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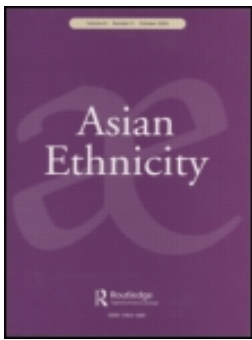
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Indigenous vs. native: negotiating the place of Lumads in the Bangsamoro homeland

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Two categories of ethnic minority – Moro and Lumad – are indigenous to the Philippine island of Mindanao, with Muslim Moros outnumbering largely animist Lumads. Both have been profoundly displaced by the post-World War II influx of Christian Filipino settlers from other islands, leading to armed conflict with the national government over land and political control. Due to their political and demographic inferiority to Moros, Lumads have regularly resorted to the accommodation and assimilation of Moro priorities, including throwing their support behind the latter's decades-long struggle for territorial autonomy. Thanks to wide public support among the Lumad and other Mindanao sectors, the latest peace talks between the government and Moro leaders has led to the signing of a major peace deal involving the creation of a new autonomous Bangsamoro homeland. Despite this, the legitimate needs of Lumad stakeholders have been ignored, and in some cases deliberately undermined, by Moros and the national government. This article analyses the post-conflict status of the Lumad who, as second-order minorities in the future Bangsamoro homeland, have been doubly marginalized in daily life and in the peace process. It concludes that denying Lumad concerns now will render Bangsamoro more vulnerable to legal and constitutional challenges, as well as jeopardize the unique 'tri-people' ethos that has made this the most firmly grounded peace process to date.

Keywords: Lumad; Moro; Bangsamoro; Mindanao; ancestral land; territorial autonomy; second-order minorities; indigenous peoples

As the body count rose in February 2013 with the sudden confrontation in northern Borneo between the Philippines and Malaysia, prominent Moro¹ political figures made headlines with loud assertions of territorial ownership over Sabah. The head claimant and instigator of the Sabah crisis was Jamalul Kiram III, the leader of the long-defunct Muslim sultanate of Sulu. He and his followers cited historical evidence and precedent that, in their minds, trumped the inconvenient reality that Sabah had been outside the authority of any Sulu sultan for well over a century.² The Malaysian government intervened quickly in the name of protecting national sovereignty, and dozens of Muslim Filipinos and Malaysians died and hundreds more were displaced as order was restored over several tense weeks. Meanwhile, even mainstream Malaysians and Christian Filipinos were caught up in hateful jingoism in online forums. Ignored in the shouting match over Sabah were the voices of the indigenous non-Muslim peoples of Sabah – namely Kadazandusun and Murut – who, despite their diminishing demographic profile and muted political voice, remain a critically important *bumiputera* (indigenous) minority in Sabah, and whose claims to territory actually pre-date those of the Kirams.³

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The Sabah incident was precipitated by the signing of the historic Framework Agreement on Bangsamoro (FAB) between the Philippine government and the Philippines' indigenous Muslim minorities or Moros, represented by the Moro Islamic Liberation Front (MILF), on 15 October 2012. The FAB, a breakthrough that otherwise might not have happened without Malaysian mediation,⁴ establishes an autonomous region in Mindanao for Moros called the Bangsamoro Juridical Entity (BJE). Moros are now a demographic minority on the island of Mindanao, thanks to the massive influx of Christianized Filipino settlers⁵ in the twentieth century that has proven catastrophic for all natives of Mindanao. The BJE serves to remedy this state of affairs by granting Moros an unprecedented degree of territorial autonomy and state-like powers. While Kiram and his followers point to the omission of their claim to Sabah as proof that they have been unjustly 'left out' of the Bangsamoro process,⁶ all Moro peoples will benefit directly from the FAB – even parties like the Kirams who claim that they are being excluded.

However, this farce over the 'right' to Sabah exposes a major flaw in the plan for territorial autonomy by and for the Moros. This struggle has always been framed in terms of two exclusive, competing identitarian claims, i.e. 'local' Muslim Moro interests versus 'national' majority (read: Christian Filipino) interests, despite the fact that another set of indigenous minorities – the Lumads – has equally valid claims to aboriginality, and therefore territorial rights, in the proposed BJE. However, just as indigenous non-Muslims are invisible in state-level narratives over Sabah in Malaysia, Mindanao's other indigenous demographic, the non-Muslim Lumad peoples, also have been rendered largely invisible in international political negotiations over their homeland.

Moro and government negotiators have always paid lip service to Lumads as beneficiaries in the final outcome of the peace process, even going so far as to appoint Lumad representatives to the Bangsamoro Transition Commission (hereafter TransCom), but their legitimacy as major stakeholders is regularly belittled. For Lumads in Bangsamoro territory, their rights as indigenous peoples are doubly compromised by their status as 'second-order' minorities: they are marginalized not only with respect to the Philippine national government and the staggering number of settlers who have taken over Mindanao, but also with respect to their Moro neighbors who dominate them at every level. This double marginalization reflects their insignificance to the political process surrounding Bangsamoro, despite the fact that Lumad leaders' vocal support for its success has been vital to achieving the current peace.

Lumad support is in fact a critical factor in the so-called 'tri-people' approach – an ethos cultivated by Mindanao-based NGOs and minority advocates in which Moros, Lumads and settlers are required to take the difficult step of acknowledging each other as legitimate stakeholders and recognize a shared fate in Mindanao – is in fact deeply embedded in the peace process. Peace advocates might even argue that it is what makes the idea of Bangsamoro realistic in the first place. As elucidated by legal journalist and peace advocate Soliman Santos Jr, this ethos 'emphasizes the existence of the three peoples which have to share Mindanao, the ideal of their equality and unity, and Mindanao itself as the basis of a new or additional identity.'⁷ While accepting the settlers as partners clearly involves a major moral concession on the part of indigenous minorities, pragmatism also calls for accepting the reality that settlers have become irreversibly entrenched in Mindanao. At the same time, the political and economic concessions on the part of the national government and the Christian Filipino majority it represents, in the name of addressing historical injustice, are also quite remarkable. But in the long view, this is seen by Mindanao peace advocates as a win-win, as the approach has already begun to pay dividends in, among other things, counteracting the prevailing Filipino

chauvinism toward Moros as obstacles to progress, and has proven critical in keeping the peace between the MILF and the sectors of the Philippine military.⁸

However, while the Moro-national government dialog has matured considerably, minority tokenism remains a serious problem for the Lumad, even within the tri-people context. The explicit recognition of Lumad rights has not been written into the proposals for the Bangsamoro Basic Law (BBL) now being prepared for consideration by Congress, and both sides still do not regard Lumad demands seriously enough to address in writing. Because Lumads are politically weak, the Moros and government negotiators have treated Lumad prerogatives as immaterial to the peace process, but neither side seems to realize that ignoring the Lumad voice is a critical flaw that, if not addressed carefully, will cause serious new problems as Bangsamoro becomes a reality in the coming years. Jeopardizing the unique 'tri-people' ethos that has made this the most firmly grounded peace process to date will render the Bangsamoro entity extremely vulnerable not only to legal and constitutional challenges but also to political challenges from dissatisfied parties.

