



**Securing Tenure for Moro and Non-Moro
Indigenous Peoples (NMIPs) over Land and
Sea Domains in the Bangsamoro Autonomous
Region in Muslim Mindanao (BARMM)**

A Policy Proposal

Contents

- ↘ p. 1
Context
- ↘ p. 2-3
Key Issues Identified from Various IID Research and Consultations
- ↘ p. 4
Concept of IP Rights
- ↘ p. 5
Tenure Security Beyond Legal Formalities
- ↘ p. 6-7
Typology of Landlessness and Dispossession
- ↘ p. 8-9
Categorization of Overlaps with Ancestral Domain Claims and Other Land Instruments
- ↘ p. 10
Recognition of Vested Rights
- ↘ p. 11
Recognition of Tenure Claims based on Customary Evidence
- ↘ p. 12
Customary Law in Contracts and Remedies for Dispossession
- ↘ p. 13
Ridge-to-Reef Approach: Integrating Land and Sea Tenure
- ↘ p. 14
Corporate Responsibility to Respect Human rights
- ↘ p. 15
The Rights-Responsibilities-Remedies (3R) Framework
- ↘ p. 16-17
3R Framework in the Context of Tenure Security in BARMM
- ↘ p. 18-29
Policy Recommendations
- ↘ p. 30
Cross-Cutting Policy Direction
- ↘ p. 31
References

Context

Many Moro and NMIPs, individually and collectively remain tenure-insecure, facing overlapping claims, displacement due to conflicts and environment-related disasters, and weak institutional protection. Despite de jure (based on law or according to the law) recognition of their rights, the conduct of community efforts based on customary processes and support from non-state actors such as community leaders, civil society organizations (CSOs), and academe, collective instruments such as Certificates of Ancestral Domain Title (CADTs), Certificates of Ancestral Land Title (CALT), and other co-management agreements, tenure remains fragile without enabling institutions, social legitimacy, and integrated governance. Recognizing the three-tier spectrum of IP rights provides a template for a nuanced policy direction in securing tenure of Moro and NMIPs to their land and sea domain which is vital for peacebuilding, transitional justice, and sustainable development in the Bangsamoro.



Key Issues Identified from Various IID Research and Consultations



Tenure over land and sea domain.

Tenure policy must proceed from a transformative perspective of land and sea as an integrated domain that binds the identity, culture, governance, and sense of community of Moro and NMIPs.



Structural and historical landlessness.

Colonial and national land laws and policies displaced ancestral ownership. It has triggered overlapping titles and perpetuated inequities.



Conflict-induced displacement.

In Marawi and MILF camp transformation zones, tenure insecurity delays recovery and reintegration.



Administrative fragmentation.

Jurisdictional overlaps among the Ministry of Indigenous Peoples Affairs (MIPA), Ministry of Environment, Natural Resources, and Energy (MENRE), Ministry of Agriculture, Fisheries, and Agrarian Reform (MAFAR), and local government units (LGUs) undermined enforcement of regulations and service delivery.



Corporate-induced dispossession.

Weak enforcement of regulations and non-recognition of customary tenure in the face of unbridled agribusiness and extractive activities of big corporations.



Sea-domain insecurity.

Coastal NMIP and Moro fisherfolk lack recognized tenure; environmental degradation reduces livelihoods.



Gender and environmental vulnerability.

Women's exclusion and environmental decline erode cultural identity, tenure value, and intergenerational equity.



Invisibility and exclusion.

Moro and NMIPs, though *de jure* recognized and protected, remain invisible in development planning and excluded from effective participation in decision-making processes on political socio-economic issues that affect them.



Concept of IP Rights

Sama v. People locates IP rights in a spectrum: (1) cultural practices protected even without land title; (2) site-specific rights to do activities on a particular tract even without title; and (3) full IP title (e.g., CADT/CALT) conferring the right to the land itself and the bundle of management and use rights.

