

SPOTLIGHT ON R2P



TRANSITIONAL JUSTICE IN AND BEYOND THE BANGSAMORO: Role of Community, Culture and Memory

Dialogue on Transitional Justice and Reconciliation

The two-day blended webinar, held on March 22-23, 2022, revisited the community narratives of partner communities as part of the ongoing effort on transitional justice and with the campaign on hate speech and atrocity prevention in collaboration with the APR2P network at the University of Queensland.

This presentation highlighted the community-based restorative justice lens embedded in the 2-year peace building project and research study of the Initiatives for International Dialogue's (IID) in the transitional justice and reconciliation (TJR) discourse and to celebrate local peace building pacts and processes among Indigenous Peoples (IPs) and

Moro communities, a counter narrative to the local realities of armed hostilities, continued displacement, and land conflict imperative especially with the passing of the Anti-terrorism Law (Republic Act No. 11479) and of other counter-insurgency measures to quell unrest.

Objectives:

1. Highlight TJ Narratives among IPs and Moro communities to further strengthen the capacity of communities to tell their own stories from their own lens;
2. Expand the constituency and international support on an inclusive Transitional Justice and Reconciliation (TJR) discourse and processes.

Presentation on Transitional Justice Efforts

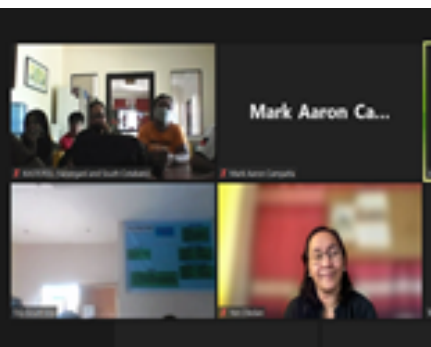
Atty. Cecilia Jimenez



Atty. Cecilia Jimenez led the introduction on the Transitional Justice (TJ) framework and expounded on how often TJ is referred to as “Dealing with the Past”. Likewise highlighting the essence of the Filipino proverb “...If you don’t know how to look back at history, you’ll never get to where you need to be.”

She emphasized that Transitional Justice is not limited to Bangsamoro, Indigenous People, and people in Mindanao and noted that we are all part of the Philippine context. As a result, it is not only for us but for the public of the country.

It was also discussed that the imposition of a monolithic Filipino identity and the Philippines state by force is the root cause of violence, impunity, and neglect in Mindanao. Oppression arises because of loss of identity among all tribes, particularly among Bangsamoro members, hence the importance of asserting that each native and tribe has its unique demands.



Stories from Carmen: Kakap Dulu-nanan

Timuay Rolando ‘Jojo’ Ambangan

People were divided as a result of the **Indigenous Peoples Rights Act (IPRA)** and the alienation of territories left to the tribe. Despite the concept of “One tribe, one territory”, the people are divided by the alienation of ancestral domains.

What can we do about it?

“To begin, I’d like to point out that the Aromanen Manobo have an Indigenous Political Structure that has laid out the territories that the elders cover. There are a total of 13 sub-tribes. Boundaries were permitted within ancient realms. Eventually, three ancestral domains became theirs (Moro) because of the BBL. Because there were no IP of our tribe resident there, the petition for inclusion permitted them to claim 9 barangays. As a result, our lands shrank. The Aromanen Manobo covered 63 barangays, however several have abandoned their territories. As a result, we must survey the properties once ours has been established, with the goal of establishing one tribe, one territory. Some of our land portions had already been taken up by our neighbors (Moros). I hope they recognize us as the first settlers and rightful owners of these lands through Transitional Justice, because they only assert because of the BBL.”

Land grabbing is ripe in Upi right now, and it’s causing a lot of havoc. Although there exist boundaries, they have been muddled. Our dilemma is that if they file a lawsuit against us, we won’t be able to afford to hire a lawyer to defend their rights. To avoid disruption, we just give away and abandon our territories.



So, what can we do now that we only have a few lands left?