Indigenous Lumads and native Moros

Lumads and Moros represent two distinct types of indigenous minorities within the Philippine political context. Territorially, Moros are concentrated and, in the face of settler and government intrusion, have experienced communal violence most intensively, with the violence culminating in multiple armed secessionist movement. Lumads, on the other hand, are dispersed and routinely experience displacement and tremendous pressure to assimilate, especially those communities nested within Moro territories.⁹

While Moros are also indigenous to Mindanao, in the Philippines, 'indigenous peoples' is a political designation, reserved primarily for small-scale 'tribal' minority groups in the uplands.¹⁰ For this reason, as well as the history of large-scale political organization (as sultanates) among the major Moro groups, as well as a principled decision by Moro leaders to reject the 'IP' designation and put themselves on par politically with the national government, only the 18 or so scattered Lumad groups are referred to as 'IPs' in Mindanao.¹¹ 'Lumad' is a residual category: as befits their secondary status, they are defined primarily as those IPs in Mindanao who did not convert to Islam and become Moros. Even their oppression has been residual in nature – rather than being targeted explicitly in colonial and post-colonial state policies like the Moros, the Lumad have suffered primarily through bureaucratic neglect, political domination by Moros, state favoritism toward settlers and legal exclusions pertaining specifically to land.

There may be as many as nine million Lumads in the whole of Mindanao today. Whereas in previous centuries, the Lumad were, collectively, the second largest population category in Mindanao, second only to the Moros, this has changed radically since Philippine independence in 1946. Thanks in large part to the support and encouragement provided by the government, Christian Filipino migrants from overcrowded, impoverished agrarian regions in the north flooded into the 'unused' lands of Mindanao. Today, the Lumad and Moro peoples combined together comprise only about 30% of Mindanao's population, with Lumads the definite minority under 10% of the population. The remaining 70% consists of mainstream Filipinos, an overwhelming majority of whom have resettled there from other regions since independence.¹²

However, in Moro-dominated western Mindanao, the Lumad population was only 122,914 or merely 4% of the population in 2013. They are grossly outnumbered by Moros who, at 2.5 million, constitute 90% of the population.¹³ Despite their small numbers and dispersion, Lumads are a significant presence in the Moro provinces. There are 14

separate Lumad communities of significant size in Lanao del Sur and Maguindanao.¹⁴ In one part of Maguindanao, 26 out of 34 *barangays* are dominated by Teduray Lumad.¹⁵ Also located within Moro-controlled areas are sacred sites commemorated in Lumad oral traditions, such as Batew in the Mt Firis Complex, sacred to the Teduray and Lambangian as the place where an ancestor ascended to heaven without dying. While retaining their own ethnic identities, Lumads in Moro-dominated areas have routinely intermarried with Moros, converted to Islam, and otherwise have accommodated the dominant Moro culture – just as they intermarry, convert, or otherwise accommodate mainstream Filipino culture from settlers elsewhere in Mindanao. There are, for example, many Teduray who are Muslim, as well as Arumanen Manobo who are Maguindanaon-speaking Muslims, and have fought alongside Muslim insurgents.¹⁶

‘Moro’ is also quite a diverse category, with great variation culturally and linguistically, as well as in religiosity and adherence to Islamic doctrine and practice. The Magindanaw, Maranaw, Tausug, Yakan, Samal and other culture groups retain distinct traditions and identities, and ethnic rivalries remain, but their common denominators – a long historical identification with Islam and a shared history of targeted colonial and post-colonial state persecution – have created a *de facto* bond as ‘Moros.’ This is evidenced most recently by the choice of the transcultural word *Bangsamoro* (Moro nation) for the autonomous homeland of all Moro peoples in the Philippines.¹⁷ Spanish anti-Muslim prejudices meant that, throughout the Spanish colonial period (1565–1898), Moros were treated very differently than the animist Lumads, despite the fact that both were native to Mindanao and often allied with each other. American colonizers (1898–1946) initially administered the Muslim Moro groups separately and granted them a limited degree of autonomy. Meanwhile, the Lumads and other small-scale groups were designated residually as ‘Wild Tribes,’ and later as the ‘non-Christian tribes.’ The Americans distinguished both Moros and Lumads from the mainstream groups to the north whose heavily Catholic and Hispanized cultural practices have come to signify what most people think of as ‘Filipino.’

Since Philippine independence in 1946, the national government has carried over the administrative separation of Moros and IP’s from the mainstream Filipino groups, as well as from each other, with different generations of separate bureaucratic offices reporting directly to the President. More recently, under President Corazon Aquino, the Office of Southern Cultural Communities (OSCC) administered Lumads, whereas the Office of Muslim Affairs and Cultural Communities administered Moro affairs. The National Commission on Muslim Filipinos has replaced Office of Muslim Affairs and Cultural Communities since 2008, and the National Commission on Indigenous Peoples (NCIP), established as part of the 1997 Indigenous Peoples Rights Act (IPRA), has replaced OSCC in Mindanao and elsewhere.¹⁸ Though a relic of colonial administration, this racialized separation has been reinforced under every proposal for Moro autonomy. The Autonomous Region in Muslim Mindanao (ARMM) was created in 1989 through Republic Act No. 6734, signed into law by then President Corazon Aquino. ARMM was expanded in 2001 with Republic Act 9054,¹⁹ which officially differentiates the two peoples as such:

- (a) Tribal peoples. These are citizens whose social, cultural and economic conditions distinguish them from other sectors of the national community; and
- (b) Bangsa Moro people. These are citizens who are believers in Islam and who have retained some or all of their own social, economic, cultural and political institutions.

This separation is not merely administrative in nature. The international outreach of Moro communities has always focused on other Muslim states and organizations, linking up consciously to them as members of the global *umma* or community of Muslims. Meanwhile, IP groups have always been linked up to advocacy groups affiliated with the Protestant and Roman Catholic churches, as well as global IP advocacy organizations and networks based in the North. In other words, there is a well-established precedent of fundamental separation between Moros and ‘tribal’ Lumads which, the ‘tri-people’ approach notwithstanding, has become a real barrier to the recognition of Lumads who have a legitimate place within the future Bangsamoro.

Despite this, we do know that Lumads and Moros have deeply intertwined histories and cultural legacies. One view of their historical relationship is related in shared oral traditions about two brothers, Mamalu and Tabunaway, the putative ancestors of the Lumads and Moros, respectively. Whereas Tabunaway converted to Islam in the fifteenth century, Mamalu chose to retain the ancestral religion and moved away into the interior uplands.²⁰ This narrative of political and religious divergence is often used to explain why Lumads and Moros are different today, despite their common genealogical, cultural and geographical origins. Despite this split, it is said that the brothers made a pact to live in peace and to help each other in times of need. Recently, an array of Lumad groups and their advocate NGO’s has revived this legendary pact in a novel effort (more below) to negotiate what they consider to be their rightful place alongside Moros in the future Bangsamoro.