This three-tier conception of IP rights is grounded on the legal recognition of ancestral lands/domains under IPR and BIPA as territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds. Indigenous concept of ownership sustains the view that ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. *IP title confers ownership rights similar to those associated with fee simple (legal term for absolute ownership), including the right to decide how the land will be used; the right of enjoyment and occupancy of the land; the right to possess the land; the right to the economic benefits of the land; and the right to pro-actively use and manage the land.*

Unpacking the spectrum is instructive in providing a tiered pathway for a secured tenure over land and sea. For the NMIPs, it is necessary to (1) protect their cultural practices; (2) enable them to assert site-specific use rights (e.g., fishing grounds, sacred sites) even without title; and (3) recognize and grant full IP title (CADT/CALT) over land and waters. The same tiers can guide BARMM in recognizing customary practices, site-specific rights over communal lands, and stronger communal tenure of Moro communities under BARMM laws.

Tenure Security Beyond Legal Formalities

Tenure security extends beyond the issuance of tenure instruments like land titles or CADTs. It requires enabling systems, institutions, and community participation—formal and customary—that ensure tenure rights are meaningful, enforceable, and sustainable. Even when a CADT is issued, tenure remains incomplete if the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) is not implemented, a land title or patent is issued to a Comprehensive Agrarian Reform Program (CARP) beneficiary without technical and post-harvest support is lacking, Fisheries and Aquatic Resources Management Councils (FARMCs) and co-management bodies are inactive, or technical and livelihood support are absent.

Thus, tenure security is a dynamic and integrated system where legal recognition, institutional capacity, and moral governance converge, reflecting the principles of justice, stewardship, and public good.



Typology of Landlessness and Dispossession

→ HISTORICAL-LEGAL

Regalian Doctrine; exclusion of native title; vested rights tensions: private, corporate, or state-granted rights often overlap with ancestral or communal territories

→ ADMINISTRATIVE FRAGMENTATION

NCIP, DENR, DAR, and MENRE have overlapping functions; lack of harmonized policy.

Absence of clear mechanism for recognizing CADT within BARM institutions resulting in multiple claims.

→ CONFLICT-INDUCED

Marawi Siege, clan wars or *rido*; post-conflict reconstruction without equal technical access leads to *secondary dispossession* of already vulnerable populations.

→ ENVIRONMENTAL-CLIMATE CHANGE

Sea-level rise, deforestation; conversion to protected areas; droughts and floods drive migration and encroachment into ancestral lands; climate adaptation and development projects without valid Free, Prior, and Informed Consent (FPIC).

The Sama Dilaut farmers receive consistently low prices for their dried seaweed product, undermining the economic viability of their work.

LEGEND

→ Type

▾ Description

**→ CAMP
TRANSFORMATION**

Overlapping claims among NMIP, settlers, ex-combatants.

**→ CORPORATE OR
BUSINESS-INDUCED**

Weak regulation oversight; non-recognition of customary tenure; weak enforcement of environmental and social safeguards; political accommodation; communities lack the technical or legal capacity to interpret contracts or monitor corporate operations; local elites act as brokers between investors and communities, securing corporate leases or permits in their names.

**→ EVIDENTIARY
BARRIERS**

Many legitimate landowners were unable to reclaim property or qualify for compensation due to missing technical proof; lack of recognition for customary or oral evidence continue to marginalize communities

**→ TECHNICAL
DISPOSSESSION DUE
TO ASYMMETRICAL
ACCESS TO INFORMATION
AND TECHNICAL CAPACITY**

Legal and bureaucratic complexity; limited technical and institutional capacity; literacy barrier; prohibitive cost of securing claims; power imbalance

Categorization of Overlaps with Ancestral Domain Claims and Other Land Instruments

Unduran v. Aberasturi provides a template in identifying the nature and consequence of overlapping tenure instruments with ancestral domains. It clarified, among others, the types of “contentious areas/issues” where ancestral domain claims overlap with other land instruments, as identified in Section 12 of the *Joint DAR-DENR-LRA-NCIP Administrative Order (JAO) No. 01, S. 2012, January 25, 2012*. These categories are:

The JAO, guided by the principle on recognition of vested rights, provides that NCIP must exclude and segregate all lands covered by valid titles subject to the rights of ICCs/IPs to question the validity of these titles in a proper forum (DAR Secretary for CLOAs/EPs; RTC for patents/judicial titles). The classification is instructive in making a baseline of tenure overlaps relating to ancestral domains in BARMM. However, without the appropriate technical and legal support to file and prove the claims of ICC/IPs, this is risking secondary dispossession or may be a barrier to protect their tenure rights.