“Our good character of peace-loving has turned into a weakness. Even if someone else takes our lands, we will simply allow them to do so to avert unrest. It turned into a benefit for the oppressors. Because we can’t afford to resist, we simply abandon our land areas. Some of us had already left our places when the law was passed stating that if you hold a land title, you are the lawful owner. The newly transitioned Bangsamoro government governs Upi. We hope they have an IP code in place because they claim to be encouraging moral and inclusive governance. However, no efforts have been undertaken to date. Our lands are like our lives to us since they are our source of sustenance. That is why, if you take our lands away from us, we will perish. Someone who has lost their land dies, and someone loses their land every day, so someone dies every day. The Bangsamoro government is being urged to create an IP Code and allow for fair representation. We hope you finish the IP code in a way that reflects the community’s viewpoint. I also urge that we study our country’s laws so that we are aware of our rights.”



Presentation of Research Study entitled 'Transitional Justice and Reconciliation: In and Beyond the Bangsamoro'

Radzini Oledan, Ph.D.



"What we want to strengthen right now is the ground-up process in which Indigenous youth, women, and younger people must take a firm stand since it is not only the elders who know about the culture. And it is not just the elders who have the authority to launch Transitional Justice initiatives. There is an imperative need to involve the youngsters in the process so that we can carry on raw information from our forefathers to the next generation.

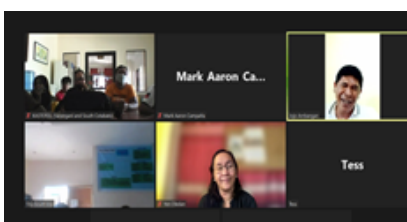
This Transitional Justice initiative, presented by the IID and our partners, was intended to be a low-key, targeted initiative to foster inclusivity. The framework of our initiative, Transitional Justice, infuses a cultural dimension. And we are focusing on the role of local knowledge, which is why we have a plan to do archiving at the community level and capacitate our community partners.

Impressions:

- Peacemaking as a traditional way of resolving conflict. Existing peace pacts as resource that could be incorporated/ should be considered in the formal peace negotiations (BOL/ NDFP peace talks)
- Significant impact of CSO partnership and community-based advocacy in building/ strengthening the peace lens of local community partners
- Meaningful participation of local peacebuilders, including traditional leaders in the design of TJ initiatives to take account culture and local knowledge in assessing con-

flict and in designing peacebuilding initiatives

- Community resilience in the face of political and state-sponsored violence is possible through truth sharing (in the form of narratives from the local community and survivors), advocacy and mobilization work



Stories from Upi: Lumad Experiences

Timuay Leticio 'Cio' Datuwata Tribal Chief, Timuay Justice and Governance Supreme



Whatever happens during the peace talks is solely between the government's panel and the MILF's panel. But why would they discuss our identity, territory, and the destiny of our second generation without our permission? Our wish is to be included in the peace talks, but this has not been granted. The Moro Islamic Liberation Front (MILF) and the government discussed a 10- point agenda, but our position papers were not included. Why would they join us if we aren't included? We have our own distinct identity and territory. What makes them (Moro) the best person to represent us? We should be the ones to declare what is rightfully ours. We should be the ones to figure out who we are and where our boundaries are.

The respect and acknowledgement of distinct tribes' land, as well as the incorporation of cultural identity, were declared during the lobbying of the Bangsamoro Law. But, more importantly, were the written laws followed? In fact, those who were enforcing the law were the ones who were breaking





it. Our constitution expressly states who the Indigenous People are and what rights these non-Moro Indigenous people have. It was written in the IPRA (Indigenous People Rights Act), whoever these Indigenous People are. The rights of the Mangyan, Manobo-Dulangan, Teduray, and others are clearly defined in the constitution.

However, do the laws rely on the political will of those in power? No one has asked them (Moro) to represent us. Panel of the MILF and panel of the government, please include us in the peace negotiation. What is our foundation for believing that we will be left behind? We will be united in the Bangsamoro territory, and they will be the only ones permitted to represent us. We have our own identity and territory. However, we are cast out on our own land, including our people from remote places or mountainous parts, and they are given false titles as proof."

Were the elders of the Moro and Teduray tribes able to communicate and reach an agreement to resolve their differences and settle disputes?