Lumads under current Moro autonomy

Land is usually at the root of any serious armed conflict within Mindanao. The Moro struggle against the Philippine government is no exception, neither are the numerous complaints of Moros and Lumads against settlers or corporate interests on Mindanao. It is important to appreciate that all government concessions either to the Moros or the Lumads over the past decades have involved the ceding to the demand for exclusionary land rights in some form, whether increasing degrees of territorial autonomy for Moros or special land titling rights for Lumads. The exclusive right to occupy and utilize specific portions of Mindanao’s geography is at the heart of the dispute between all three parties. Regardless of how this dispute may manifest itself politically or culturally, it has never been about settling cultural, religious or historical conflicts, or even about political or economic differences. It is therefore only through the mechanism of land rights – specifically ancestral domain rights for Lumads within Bangsamoro territorial autonomy – that this new territorial arrangement can be made sustainable. It is therefore ironic that Lumad land rights is the only topic that negotiators seem unwilling to actually deal with.

The roots of Moro insurgency are complex, but it is generally recognized that, within the context of growing tension over land encroachment by settlers, a traumatic trifecta – the Jabitah Massacre of 1968,²¹ followed closely by sectarian violence between Christian settlers and indigenous Muslims in the early 1970s, and the declaration of Martial Law in 1972 – catalyzed Moros into armed separatism, led initially by the Moro National Liberation Front (MNLF).²² The establishment of the ARMM was the culmination of earlier efforts to cease hostilities with the MNLF, and prevent loss of national territory by granting official autonomy to areas that had only precarious government control in the first place. But keeping the peace has proven far more complex than warfare. After the MNLF signed a peace agreement with then President Marcos in Tripoli, Libya in December 1976 – providing the political and legal foundation for the ARMM – a

breakaway faction, the MILF, was born. The failures of the ARMM resulted in the political rise of the MILF as state-like actors, resulting in long-term government negotiations over what would ultimately become the FAB and annex agreements.²³ If the BBL becomes law according to plan by around 2016, the ARMM will be replaced gradually by the Moro nation, Bangsamoro. Through all this, Lumads have been treated as bystanders, expendable in both conflict and peacemaking between the Moros, settlers and the government.²⁴

ARMM was intended to allow nominal self-rule for Muslim Filipinos as well as to improve the material conditions and general well-being of all Moros. However, due to a host of problems, including the MILF war and the ARMM's bureaucratic incompetence, these goals have yet to be achieved. Mindanao is home to two regions with the highest incidence of poverty among families in the Philippines – one of them being the ARMM itself, where the poverty rate rose from 25% in 2003 to 38.1% in 2009, during a period when poverty in the rest of the country stabilized at 20–21%.²⁵ The current status of Lumads within the ARMM is even worse than that of Moros. The Philippine government does not identify ethnicity in census or other official data, but we do know anecdotally that the general incidence of poverty among IPs, as politically marginalized minorities, tends to be significantly higher than that of the neighboring rural populations. As second-order minorities in the ARMM, Lumads are categorically the most vulnerable to extreme poverty and its consequences – poor hygiene and sanitation, high rates of morbidity and mortality, poor educational options, high rates of illiteracy, extremely high birth rates. TransCom member Froilyn Mendoza, herself a Lumad, reports that the typical *annual* cash income of ARMM-based Lumads reliant on subsistence farming is about PHP 1000 (US\$22) to PHP 2000 (US\$43).²⁶ Compare this to the poverty line drawn by the National Statistical Coordination Board for a family of five, which is PHP 7017 (US\$150) *per month*.²⁷

The endemic 'peace and order situation'²⁸ in the ARMM has only aggravated issues of internal displacement, land grabbing and other existing land-related conflicts. Political violence is a fact of life in Mindanao, well-documented over the decades, both internationally and locally by a wide variety of advocacy organizations. The various armed insurgent groups, lowland cults, private armies and of course, the Philippine military, have contributed to the collateral damage suffered by Lumad non-combatants. Lumads outside of the ARMM fare slightly better but, likewise dominated by the 'Christian' Filipino demographic, they experience similar vulnerabilities, suffering settler encroachment and development aggression (primarily from mining, logging and plantations) even in areas where their ancestral land rights have been officially recognized.

Given the high rates of criminality, corruption and political violence overall in the Philippines,²⁹ it is primarily through the rubric of land rights that one can truly quantify the double marginalization of ARMM-based Lumads. This is perhaps the only area where, in defiance of national laws, the Moro leadership of the ARMM has actively blocked Lumad progress, and where government negotiators have turned a blind eye. Since the passage of the IPRA over 15 years ago, the processing of Lumad ancestral land claims has been the key indicator of progress in Lumad rights. The IPRA law itself is imperfectly implemented on behalf of IP's throughout the Philippines, and many fundamental problems remain, due in part to severe and chronic underfunding. The limited funds allotted for processing IP land titles means that only one such claim per province can be funded per fiscal year. Nevertheless, meaningful progress toward land tenure development goals for IP's continues to be made, albeit slowly, in many parts of Mindanao outside the ARMM. This progress is truly remarkable in light of the fact that, in the late 1980s, when

the word ‘Lumad’ first came into use, the idea that the government would ever seriously entertain the notion of enabling land titling for IP’s was laughable. It took over a decade to pass IPRA, but it changed land tenure options for IPs radically in under a generation.

In stark contrast, no such claims had been entertained, much less processed, in the Moro areas for all these years because ARMM has steadfastly refused to grant the NCIP any jurisdiction within the Moro autonomous region.³⁰ Instead, they have tasked ‘the enforcement of policies and laws protecting the rights of IP’s to their ancestral lands’ to a solitary OSCC office in Cotabato City.³¹ The OSCC, having been decommissioned everywhere else in the Philippines, lacks the legal authority to grant ancestral domain titles.³² This state of affairs means that none of the small advances that Philippine IPs, including Lumads, have made in securing tenure over their lands, as well as the other requirements of the IPRA law, such as mandatory representation in local government units, have been realized in the Moro areas to date. Even the delineation and processing of claims, which can take years, has yet to begin in earnest. Lumads within the designated autonomous Muslim areas are, in political and legal terms, more than two decades behind their brethren in neighboring provinces.