OVERLAP CATEGORY	EXPLANATION
1. Untitled lands claimed by ICCs/IPs but covered by approved survey plans and also claimed by DAR/DENR	These are lands without formal titles but with survey plans, subject to claims both by indigenous peoples (as ancestral domain) and by government agencies (for agrarian reform or public land purposes).
2. Titled lands with CLOAs, Emancipation Patents (EPs), and other patents within CADT/CALT/CADC/CALC areas	Lands already titled under agrarian reform (CLOA/EP) or public land laws, but also claimed as ancestral domain/land. This creates overlapping rights between agrarian reform beneficiaries and ICCs/IPs.
3. DENR-issued resource access/development instruments within ancestral claims	Includes agreements like CBFMA, IFMA, SIFMA, PACBRMA, FLGMA, Co-Management Agreements, and various forest or land use permits. These may overlap with ancestral domain claims if issued over the same area.
4. Mining permits and agreements within CARP-covered or ancestral areas	Includes Exploration Permits, FTAA's, and Mineral Agreements (Production Sharing, Co-Production, Joint Venture) that may overlap with lands covered by agrarian reform or ancestral domain claims.
5. Reservations, proclamations, and special law-declared areas subsequently issued a CADT/CALT	Government reservations or areas declared for special purposes (e.g., military, school, protected areas) that are later included in ancestral domain titles.
6. Areas with existing and/or vested rights after CADT/CALT registration but not segregated/excluded	Lands with prior rights (e.g., titled lands, existing tenurial instruments) that were not properly excluded during the issuance of ancestral domain titles.



Recognition of Vested Rights

Vested right is defined as one that is *"absolute, complete, and unconditional, immediate and perfect in itself, and not dependent upon a contingency"*

The BOL directs that "all vested property rights shall be recognized and respected within the Bangsamoro Autonomous Region."

BIPA Section 71 deals specifically with fraudulent claims—providing that any fraudulently declared or awarded ancestral domain shall be revoked after due notice and hearing.

Thus, vested rights refer to rights that are lawfully acquired, complete, and protected from retroactive impairment except if there are valid grounds such as fraud, illegality, or overriding public interest. They include registered private titles, valid leases, corporate concessions, and permits legally granted before the effectivity of the BOL and BIPA.

Respecting vested rights is part of the legal framework that has to be taken into account in addressing land tenure issues in BARMM. This is to balance protection of lawful acquisition of property and investment while dealing with various forms of injustice and historical dispossession.

Recognition of Tenure Claims based on Customary Evidence

The problem of proving claims based on customary or oral tradition arises because the formal legal system prioritizes documentary evidence (titles, surveys, registries), while Moro and NMIP tenure systems are rooted in oral histories, genealogies, and community memory. These are often excluded from the process of securing a formal tenure instrument. This tension is deeply rooted in the concept of land. For the Moro and NMIPS, land and sea are not assets or mere property that can change hands through the legally mandated process (torrens system, concessions, eminent domain) or its value is limited to its economic use or market profitability.

The Indigenous People's Rights Act (IPRA), as well as the Bangsamoro Indigenous People's Act of 2024 (BIPA) and its Implementing Rules and Regulations (IRR) explicitly recognize customary laws, oral traditions, and cultural markers as valid evidence in proving ancestral domain and community land claims. However, individual or non-domain tenure claims—including coastal, agricultural, and settlement areas—still rely heavily on formal documentary proof, excluding those who hold knowledge of tenure through oral histories and traditional boundaries.

