through clear and comprehensive policy directions covering their specific needs and contexts.

3. Gender and Inclusion Lens in Tenure Governance

Land stewardship traditionally favors men which exacerbates the discrimination of women. Zooming in on this dimension, women face a unique vulnerability to dispossession due to limited opportunities for ownership and control. Widows or women-headed households experience deprivation of their own lands because they lack the mandatory government-recognized files, such as civil documentation, to assume ownership of land held under their husband's name.

4. Environmental Justice as a Critical Dimension of Transitional Justice

Environmental justice is an indispensable component of TJR in the Bangsamoro. Corporate exploitation and resource extraction have been the primary drivers of displacement and conflict, causing the land dispossession and further marginalization of IP communities. The lack of environmental safeguards and regulations, as well as gaps in oversight against extractive industries, threaten both the Moro and NMIPs' security of tenure over their respective ancestral domains.

The nexus of environmental justice and transitional justice also revolves around the crucial recognition

that the climate crisis worsens human insecurity and paves the way towards new forms of conflict. This has implications to the deep relationship of Moro and NMIP communities with their environment, particularly their Indigenous Knowledge Systems and Practices (IKSPs).

5. Moro and NMIPs as Agents of TJR in the Bangsamoro

The research and consultation processes conducted revealed how Moro and NMIP communities are crucial and active co-creators of social and political reform in the Bangsamoro. They meaningfully take part in the process of truth-seeking by providing the essential and often-sidelined narratives of dispossession and abuse in the region through their lived experiences. They are proactive agents in shaping transitional justice by demanding the legal recognition and security of their ancestral domains while navigating complex legal pluralism and asserting their political power through advocacy actions.

The Mamalu-Tabunaway kinship pact is a model for co-existence and mutual respect despite differences in ethnicity and religious beliefs. This same practice has been undertaken by Moro and NMIP communities in Brgy. Kuya in South Upi, Maguindanao as they proved that decades of conflict can be resolved through locally-driven and community-led conflict resolution initiatives.

About the Research Report Series and Policy Proposal

The Governance and Security of Tenure Over Land and Sea Domains research report series and policy proposal is one of IID's efforts in amplifying TJR in BARMM. The team are constantly guided by the following fundamental actions and principles in the whole research and policy proposal development process:

- Relationship building with community members
- Listening sessions where communities are treated as experts of their own lived experiences
- Consultation sessions to validate the information gathered and seek insights and recommendations from communities and various stakeholders involved
- Do-No-Harm
- Conflict-sensitivity and peace promotion

This initiative aims to produce empirical and community-based knowledge about how historical and resource-based conflicts are lived, remembered, and dealt with in the region, particularly the following:

The research report series also expands on the prior research endeavors of IID, particularly the Land Rights, Displacement, and Transitional Justice in the Bangsamoro (Fernandez, 2023) and Transitional Justice and Reconciliation: In and Beyond the Bangsamoro (Oledan & Simons, 2021), which emphasized the intricate connections between land rights, displacement, and transitional justice in the Bangsamoro. Relative to the data gathering methods used, the case studies focusing on Mainland Moro and NMIP communities (Erumanen ne Menuvu, Meranaw, Teduray, and Lambangian) utilized interviews, focused group discussions (FGDs), and workshop-type consultation sessions. For the ethnographic report which focused on island IP communities in Basilan (Sama Bangingi) and Tawi-Tawi (Sama Dilaut), participant observation and interviews were used by the research team composed of representatives from the Ministry of Indigenous Peoples' Affairs (MIPA). Prior to conducting the actual data gathering process, a 3-day training was conducted in September 2025 to equip the research team with ethnography-focused data gathering methods.

Limitations and Recommendations for Future Research

The research provided critical foundational analysis but was constrained by both scope and depth, particularly due to time constraints and the vast and complex landscape of Moro and Non-Moro Indigenous Peoples' ancestral domains in BARMM. The study's primary limitation lies in its incomplete geographical and ethno-linguistic coverage. Some critical groups whose experiences are necessary for a comprehensive policy framework were not directly engaged:

- Underrepresented group in the mainland research (case studies).** There were limited direct interactions with the Higaanon of Wao, Lanao del Sur, as they were primarily represented in workshops while

TJR and the Governance and Security of Tenure Over Land and Sea Domains

Domains Beyond Land

There is a critical need for the security of tenure policies not just to be comprehensive, but also to acknowledge the maritime heritage, economic base, and crucial link of sea domain to island communities identities.

Environmental Justice as a Critical Dimension of Transitional Justice

Corporate exploitation and resource extraction have been the primary drivers of displacement and conflict, causing the land dispossession and further marginalization of IP communities.

Historical and Structural Origins

Foundational clash between incompatible legal systems, which led directly to the violent and systematic dispossession of Indigenous domains.

Gender and Inclusion Lens in Tenure Governance

Land stewardship traditionally favors men which exacerbates the discrimination of women. Zooming in on this dimension, women face a unique vulnerability to dispossession due to limited opportunities for ownership and control.

Moro and NMIPs as Agents of TJR in the Bangsamoro

Moro and NMIP communities are crucial and active co-creators of social and political reform in the Bangsamoro. They meaningfully take part in the process of truth-seeking by providing the essential and often-sidelined narratives of dispossession and abuse in the region through their lived experiences.