At the time of writing, not a single Ancestral Domain claim in the ARMM area has been certified in large part due to open hostility to IPRA implementation by local administrators of the OSCC. Lumads have also been dealing with Moro encroachment on their ancestral lands for a long time now, but it seems to have become more aggressive and open as we get closer to the actualization of Bangsamoro. It is not simply that Moro needs are prioritized over Lumad needs, but that Moros seem to believe that Moro rights can only be guaranteed by actively undercutting Lumad rights – particularly with regard to land. In one example, the MILF set up two separate camps in 1996, without permission, on land long known to be part of a Teduray Lumad ancestral domain claim. Due to active combat, the Teduray have until now been powerless to reoccupy their land, but they never abandoned their claim. Since the FAB; however, these two parcels have appeared on the list of indigenous Moro territories to be annexed under Bangsamoro.³³ There have also been reports of Lumads being told to vacate their land now that ‘the peace agreement was already signed.’³⁴ An International Crisis Group report describes the concerns of Erumanen–Menuvu Lumads regarding the inclusion of areas perceived as their traditional territory in the core area of the indicated Bangsamoro homeland: ‘[They] were worried that a Muslim-controlled government in an expanded Bangsamoro homeland would strip them of these rights rather than just fail to implement them.’³⁵ Three years later, nothing in the FAB addresses Lumad issues specifically, and IPs and their advocates find increasingly suspect any verbal reassurances made regarding their future in Bangsamoro.

The FAB is also a demographic issue for Lumads because the inclusion of territories under Bangsamoro is supposed to be determined by local plebiscite rather than the validation of historical territorial claims. While seemingly democratic, the one person, one vote principle ‘is ineffectual where a so-called “minority” is subject of special protection as “peoples”.’³⁶ In an elegant legal opinion on this very problem, attorney Ida May La’o advises the TransCom that this mechanism is inherently discriminatory and only compels Lumads to yield their rights to the interests of Moros and settlers, noting that, ‘The State cannot confer a preferential right for one IP in derogation of the rights of other IPs.’³⁷

The legality of enforcing IPRA mandates within the ARMM was finally acknowledged in 2013 even though the IPRA has been law since 1997.³⁸ Immediately afterward, the NCIP drafted a legal opinion that asserted their authority to process ancestral domain claims for Lumads within the ARMM, despite the lack of an NCIP office there.³⁹ After a

year of inaction, the NCIP commission en banc then issued a resolution directing the still-pending ARMM ‘regional office’ to ‘act on the [CADT] applications,’ citing the IPRA law in arguing it was ‘duty-bound to attend and act’ in relation to ancestral domain claims by IP’s.⁴⁰ Despite this direct intervention, no quantifiable progress has been made. At the time of writing, no claim has yet been certified by either OSCC or NCIP-ARMM. As a result, the NCIP regional office in neighboring Region XII (SOCCSKSARGEN/Central Mindanao) has now taken the extraordinary step of crossing jurisdictional lines to begin facilitating the processing of a long-standing claim by one Lumad community inside ARMM.⁴¹

Participate or perish

As Bangsamoro negotiations drew to a close in 2011 with no clear wording on Lumad ancestral land rights, concerned Lumad leaders raised the issue of the Mamalu–Tabunaway pact and pushed for its reaffirmation. Though it is apocryphal to outsiders, the pact is regarded as legal fact by many Lumad groups. Maticadong Angkong Limikid, of the Higaonon Lumad in Davao del Norte, explains that the pact formalized territorial boundaries between Moros and Lumads:

The pact governed our ancestors on delineation of territories. It also sealed the peaceful coexistence of the Moro and the Lumad through centuries and ensured that no blood will again be spilled between our peoples.⁴²

Given that the Lumads were assigned ‘consultant’ status but never officially included in the panel negotiations for the FAB, and given their overall political marginality vis-à-vis both the national government and Moro power, this may be regarded as a uniquely Lumad attempt to lay the groundwork for future relations with Moros in anticipation of a political context wherein Moros will either be the controlling authority (i.e. in the future Bangsamoro) or an influential power (i.e. in the municipalities adjoining Bangsamoro). The pact narrative quietly introduces a moral imperative and cultural justification to acknowledge the Lumad voice where, due to the international scale and political primacy of the Moro armed conflict in Mindanao, there had been no compelling political imperative to do so.

To their credit, Moro leaders on the negotiation panel and elsewhere have responded positively to the revival of the pact. In March 2012, representatives of several Moro tribes and many of the Lumad tribes met in Bukidnon to sign a 5-point treaty reaffirming what they agreed to be the spirit of the original Mamalu–Tabunaway pact. The signing was witnessed by official representatives of the MILF, the International Monitoring Team for the GRP–MILF peace process, and journalists. While this event did not garner widespread national coverage, local news reports in Mindanao noted that, in addition to a signed covenant reaffirming this historic kinship, a monument to the covenant was also unveiled.⁴³ The pact has since been mentioned several times in arguments for Lumad autonomy within the future Bangsamoro.⁴⁴ Some have even suggested the term ‘Bangsa–Mamalu’ (lit., Mamalu nation), directly referencing the pact in the pushing for a Lumad autonomy within Bangsamoro autonomy.⁴⁵ Creating goodwill and instilling a sense of obligation by re-enacting the pact may not succeed in the long term, but by getting Moro leaders to acknowledge the pact in principle and affirm the moral and cultural importance of Lumads in Bangsamoro, the Lumads have achieved a tremendous symbolic victory.

Despite this acknowledged fraternity and ancient pact, Lumads continue to deal with lingering prejudices regarding the presumed lower cultural attainment of the largely egalitarian and ‘tribal’ Lumads relative to the Moros, who had established powerful sultanates. Writing under a pseudonym in 2007, Mohagher Iqbal, the MILF chief negotiator, contextualized this complex relationship as a type of benevolent patronage:

The MILF does not deny Lumads the right to their own ancestral domain, but argues that their fate is inseparable because of history. It is their destiny to be the ‘small or young brother’ of the Moros, who will protect them.⁴⁶

However, others have been openly patronizing and far less accommodating of Lumad voices. Former MILF panelist and Maguindanao *datu* Michael Mastura was quoted in 2011 as saying that the peace negotiations did not require the input of Lumads.

‘...we cannot wait for our lumad brothers, that is why we have given them a choice to be with us or not when we sign the final peace deal,’ Mastura said. He explained the...Bangsamoro people...have based their claim to nationhood after they reached supra nationhood status. A thing he said that was not reached by the lumads. ‘We are however realistic in our claims now, although we take the fact that Mindanao was wholly ours before...’⁴⁷

It must be said that mainstream Filipinos, including those in the national government, also hold similar if not even worse prejudices regarding the alleged crudeness, primitivity and inherent cultural inadequacies of IP’s. It is patently obvious to Lumads and their advocates that neither the Moros nor the Christians see them as equals by any measure. Lumads therefore have completely valid reasons to be wary of the glibly issued verbal assurances by Moro and government negotiators.