Claims though based on oral or cultural evidence but lacking the standard of evidence imposed by regulatory agencies only result in continued exclusion of Moro and NMIPs in securing their tenure over land and sea domain.



Customary Law in Contracts and Remedies for Dispossession

The implementation of tenure security in BARMM must address the common situation where Moro and NMIPs lose control of their lands and resources because of unequal or technically deficient contracts. Many individuals enter into land transactions without understanding the legal and economic implications or are pressured into agreements that disregard their customs, gender equity, and stewardship principles.

Under the BOL and the BIPA, customary laws, traditions, and governance structures are given due legal recognition in regulating land and resource relationships. BIPA mandates that all contracts or agreements affecting ancestral or communal lands must comply with customary law, and be validated through the Indigenous Political Structures (IPS) such as Councils of Elders or Timuays.

Ridge-to-Reef Approach: Integrating Land and Sea Tenure

The ridge-to-reef (R2R) ensures that land, river, mangrove, and reef ecosystems are managed as interconnected domains. Access to resources is rules-based backed by sustainable customary practices and science.

Identities and practice of IP communities are inseparable from their concept of land and sea. Ancestral domain title as *sui generis* ownership is aligned with environmental stewardship which is specifically recognized under IPRA and BIPA as one of the responsibilities of ICCs/IPs. The legal definition of “ancestral domains” include bodies of water and traditional fishing grounds, thus supporting co-management, access, and priority-use regimes in municipal waters and traditional sea territories.



Corporate Responsibility to Respect Human rights

The UN Guiding Principles on Business and Human Rights (2011) provide a normative framework for addressing corporate-induced dispossession through the *Protect-Respect-Remedy* pillars. Under these principles, the State has the duty to protect communities from human rights abuses by third parties; business enterprises have the responsibility to respect human rights and State and business enterprises must ensure access to effective remedies.

In the BARMM context, these principles can guide how the regional government and all its ministries deal with business enterprises. Operationally, it requires normative behavior from all corporate entities operating within ancestral and communal domains to conduct human rights due diligence on the risks associated with their operations, products or services, provide appropriate grievance mechanisms for the adverse impacts of their operations and remediate the same.

The Rights–Responsibilities–Remedies (3R) Framework

The 3R framework (*rights, responsibilities and remedies*) is an integrative policy framework drawn from human rights principles and transitional justice mechanisms. Generally, human rights (HR) refer to freedom of action and having access to resources and services that should be provided by the State so that every person can live a life with dignity. In a nutshell, rights holders are inherently the subject of rights with correlative responsibilities and entitled to remedies for the violation of their rights.

The State as the duty bearer has the obligation to protect, respect and fulfill its human rights obligations through the different branches of government. Likewise, it has the duty to prevent human rights harm by non-state actors and provide effective remedies, judicial or non-judicial, for any human rights violations incurred by rights holders.

A human rights-based approach is anchored on international human rights laws and principles. It requires, among others, an analysis of gender norms, forms of discrimination, and power imbalances to ensure that interventions reach the most marginalized segments of the population. It views people as key actors in their own development, rather than passive recipients of development interventions from state and/or non-state actors. Informed, active, and meaningful participation of rights holders is both a means and a goal towards their empowerment.



3R Framework in the Context of Tenure Security in BARMM

The 3R Framework situates tenure security as a balanced and interdependent relationship among rights, responsibilities, and remedies—anchored on statutory, customary, and moral law. It recognizes that gender equity and environmental protection are cross-cutting contexts that influence how each element of tenure security is experienced and enforced.



Rights Dimension

Ancestral, communal, and individual rights are recognized, notably under the 1987 Philippine Constitution, BOL and BIPA, including access to land, inland waters, and sea domains. These rights include not only ownership and possession but also use, management, and benefit rights consistent with *adat* and *Shari'ah* principles of *'adl* (justice) and *amānah* (stewardship). Gender-sensitive tenure ensures that women and men have equal recognition as right-holders through joint titling, representation in decision-making, and equitable benefit-sharing. Environmental rights include the community's entitlement to a balanced ecology supported by sustainable ridge-to-reef resource management.