There are series of dialogue with the Moros. We've been able to converse with them numerous times. Most of the meetings were with the central committee of the MILF. Present at these meetings were not only leaders but the members as well of different tribes and communities. Almost all community leaders and

200 commanders were present during these talks. We were able to have a good conversation. Many position papers were drafted, presented, and even submitted but even the chairperson of the government is not ready to hear us out. We asked and pleaded with them to include us in the peace talks, but they said only the MILF were allowed

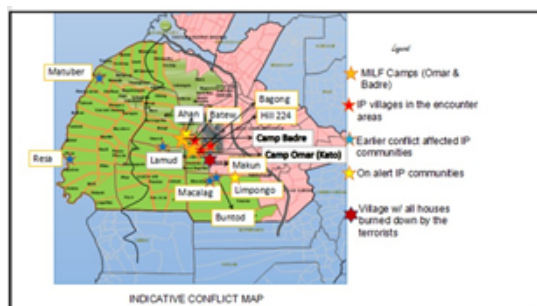
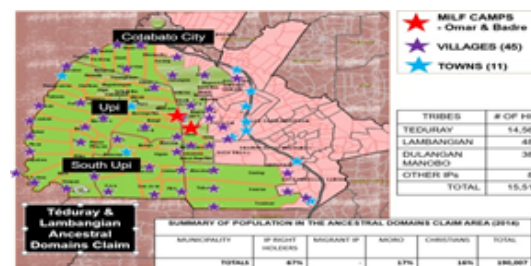
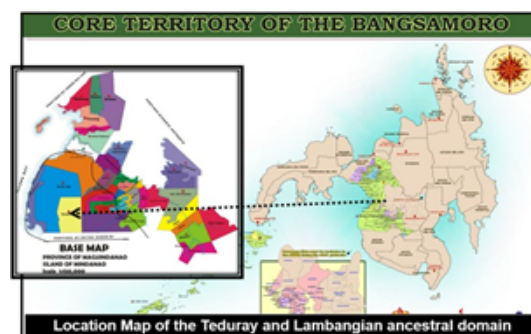
to because of the bilateral nature. They even told us that the documents we submitted were informal. But all of those were signed by our leaders, representatives and even members. And they even represented us on land issues in Malaysia without us. Who are they to take part or decide on issues concerning our land? It was our territory, and we must make representation for it.

What are the results of the previous initiatives and effort towards the BARMM and other partners to resolve issues and what is the status of our national inquiry?

Since the beginning of 2019, we have sent various position papers to the government's relevant bodies and agencies. They have not responded or acknowledged any of our letters to date. We have asked the minister to resolve concerns such as land grabbing, violence, and many more, but we have received no response. Representatives from many government agencies attended the sessions at the national level. During the public hearing, a pro-ARMM Brigadier General served as the resource person. In the last few years, not much has changed. However, with the assistance of IID, we will not lose faith and will continue to work toward our objectives. We shall put in consistent effort and dedication.

Three major issues encountered by the Teduray Lambangian tribe in the BARMM

1. Land grabbing or illegal entry by non- IP within the ancestral domain, and BTA resolution No.38 cease and desist order (CDO) of the intervention of NCIP for the processing of our ancestral domain.
2. Harassments / Evacuees
3. COVID-19



Recommendations

Non-Moro Indigenous Peoples situation In the BARMM

- Create an independent body to monitor and assess the implementation of peace process and the situation of the non-Moro IPs in BARMM
- The government of the Philippines should invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit and investigate the situation of non-Moro indigenous peoples in the BARMM
- The government should conduct a national inquiry on the current killings of non-Moro IPs in BARMM thru a joint lower and upper house committee on indigenous peoples
- Fast tracking the awarding of the Ancestral Domain title of the Teduray and Lambangian Ancestral Domain (TLADC)
- Urgent Passage of the IP Code in BARMM.
- Non-Moro IP representation in the Intergovernmental Relations Body



Closing Remarks

Augusto Miclat, Executive Director, IID

“Don’t give up. The fact that we have assembled here today is already a step forward. It is still a way to get what we seek, no matter how tiny or large the step is.

I’m also grateful to our partners who ultimately contributed to making this webinar possible, even if they aren’t physically present - the Asia Pacific Center for Responsibility and Protect, and, of course, the University of Queensland. We’re only here to listen. It is always preferable to listen to those who are more knowledgeable about the issues, to you.

We, along with Ms. Yen, IID, and all of our partners, are just here to connect individuals, tribes, and groups from various initiatives in order to achieve what we all desire collaborative effort. Rest assured that all we are doing right now, to the greatest extent feasible, will not come to end.

Let us all work together, listen to one another, and reach out to diverse groups and tribes so that we can recognize all of our commonalities rather than our differences.

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