Moros have not hesitated to engage in arm-twisting to garner Lumad political support:

The MILF reached out to hundreds of tribal leaders... [They] asked for support for...an expanded Bangsamoro homeland and recognized that their elders were brothers. They said that they could only support Lumad ancestral domain in concept only at that point, because the tribes first needed to support the Bangsamoro struggle. After a peace settlement with the government, the MILF would support them.⁴⁸

Some Lumads have reported that raising any objections, no matter how legitimate or reasonable, resulted in being their suspected (by Moros) of ‘aligning themselves with prominent Christian opponents’ of the agreement.⁴⁹ Indeed, around the time the final Comprehensive Agreement on Bangsamoro (CAB) was signed to great fanfare on 27 March 2014, government and Moro negotiators began to condemn more publicly any disruption or criticism of either the peace process or the future Bangsamoro. More recently, the President of the Philippines, Benigno Aquino III, labeled critics of the Bangsamoro as ‘spoilers.’⁵⁰ While this term was used initially in reference to breakaway armed groups, such as the Bangsamoro Islamic Freedom Fighters, ‘spoilers’ has become a catchword for everything from bandits planting IEDs by the roadside, to political nay-sayers in the local or national government, to Lumads demanding that their existing ancestral land rights be acknowledged in writing.⁵¹ Indeed, virtually anyone who raises questions about the proposed BBL risks opening themselves to castigation as so-called ‘spoilers of the peace process.’ Even members of the TransCom have not been immune to scapegoating, as evidenced by the recent controversy over the signing of the final BBL

draft, in which two members signed with reservations and another two did not sign at all.⁵² The final BBL draft itself, meanwhile, has been kept under tight wrap before it is submitted to Congress, as if to prevent any critique or input by any potential ‘spoilers.’

Lumad support for the Bangsamoro idea is always qualified by the fear that any show of resistance now will prove fatal once they fall formally under Bangsamoro rule.⁵³ IP advocates argue that while most Lumads are sympathetic to the Moros’ quest for territorial autonomy, they are being forced to act within an oppressive political context that some leaders have referred to as ‘participate or perish.’⁵⁴ Major unresolved issues regarding ancestral domain rights mean that while Lumads are generally sympathetic to the Moro goals of territorial autonomy – typically taking the side of Moros against settlers, with some even known for having joined the Muslim insurgency as armed combatants – as second-order minorities, they are justifiably alarmed by the prospect of expanded Moro power, in which Lumad land rights are ignored with the national government’s blessing. The Lumad dilemma is summarized neatly by one headline: ‘Best Hope or Worst Gamble?’⁵⁵

Embracing the future Bangsamoro entails a variety of serious risks for the Lumad, but their situation is made even more precarious by the fact that their participation, no matter how legitimate, has been routinely dismissed and belittled in the course of the peace process. In one recent example, a meeting between IP leaders and advocates and the government’s chief negotiator, Prof. Miriam Coronel-Ferrer took place in Cotabato City on 6 February 2014. Lumad leaders raised specific concerns regarding their rights that remain unaddressed to date, such as the future delineation of ancestral domains within Bangsamoro. According to one media report, the professor was asked point blank whether the administration had a plan to protect the Lumads.⁵⁶ Despite the outward show of good faith from the government, the professor did not appear to answer the Lumads’ queries. Dismayed observers noted privately that she instead chided the Lumads for being ungrateful, and insinuated that their questions were disrespectful. Other observers have reported, also in private, similar instances of contempt being expressed toward IP’s when questions were raised about their place in the future Bangsamoro.

These very real concerns about Lumad rights, the IPRA and the BBL were later articulated explicitly in an open letter to President Aquino on April 2014. It was signed by leading members of the Teduray, Lambangian, Dulangan Manobo, Erumanen ne Manuvu and Obo Manobo communities living within the proposed Bangsamoro territory and adjacent areas.⁵⁷ After outlining the many diplomatic efforts they have undertaken since 2005 to make sure their voice is heard, they affirmed their ‘unwavering commitment to the Bangsamoro peace process,’ stating plainly that ‘we are not and will never be spoilers.’ Pointing to the Mamalu–Tabunaway pact as their guiding framework, they also added ominously: ‘We continue to hope and pray that our plight will not be the dark side of the Bangsamoro story.’

There is little chance of the Lumad taking up arms; the darkness here refers to risking the legitimacy of Bangsamoro if Moros hypocritically end up treating *their* minorities as they had been treated by the ‘Christians’ throughout Philippine history. It is essentially a litmus test not only for the ‘tri-people’ ethos, but also for the sustainability of the future Bangsamoro substate.

No place for ‘IPs’ in the future Bangsamoro

For Lumads in western Mindanao, being second-order minorities means that microinvalidations,⁵⁸ including the patronizing dismissal of their legitimate concerns,

are routine and so pervasive that we should appreciate the miracle that they are mentioned at all in the FAB. But their political invisibility has been translated into their legal invisibility within the context of the future substate. Despite other notable developments like the appointment of two Lumads, Ms. Froilyn Mendoza and Mr Melanio Ulama, to the TransCom in 2013, both the Moros (in ARMM and MILF) and government negotiators have managed to dodge the Lumad question. Specific protections for Lumads, especially with regard to ancestral land rights, remain unaddressed in the agreements and proposed laws; the signed FAB,⁵⁹ on which the CAB is based, contains only one generic statement referring directly to the rights of IP's. Under 'Basic Rights,' Article 6, Section 3 of the signed FAB document reads: 'Indigenous peoples' rights shall be respected,' a statement that just as easily could refer to the Moros themselves. Beyond this solitary statement, nothing in the FAB elaborates on which existing IP rights shall be respected, nor to what extent they might actually be enforced. Notable is the absence of any reference to the national IPRA laws on the ancestral lands of IP's, much less whether they will be respected where it conflicts with Bangsamoro political or economic objectives. But this has not stopped FAB panelists from creative interpretations and elaborations as they attempt to reassure IP's that they will not be even more marginalized in the new Bangsamoro political entity.

Miriam Coronel-Ferrer has stated repeatedly that as far as Lumad land rights are concerned:

... national laws like the Indigenous Peoples Rights Act, international laws and covenants, and are just reiterated by the FAB...According to the FAB, vested property rights shall be respected... Therefore, ancestral domain certificates or titles secured now will be recognized in the Bangsamoro.⁶⁰

In fact, the FAB neither specifies nor reiterates any such rights. The section on 'vested property rights' (Article 6, Section 2) actually refers to the assertion of customary land rights by Moros and not Lumads.⁶¹ This is ultimately moot given that, for any property rights to be 'vested,' their titles must already have been finalized before the full transition to Bangsamoro.⁶² Yet the concerted resistance to IPRA implementation within ARMM means that not a single ancestral domain certificate or title has been secured to date.⁶³ Given this major hurdle, it is very possible that no Lumad ancestral domain claims will be secured in time. Nor are there any provisions for the post-transition recognition of incomplete or future claims, either in the FAB or its annexes. An early draft of the BBL that was circulated online in March 2014 also says nothing about incorporating the IPRA laws or Lumad ancestral lands.⁶⁴ Instead, its language suggests that the issue of Lumad land rights or any 'alternative arrangements' cannot even begin to be addressed until the Lumads concerned decide on their 'final status' in relation to Bangsamoro, viz.:

...the members of the Lumad tribes and other cultural communities residing in said provinces, shall vote in a referendum, which shall present them with the following choices – (i) That Lumad (*sic*) enjoys special status in the Republic of the Philippines; or (ii) That the Lumad be part of the Autonomous State.⁶⁵

If this becomes law, Lumads will be asked to choose between embracing either the privileges and protections of Bangsamoro citizenship or setting themselves apart to claim the exclusive land rights already granted to all Philippine IPs under IPRA. In other words, Lumads within the Bangsamoro territory can have IPRA rights or

Bangsamoro rights, but not both. They can be Lumads or they can Bangsamoro, but they cannot be Lumads and remain a part of Bangsamoro.