Responsibilities Dimension

Tenure rights carry corresponding duties of sustainable use and stewardship. State institutions (MIPA, MENRE, MAFAR) are responsible for providing technical, institutional, and legal support to secure and maintain tenure, while right-holders must manage land and marine resources responsibly. LGUs, FARMCs, IPS councils, and women's organizations share responsibility for enforcing environmental safeguards and ensuring gender equality in access, use, and control of resources. Ecological governance recognizes the responsibility that the system, intentions, policies, processes, and regulations will ensure environmental sustainability to promote public good, protect vulnerable groups, and sustain ecological integrity for future generations. Decisions in the use and access of resources are rules-based and informed by science and sustainable customary practices of the communities.



Remedies Dimension

Remedies must be accessible, gender-responsive, culturally-appropriate and environmentally just. Conflict resolution mechanisms should combine administrative remedies (through MIPA, MENRE, and LGUs), customary and *Shari'ah*-based mediation, and judicial or parliamentary oversight for due process and accountability. Remedies must ensure women's participation and environmental restitution, such as rehabilitation of degraded areas and protection of community resources.

Gender fairness and environmental stewardship are integral to tenure reform. They are intrinsically-linked to the rights that must be secured, the responsibilities that must be upheld, and the remedies that must be provided. Even non-state actors like corporations or business enterprises should provide grievance mechanisms to address impacts of their operations, products or services, or provide redress mechanisms for human rights harm.

Policy Recommendations

The following recommendations are based on various research projects of the Initiatives for International Dialogue (IID), particularly the Governance and Security of Tenure Over Land and Sea Domains research report series (2025), as well as consultations with communities and different stakeholders. The key concern is to provide policy directions to existing interventions in BARMM by state and non-state actors and to define/reiterate the responsibilities of rights holders in securing their tenure over land and sea domain.

1

Duty Bearers: BARMM Parliament, Ministries, and LGUs

↘ Tenure rights, protection, and promotion

↻ Enhance baseline generation and information as basis for policy intervention

→ Integrate and harmonize data of DENR, NAMRIA, and BARMM Ministries on land and sea domains

→ Institutionalize review of tenure instruments over land sea within BARMM, identifying the following:

- Types of dispossessions, overlap, and other tenure-related issues within and outside ancestral domains
- Existing leases, concessions, and other tenure instruments issued by DENR, MGB, etc.
- Determine administrative overlaps/fragmentation in the application, processing of application, issuance of tenure instrument, monitoring, and regulation

→ Operational track:

- Enact a Bangsamoro Land and Sea Resource Governance Code
- Institutionalize a Land Rights Review Board (MIPA-MENRE-MAFAR-MILG-LGUs) to resolve overlapping claims and enhance transparency.
- Establish an Open Land registry that synchronizes with LRA/NAMRIA/NCIP datasets; time stamp all entries and decisions; maintain a public portal with privacy safeguards.



- ➔ Provide support or mechanisms to secure existing tenure or pending, contested or excluded claims
 - ➔ Operational track:
 - Fastrack the delineation and CADT (both land and water domains)
 - Study the conversion of conflicting forestry/ fisheries/ foreshore rights into joint management or usufruct within CADTs subject to FPIC of the affected IP communities
 - Adopt a “transitional co-management” by keeping valid DENR/DAR tenurial rights and titles that already exist inside a CADT/CALT, but operating them under a time bound, tripartite co management arrangement (IP community–MIPA/ NCIP–issuing agency) that respects vested rights, enforces FPIC/certification precondition for any changes, and aligns operations with the ancestral domain plan until the instrument expires or is lawfully cancelled.
 - Adopt a Joint Land and Sea Tenure Protection, mirroring Uduran and JAO No. 1 series of 2012, to the extent of undertaking a coordinated and programmatic approach in determining the overlaps of various titles granted by government agencies with AD/AL of the NMIPs IN BARMM subject to the right of NMIPs to question the claim of vested rights in appropriate forum. The Joint Body will classify, map and prioritize resolution of target cases of overlapping claims. NMIPs shall be provided with free access to information and technical and legal services to enable them to engage in the process of resolving overlapping claims and protection of their tenure. Conduct review of the policy with the participation of Moro and NMIPs and other stakeholders to adjust protocols based on best practices, documented cases and jurisprudence.