Earlier discussions on Moro autonomy were already a portent of this impossible choice. *Datu* Michael Mastura was quoted as ‘assuring’ a forum of concerned Lumads by saying: ‘This is a question of choice. We are not imposing on the IP that they should be part. If they do not want to be part of [Bangsamoro], go ahead.’⁶⁶ Coronel-Ferrer also dismisses such concerns, clarifying that IP’s would essentially be allowed, during the transition period, to ‘opt in’ and officially become Bangsamoro if they wished – an option she framed as a special benefit to IPs, rather than a potentially serious problem.⁶⁷ Obviously, the Lumads do not see things in quite the same positive light. In fact, the FAB clearly states that people would be free to accept or reject Bangsamoro citizenship, but those who ‘opt in’ may not realize what rights they could be forced to give up in the process. As pointed out by Teduray leader Alim Bandara:

The ‘freedom of choice’ mentioned here is illusory [...] The system of entitlement to governance, wealth-sharing and the like [...]spring[s] from this common concept of the Bangsamoro. [...] Lumads are being told to take it or leave it; either they join the Bangsamoro and enjoy the promised blessings, or suffer the consequences of being excluded. But they will only join it at the cost of losing their own right to self-determination which is recognized in both Philippine constitutional law and international law.⁶⁸

That this impossible choice is presented as somehow fair or reasonable exemplifies the deliberate and profound disregard in which second-order minorities are held at the national level.

The question of who is a Bangsamoro further comes into play in large part because of the enduring association between ‘Moro’ and ‘Muslim’ identities. While ‘Moro’ identity is neither homogeneous nor even universally embraced by those categorized as such, Islam is the single most common denominator across the board. The Bangsamoro rebellion, while itself not religious in nature, has also furthered a strong identification with Islam both locally and internationally. While there is no religious requirement enshrined in the FAB, the language can be interpreted as the involuntary assimilation of non-Muslims into a Muslim category. Article 1, Section 5, of the FAB defines the Bangsamoro identity as encompassing:

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

One troubling aspect of this disarmingly simple definition is that the first seventeen words of the definition of Bangsamoro also describe the Lumad. It stands in sharp contrast to the ARMM legislation which, as previously mentioned, made a very clear distinction between ‘tribal peoples’ and ‘Bangsa Moro peoples.’ The vague FAB wording is problematic because it would turn all the Lumad, in a legal sense, into Bangsamoro by default. In fact, a footnote to the preamble of the draft BBL states plainly that ‘The IP’s are classified as Bangsamoro.’⁶⁹

Bandara argues against subsuming the Lumad groups under a ‘Moro’ category:

This cannot be supported historically or culturally. It is true that some of the IP’s were already Islamized at the time of colonization (hence the term Moros was appended to them rather derisively by the colonizers) but there were many other IP’s who did not accept Islam. It remains so today.⁷⁰

The overall fear of Lumads is that the Moros might try to further assimilate them, and that they could be pressured to convert to Islam or would otherwise lose their cultural distinctiveness, along with their ancestral lands. Given that IP advocates have reported the bureaucratic imposition of Arabic names on Lumads within the ARMM, as well as other pressures to assimilate to dominant Moro norms,⁷¹ such fears are not entirely unfounded. Legally speaking, there is currently no place for Lumads in Bangsamoro, and neither the MILF nor the government negotiators appear inclined to make one for them. The fact that assimilation is presented by powerholders as a beneficial Bangsamoro option, one that closes off other possible compromises, only reinforces this problematic aspect of the Moro–Lumad relationship. As such, the gamble Lumads face is to remain culturally distinct and continue asserting their ancestral land rights as second-order minorities within an autonomous Bangsamoro territory, or else allow themselves to be formally assimilated into the Bangsamoro and abandon their identity, along with all future ancestral land claims, to the overwhelming Moro majority.

Second-order minorities, third class citizens

When analyzed from the Lumad perspective, the politics of Moro autonomy appear to revolve less around the quest for self-determination than the prevention of even more domination by settlers and the government they represent. Lumads from all over Mindanao can easily relate to such a goal, having also been disenfranchised by settlers and the government. They have no problem supporting it in principle. Instead, the real issue for Lumads is how their legitimate concerns have been downplayed, ignored, or dismissed by both Moros and the government over the years of negotiations for Bangsamoro. Lumads are indigenous to the land within Bangsamoro, and therefore *deserve* the same natural rights as the Moros. IP leaders and advocates have therefore consistently argued that the MILF and the government should meet them separately as equal partners in the process. But the focus of the Philippine government has been maintaining the peace with the Moros, and the focus of the Moros has been the future of the Moros, leaving little room for concerns of second-order minorities like the Lumads.

Obviously, this situation remains unresolved, and the final form of Bangsamoro will now be subjected to another level of debate and negotiation this time at the national level. As mentioned previously, IPs and their advocates argue that there is a moral imperative on the Moros to examine carefully the future place of Lumads in Bangsamoro as they refine their vision of territorial autonomy. But it is more than a litmus test in reference to Western liberal notions of human rights and social justice, because once the Moros are no longer viewed as oppressed minorities, as national minorities nonetheless, they will be expected to take the high road and to live up to the higher ideals that enabled the peace process to succeed in the first place.

As far as comparisons to other Muslim minority populations in Asia, the Moros, as a political category, have managed to obtain a good place relatively for themselves vis-à-vis state politics and majority rule. The legitimacy of their historical grievances and political claims, and the notion that restitution in some form should be made, are all broadly accepted today. The moral peril here for Moros is something inherent to the quest for territorial autonomy itself, particularly when sought as a minority protection regime, as it is by Moro peoples in this case. There is always the inconvenient reality that ‘the putative minority homeland is no more culturally homogeneous than is the state as a whole,’⁷² as is definitely the case for both Mindanao and

the Philippine state. In such cases, ‘the entire problem of minority discrimination which [territorial autonomy] is supposed to remedy is reproduced and perhaps even magnified by this political device.’⁷³ Given the active resistance within the ARMM to the implementation of IPRA (which was designed to protect IPs from exploitation by Filipino majority groups), discrimination against Lumads may well be exacerbated once Bangsamoro autonomy – a territorial regime structured specifically for the benefit of Moro peoples – is fully realized.