- The Bangsamoro government must utilize its authority under the Bangsamoro Organic Law (BOL) to affirm the inclusivity of the sea domain in the definition of Ancestral Domain (Fusaka Ingèd), as articulated in the BIPA, specifically protecting the coastal and inland waters essential for agal-agal production and fishing. The MIPA must prioritize the delineation, geo-tagging, and formal certification of the Sama Dilaut's traditional agal-agal pondohan and seasonal fishing routes as Ancestral Livelihood Zones.
- Administrative and quasi-judicial bodies (MIPA, MENRE, Land Rights Review Board) should adopt rationalized evidentiary standards consistent with substantial evidence rather than strict technical proof. The absence of written title must not be interpreted as lack of ownership if oral and cultural proof exist.
- LGUs, through local legislation, should incorporate ADSDPPs and development plans into CLUPs, and strengthen participatory management councils such as BFARMCs and local tenure mediation councils with gender parity and effective NMIP representation

➡ Review and reform lopsided agreements involving Moro or NMIP claimholders

➡ Operational track:

- MIPA to provide paralegal assistance to communities to build up their case and file the same before appropriate forum through MOUs with Public Attorney's Office and DOJ
- Institutionalize Community-led Delineation and Customary Boundary Recognition through participatory 3D mapping and delineation led by



elders and culture bearers; integrate customary evidence (oral histories, sacred sites) into the land registry.

- Enhance customary dispute settlement for intra-ICC/IP boundary issues first, escalating to BIPA only if unresolved and finally to regular courts.
- Strengthen programs to enable Moro and NMIP individuals to understand land and contract law, supported by CSOs and BARMM ministries.
- Encourage “customary clauses” in standard contracts — specifying that any dispute resolution, modification, or transfer of rights shall comply with applicable adat or customary norms.

➡ Gender fairness and youth participation:

- ➔ Provide gender-sensitive legal literacy programs to protect women and youth from exploitative transactions.
- ➔ BARMM, through its various Ministries, should adopt a Strategic Communications and Information Dissemination Plan to provide among others effective social marketing of laws, rules and regulations, programs, and projects with appropriate feedback mechanisms for communities and other stakeholders.

↘ On camp transformation in BARMM

- ➔ Inclusive land mapping. Prior to major infrastructure or settlement works, map land tenure, ancestral domain, displaced persons' claims, and host community rights.
- ➔ Participation of affected persons. Ensure residents of camps (former combatants, their families), displaced populations, host communities, indigenous and non-Moro IPs are meaningfully consulted and involved.
- ➔ Link with justice and reconciliation. Incorporate mechanisms for truth-telling, reparations or compensation (especially where unjust dispossession occurred), institutional reforms (e.g., community governance, dispute resolution bodies).
- ➔ Protection of IDPs and displaced camp residents. Provide options for returning, local integration, or resettlement with dignity and rights.
- ➔ Holistic development approach. Physical infrastructure (housing, roads, water) must be paired with livelihoods, social services (health, education), youth programs, women's participation, and community-cohesion initiatives.
- ➔ Monitoring and accountability. Establish transparent mechanisms to monitor land-rights outcomes, settlement outcomes, dispute resolution and ensure non-recurrence of conflict.



- ➔ Respect for cultural/ancestral domain rights. Ensure that camp transformation does not override indigenous land claims or create new marginalisation of IPs/ NMIPs; incorporate their worldviews and governance structures.



Environmental protection and climate action (mitigation and adaptation)

- ➔ Guarantee FPIC and Customary Participation in Climate Projects. All climate adaptation and mitigation projects must undergo FPIC processes under BIPA and involve Indigenous Political Structures (IPS) in planning and monitoring.
- ➔ Recognize Climate Refugees and Temporary Tenure Rights. BARMM ministries (MIPA, MENRE, Ministry of Human Settlements and Development) should develop mechanisms for temporary tenure certificates for displaced households awaiting resettlement or rehabilitation.
- ➔ Implement Ridge-to-Reef Land-Sea Governance. Integrate land, watershed, and coastal management, ensuring that upland deforestation and coastal erosion are addressed holistically.

- ➔ Mainstream Climate Resilience in Tenure Planning. Require climate risk assessments in ADSDPPs, land-use plans, and marine resource management plans.
- ➔ Integration into Transitional Justice. Treat climate-induced dispossession as part of the broader historical injustice framework of the Bangsamoro peace process, recognizing that loss of land from environmental causes compounds historical marginalization.
- ➔ Strengthen Community-based Environmental Protection. Deputize IP rangers/sea wardens and formalize customary enforcement protocols, coordinated with MIPA and other Ministries.

➔ On business and human rights

- ➔ Strengthen FPIC Enforcement. FPIC must be substantive, requiring broad-based consultation, community translation, and participation of women and youth as rights-holders. Incorporate FPIC conditions into permits and renewals.
- ➔ Inclusive Investment Models. Promote cooperative and community-owned enterprises in agribusiness, fisheries, and ecotourism to ensure shared benefits.



- ➔ Restitution of Dispossessed Lands. MIPA should review and, if warranted, cancel corporate leases acquired through fraudulent claims or FPIC violations, consistent with BIPA.
- ➔ Environmental and social safeguards. MENRE should incorporate tenure risk screening in Environmental Compliance Certificates (ECCs).
- ➔ Transparency and Public Disclosure. All corporate land and sea leases must be registered and published through a publicly accessible BARMM Land and Resource Registry.
- ➔ Mandatory provisions of MOA. MOAs for land/sea resource projects should include: benefit-sharing agreement; community royalties, local employment quotas, environmental covenants, grievance mechanisms;

2

Rights Holders: Moro and NMIP Communities

- ➔ Moro and NMIP communities should strengthen internal governance and documentation of their adat and sea-use customs (kasabapan sa dagat) for local legal recognition.
- ➔ **ADSDPPs should be updated and linked with local planning systems**, ensuring participatory GIS mapping of traditional domains.
- ➔ **Joint titling and women's leadership should be promoted**, supported by livelihood programs integrating conservation and Islamic stewardship values.
- ➔ Communities must **integrate environmental responsibility into local agreements** through reforestation, mangrove rehabilitation, and climate-resilient practices that ensure intergenerational equity and ecological balance.
- ➔ Community members should **actively participate in the process of selecting their IPMR** in accordance with their customary laws



3

Non-State Actors: Business, Academe, CSOs, and Customary Leaders

Business and Private Sectors

- ➔ The private sector must adhere to FPIC and environmental due diligence standards, establishing co-management and benefit-sharing agreements that respect community rights.
- ➔ Business enterprises should align investments with rules-based governance and environmental rehabilitation commitments.

Academe and Research Institutions

- ➔ Provide evidence-based policy support, training, and technical assistance for participatory mapping, ADSDPP implementation, and gender-environment mainstreaming.
- ➔ Assist in ethnographic documentation and legal validation of oral traditions.

↘ **Civil Society Organizations and Development Partners**

- ➔ Assist communities record and notarize oral claims using multimedia tools, consistent with FPIC processes.
- ➔ Provide legal aid, paralegal support, and capacity building for NMIPs and Moro communities, ensuring accountability and inclusive participation.

↘ **Customary Leaders (Sultanates, Datus, and the Darul Ifta')**

- ➔ Actively mediate land and sea disputes through sulh (conciliation) and help codify resolutions into legal instruments recognized by BARMM institutions.



Cross-Cutting Policy Direction

Embed gender equity and environmental protection as performance benchmarks for all tenure-related policies, programs, and monitoring frameworks in BARMM. This requires appropriate human resource and funding allocation in the annual appropriations of the regional government.