The problem is that, broadly speaking, the fight for minority rights against state-sponsored marginalization is rooted deeply in moral principles rather than economic, political, or legal ones. This means that when a state recognizes indigenous rights, it is typically because it is regarded as the ‘right’ thing to do, and not because it is profitable or politically expedient. Social injustice justifies the struggle to fight the power even when that fight involves a campaign of armed resistance or offensive violence. This is especially pronounced when it comes to indigenous minorities. Moves to correct social injustices, whether current or historical, if they are undertaken politically or economically, remain rooted in moral imperatives. In the Mindanao case, the tri-people ethos makes possible the acceptance by the state, and by the Christian Filipino majority it represents, that historical injustices were done to the Moros, and that their struggle stems from a legitimate grievance, and that addressing these grievances in a civilized and pragmatic manner is the best option for national integrity – especially after decades of intermittent warfare took their toll on the nation in a way that conflicts with how Filipinos envision themselves as a people and a country.

While anti-Moro sentiment and Catholic chauvinism still do exist, including in Mindanao, the broad NGO sector, including many arms of the Catholic Church of the Philippines, is easily recognized as forming the backbone of the peacemaking process. It is this NGO sector that has shepherded the peace process by putting political pressure on the government and the military to make peace with the Moros on moral grounds, again drawing on the tri-people ethos. Given that the Philippines is known as ‘the NGO capital of the world,’ and that nearly half of the population considers itself an active member of at least one community service organization,⁷⁴ the same tri-people ethos that makes Bangsamoro possible is also a double-edged sword, politically speaking, for the Moros. Though second-order minorities are politically weak, they have one advantage: as the most oppressed minorities they have the moral high ground practically in any situation. First-order minorities like the Moros, despite their dominance in such a situation as was analyzed in this article, are caught in the middle between the political demands of the state-supported majority and inconvenient moral demands of their own second-order minorities. The Bangsamoro substate and basic law, if designed properly to incorporate and protect the Lumad rights already guaranteed by national law, has the potential to show the rest of the Philippines the way to mutual ‘tri-people’ coexistence. But if Bangsamoro simply replicates or even aggravates the discrimination of *their* Lumads, they will surrender the high ground, and with it the fundamental moral basis of their own struggle for autonomy.

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Notes

1. Moros are the indigenous peoples of Mindanao and Sulu whose ancestors converted to Islam in precolonial times.
2. This section of northern Borneo joined the Federation of Malaya in 1963, and before then had been ceded to the British North Borneo Company in 1878 by the reigning sultan of Sulu. Dela Cruz, "The claim to Sabah."
3. Due to in-migration of Malay Muslims from mainland Malaysia, and illegal Filipino immigrants, who have allegedly been given identity cards to alter the electoral dynamics of Sabah, a conspiracy popularly referred to as 'Project IC.'
4. Franco, "Malaysia: Unsung Hero of the Philippine Peace Process."
5. 'Christian' Filipino settlers represent a diverse collection of Christianized peoples but are not necessarily religious. They are also referred to as 'lowlanders.'
6. ABS-CBNews, "Misuari: Bangsamoro Has Claims over Sabah."
7. Santos, "Constitutional Accommodation of a Bangsamoro Islamic Region."
8. Today armed clashes are primarily between the military and 'breakaway' armed groups like the Bangsamoro Islamic Freedom Fighters, rather than the MILF.
9. See Table 1. Types of Second-Order Minorities and Potential Forms of Violence, in Shane Barter, "Second-Order" Ethnic Minorities in Asian Secessionist Conflicts: Problems and Prospects' (this volume).
10. Here I use 'indigenous peoples' (shortened to 'IPs') in conformity to modern usage in the Philippines though practically all Filipino citizens are indigenous in the literal sense.
11. 'Lumad,' a Cebuano Visayan word meaning autochthonous, came into vogue as a collective term for Mindanao IPs in 1986. Its first official government usage was in Republic Act 6734 (1989), Article 13, Section 8, which mentions 'upland communities especially the Lumads or tribal peoples,' in reference to approximately 18 distinct ethnolinguistic groups.
12. Rodriguez, *Lumad Demand Self-Determination*. See also Montiel et al., "The Moro Struggle..." 87.
13. There are no authoritative statistics. See IPDEV, "Fast Facts" which is based on a recent (2013) survey. See also ICG, "The Philippines," 1, which puts the ARMM's Lumad population at only 60,000. The ICG's Lumad numbers are drawn from NCIP draft reports, which contain only very rough estimates. Laude, "ARMM tribesmen fear losing ancestral domain" cites an unspecified 1995 census which puts the number of Teduray and Lambangian at 300,000. To date, there has never been a thorough ethnic census to obtain a more precise population count of the Lumad in Mindanao. See Gaspar, "A Sojourner's View: The politics of statistics involving the Lumad."
14. The Lumad groups concerned are: Ilyanen, Tiguhanun, Manobo, Subanen, Matigsalog, Higaunon, Talaandig, Umayamnon, Teduray, Lambangian, Dulangan Manobo, B'laan and Kalagan. See Mendoza, "IP Women Insights on the Peace Process." See also Burgonio, "Bangsamoro Transition Panel Formed."
15. The *barangay* is the smallest political administrative unit in the Philippine local government system.
16. ICG, "The Philippines," 14.
17. 'Moro' was initially a derogatory term applied by colonizing Spaniards who, fresh from battling 'Moors' in Europe, implemented aggressive anti-Muslim policies. Over time, persecution became a uniting element, and 'Moro' was eventually embraced as an identifier after the 1960s. However popular, the suitability of the term remains under debate among Moros.
18. Republic of the Philippines, *Republic Act No. 8371*.
19. Republic of the Philippines, *Republic Act No. 9054*, Article 10, Section 3.
20. While the story of Mamalu's split is not specifically documented, he does appear in a Magindanaw *tarsila* as the brother of Tabunaway, alongside whom he was one of the first

- rulers of Magindanaw. See Saleeby, *Studies in Moro History Law and Religion*, 37. See also McKenna, *Muslim Rulers and Rebels*, 48–50. Oral traditions vary throughout Mindanao: in some versions, Mamalu is the brother who converted to Islam; in others, they were not blood relatives but ‘brothers’ in a symbolic or ritual sense (Karl Gaspar and Eizel Hilario, personal communication). There are similar ‘brothers parting’ narratives elsewhere in Mindanao, also used to explain other similar cultural and religious divergences from common origins as a consequence of contact with foreign influences, such as Christianity. See also Oona Paredes, *A Mountain of Difference*, 168.
21. Aljunied and Curaming, “Mediating and Consuming Memories of Violence.”
 22. McKenna, *Muslim Rulers and Rebels*, 149–58.
 23. This was predated by the ill-fated Memorandum of Agreement on Ancestral Domain (MOA-AD) of 2008, which was declared unconstitutional by the Supreme Court, but nonetheless laid the groundwork for what would become the FAB. See Philippine Daily Inquirer, “What Went Before: The proposed MOA-AD,” and Hayudini and de Guzman, “Learning from the MOA-AD.”
 24. The conflict is summarized better in other work. See Montiel et al., “The Moro Struggle....” 71–89. See also McKenna, “The Endless Road to Peace...”
 25. See Virola, “2009 Official Poverty Statistics,” slide 16. See also GRM International BV, “A Review of Poverty in the Conflict Affected Areas of Mindanao.”
 26. Mendoza, “IP Women Insights on the Peace Process.”
 27. Virola, “2009 Official Poverty Statistics,” slides 2–3.
 28. The Filipino euphemism for armed conflict.
 29. The Philippines scores 35/100 on the TI Corruption Perceptions Index. See Transparency International, “Corruption Perceptions Index 2012.”
 30. OPAPP, “GPH-MILF Peace Deal Guarantees Mindanao IP Rights Says GPH Panel Chief.”
 31. The current OSCC-ARMM director, Hadja Fatima Kanakan, of mixed Teduray-Maguindanaon descent, now advocates the devolution of NCIP authority to the ARMM government, rather than allowing the NCIP to operate as a national government agency as it does everywhere else in the Philippines. The previous OSCC-ARMM director – her mother, Hadja Victoria Kanakan – similarly advocated against IPRA implementation, despite the fact that she is a Lumad herself. See also IAG, “The Struggle Continues...”
 32. ICG, “The Philippines,” 9.
 33. Lacorte, “As Peace Dawns, “Lumad” Seek Answers.”
 34. Acuña-Gulo, “Euphoria, Yin and Yang Over Agreements.”
 35. ICG, “The Philippines,” 14, citing interviews conducted in May 2011.
 36. La’o, “The Legality of Plebiscite as Mechanism for Expansion of Bangsamoro Territories...,” 4.
 37. *Ibid.*, 6.
 38. ‘In a meeting on 7th January 2013, ... RG Hataman informed the group that the Solicitor General’s Office found no legal impediment in the implementation of RA 8371 in the ARMM. According to the speaker of the Regional Legislative Assembly (RLA) Atty Rasul Mitmug Jr, it will be reaffirmed through a resolution that will be filed on 15 January 2013 by the RLA. With that pronouncement, NCIP would now be opening an NCIP Maguindanao office which will be inside the ORG compound.’ However, as the time of writing in mid-2014, the NCIP Maguindanao office is not yet operational. IPDEV, “IP Views on the Framework Agreement on the Bangsamoro Raised in Regional Consultative Assembly.”
 39. NCIP, “Application of RA 8371 in the ARMM.”
 40. NCIP, “Commission en banc Resolution no. 06-001-2014.”
 41. Mindanao Peoples’ Peace Movement, “Ancestral Domain Delineation Process Continues...”
 42. Rodriguez, *Lumad Demand Self-Determination*.
 43. Balane, “Lumad, Moro Leaders Reaffirm Kinship, Sign Covenant.” A previous affirmation was declared on 12 June 2011 in Cagayan de Oro City.
 44. For example, in Bandara, “Option for an Autonomy w/n the Autonomy.”
 45. Representatives of the Teduray and Lambangian submitted an official statement to this effect to the MILF Peace Panel in 2012. See TJG, “Asserting the Indigenous Peoples...”
 46. Jubair (Iqbal), *The Long Road to Peace*, 101–12, as cited in ICG, “The Philippines,” 5, specifically pointing to a chapter on the Lumad, entitled ‘The “Protected”’ in Iqbal’s book.
 47. Ellorin, “Lumads, CSOs Agree in Principle with Proposed MILF Peace Pact.”
 48. ICG, “The Philippines,” 6, citing an interview conducted in May 2011.

49. *Ibid.*, 14, referencing the earlier MOA-AD, predecessor of the FAB.
50. Daily Tribune, “Bangsamoro Deal Signed; Noy Warns CAB ‘Spoilers.’”
51. Espina and Testa, “Best Hope or Worst Gamble?”
52. Cabrera, “BTC Signs Draft Bangsamoro Basic Law...”
53. For example, see Unson, “Maguindanao IP Leaders Pledge Support to Framework Deal.”
54. IPDEV Regional Roundtable Discussion, Cotabato City, November 2012.
55. Espina and Testa, “Best Hope or Worst Gamble?”
56. *Ibid.*
57. Mindanews, “IPs to President Aquino: On the Bangsamoro.”
58. Sue (ed.), *Microaggressions and Marginality*.
59. See OPAPP, “Framework Agreement on Bangsamoro,” and “Annexes of the Framework Agreement on the Bangsamoro.” Although the MOA-AD was declared unconstitutional, it is worth noting that the IP-related statements in both the FAB and MOA-AD are nearly identical in wording.
60. OPAPP, “GPH–MILF Peace Deal Guarantees Mindanao IP Rights Says GPH Panel Chief.” Coronel-Ferrer had made similar public statements elsewhere. See Coronel-Ferrer, “The Peace Settlement for the Bangsamoro...”
61. ‘With respect to the legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenure or their marginalization shall be acknowledged.’
62. NCIP, “Application of RA8371 in the ARMM.”
63. A memorandum of understanding between the ARMM and NCIP, which would allow the ancestral domain delineation process to begin, was reportedly stalled by the Zamboanga City crisis of September 2013, in which rogue elements of the MNLF occupied the city. The OSCC–ARMM has also reportedly filed a petition to withhold the signing of the MOU.
64. Lucman, “Basic Law...”
65. I quote from Part Six, Chapter 2, Item 97.1 (b). Curiously, this appears in the section pertaining to the functions of the office of Chief Minister. The section on ‘land ownership, tenure, and natural resources’ (Part Twelve, Chapter Two) makes no mention whatsoever of the IPRA laws or Lumad ancestral land rights. There is also no section specifically addressing Lumad issues.
66. Mindanews, “GRP, MILF Peace Panels Assure Lumads’ “Freedom of Choice.””
67. Coronel-Ferrer, “The Peace Settlement for the Bangsamoro in Southern Philippines...”
68. Bandara, “Option for an Autonomy w/n the Autonomy.”
69. See Lucman, “Basic Law...,” 14, fn. 2.
70. Bandara, “Option for an Autonomy w/n the Autonomy.”
71. Aveen Acuña-Gulo, personal communication.
72. Kolstø, “Territorial Autonomy as a Minority Rights Regime in Post-Communist Societies,” 202.
73. *Ibid.*
74. Jimenez-David. “At Large: Thoughts on NGOs and CSOs.”

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