Conclusion

The protection of cultural practices, the exercise of site-specific use rights, plus the grant of full title to their land and sea domain embody the normative content of tenure security in BARMM. However, tenure security is not merely about formalization of claims through tenure instruments—it is about empowerment and stewardship. Tenure policy must proceed from a transformative perspective of land and sea as an integrated domain that binds the identity, culture, governance, and sense of community of Moro and NMIPs.

When communities, ministries, and customary institutions coordinate within a coherent governance framework that takes into account the plurality of systems, beliefs, and identities and ensures sustainability and stewardship of both land and sea resources, tenure becomes the foundation for peace, justice, and transformation. Consequently, operationalizing this

pluralistic tenure framework constitutes a critical mechanism for Transitional Justice and Reconciliation (TJR) in the Bangsamoro. The juridical recognition of ancestral land and sea domains serves as a primary vehicle for historical redress and material reparations for the systemic dispossession endured by Moro and NMIP communities. Furthermore, institutionalizing customary governance within formal state mechanisms dismantles long-standing structural violence, thereby acting as an essential guarantee of non-recurrence and stabilizing the post-conflict landscape.



References

- Bangsamoro Autonomy Act No. 64 (2024). Bangsamoro Indigenous Peoples' Rights Act.
- Department of Agrarian Reform, Department of Environment and Natural Resources, Land Registration Authority, & National Commission on Indigenous Peoples. (2012, January 25). Joint DAR-DENR-LRA-NCIP Administrative Order No. 01, series of 2012: Clarifying, delineating, and providing the mechanisms for the implementation of the Joint DAR-DENR-LRA-NCIP Memorandum Circular No. 01, series of 2012. <https://www.dar.gov.ph>
- Department of Agriculture – Bureau of Fisheries and Aquatic Resources. (2019). Fisheries Administrative Order No. 263 (Fisheries Management Areas).
- Department of the Interior and Local Government. (2020). Memorandum Circular No. 2020-121 (Guidelines on LGU Participation in FMA Management).
- Fernandez, Maria Carmen (2023) Land rights, displacement, and transitional justice in the Bangsamoro: Insights from household-level mapping in Marawi City and Maguindanao. Davao City: Initiatives for International Dialogue



- Food and Agriculture Organization (FAO). (2013). *Implementing Improved Tenure Governance in Fisheries (Technical Guide)*.
- IID. (2025). *Governance and Security of Tenure Over Land and Sea Research Report Series*.
- Maderazo, M., Jacinto, E., & Umengan, D. (2025). *A Case Study on the Tenure Rights of Small-Scale Fishers in the Philippines*. International Collective in Support of Fishworkers (ICSF).
- Republic Act No. 11054 (2018). *Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*.
- Republic Act No. 8550 (1998), as amended by Republic Act No. 10654 (2015). *Philippine Fisheries Code*.
- United Nations. (2011). *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*. Office of the High Commissioner for Human Rights. https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

Cases:

- *Heirs of Malabanan v. Republic*, G.R. No. 179685, April 29, 2009;
- *Sama, et al. v. People of the Philippines*, G.R. No. 224469, January 05, 2021
- *Technical Education and Skills Development Authority v. Commission on Audit*, G.R. No. 125129, March 29, 1999;
- *Unduran, et al. v. Aberasturi, et al.*, G.R. No. 181284, April 18, 2017

This policy brief draws from IID research on tenure security and field consultations with Moro and NMIP communities, 2024–2025. Portions of this paper were developed with the aid of AI-based research tools used solely for drafting and information organization. All content, analysis, and recommendations were originated, reviewed and validated by the author(s).

Securing Tenure for Moro and Non-Moro Indigenous Peoples (NMIPs) over Land and Sea Domains in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)

A Policy Proposal



BRIDGING PEOPLES. BUILDING PEACE.

WWW.IIDNET.ORG

dialogue@iidnet.org
+6382 2992052

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.



Co-funded by the European Union



Implemented by

giz Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH