

Mindanao (Philippines): Position on the proposed bill for extension of the Bangsamoro Transition Authority

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POSITION OF THE TIMUAY JUSTICE AND GOVERNANCE (TJG) ON THE PROPOSED BILL FOR EXTENSION OF THE BANGSAMORO TRANSITION AUTHORITY - BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (BTA-BARMM)

In the context of the United Nations, the Maguindanaon, Maranao, Iranun, Tausug, Yakan, Sama and others who composed the 13 Muslim groups and who have collectively ascribed as Bangsamoro people are Indigenous Peoples in Mindanao, Sulu and Palawan. On the other hand, the Teduray, Lambangian, Dulangan Manobo, Erumanen ne Menuvu, Blaan and Higaonon who composed the 110 Non-Muslim groups are Indigenous Peoples in the whole Philippines.

Both the Muslim groups of Indigenous Peoples and the Non-Muslim groups have a parallel right to self-determination and autonomy as recognized in the United Nations Declaration on the Rights of the Indigenous Peoples (UNDRIP).

On that note, the Timuay Justice and Governance of the Teduray and Lambangian Non-Moro Indigenous Peoples have recognized and supported the self-determination of the Moro People thru Peace Negotiations because it is their inherent right, like the inherent right of the Non-Muslim Indigenous Peoples to self-determination.

On the above premises, the Teduray's representative as observer during the period of peace negotiations between the Government of the Philippines (GPH) and Moro Islamic Liberation Front (MILF) has asserted that an emerging identity be recognized and entrenched in the peace accord as Non-Moro Indigenous Peoples. Hence, the term was agreed by the Panels of the GPH and MILF. This was entrenched in the Framework Agreement on the Bangsamoro (FAB) and Comprehensive Agreement on the Bangsamoro (CAB), specifically on the provision for the Reserved Seats.

On the basis of the FAB and CAB, both Houses of the Philippine Congress framed the Bangsamoro Organic Law (BOL) as compliant to the FAB and CAB.

Wherefore, the Non-Moro Indigenous Peoples have seen the approval of the BOL in the Bicameral Committee of the House of Representatives and the Senate as an opportunity for them to have a genuine peace and development in their Ancestral Domain. They have seen the glaring light at the end of a tunnel, the light they were searching for many decades.

The enacted and ratified BOL provided under Section 9, Article IV the Rights of the Non-Moro Indigenous Peoples. Further, Section 8, Article VII enumerated the Non-Moro Indigenous Peoples as Teduray, Lambangian, Dulangan Manobo, Blaan in the Province of Maguindanao and Higaonon in the Province of Lanao del Sur. After the plebiscite on February 6, 2019 for the inclusion of 6 municipalities in Lanao del Norte, but unfortunately, the constituents refused to be included and 63 barangays in North Cotabato opted to join the BARMM, where 8 barangays are covered by the Certificate of Ancestral Doman Title (CADT) of the Erumanen ne Menuvu issued by the National

Commission on Indigenous Peoples, hence, they ascribed to the identity of Non-Moro Indigenous Peoples.

Furthermore, the recently enacted and signed Bangsamoro Administrative Code provides the definition of the Non-Moro Indigenous Peoples, but no definition of the Indigenous Peoples.

Today, there is the new identity of the 6 Non-Muslim Indigenous Peoples as Non-Moro Indigenous Peoples in the context of the BARMM.

However, the glaring light is not going to develop into a shining light like a morning, instead, it turned a doom for the Non-Moro Indigenous Peoples communities because of many challenges and atrocities beyond their capacity to resolve. Among the challenges and atrocities, immediately after President Rodrigo Roa Duterte has signed the BOL into law in July 23, 2018, spate of killings of Non-Moro IP leaders and farmers began. Despite of all these atrocities within their Native Title/Ancestral Domain, they overwhelmingly voted in favor of the BOL's ratification with a high hope that freedom will reign.

Until recently with the senseless killing of 2 hopeless Teduray and Lambangian farmers in just a period of 2 days in one municipality, we counted fifteen (15) Teduray and Lambangian leaders and farmers were ambushed, massacred and executed by the armed groups that the communities identified as members of the Bangsamoro Islamic Armed Forces (BIAF), Bangsamoro Islamic Freedom Fighters (BIFF), Private Armed Groups of some Politicians and other bandit groups within their Ancestral Domain.

A threat to eliminate the high profile and community leaders who are asserting and standing for their rights is persistently eminent.

There was a sustained massive land grabbing and aggressive occupation of traditional villages of the Teduray and Lambangian by the BIAF, terrorist groups, private armed groups and bandit groups resulting to massive evacuation. Some of the evacuees more than a year now are still in the evacuation center for fear of their lives if they will be going to return to their villages due to the presence and frequent attacks of armed groups claiming to be BIAF members. Some of the communities within the Fusaka Inged/Ancestral Domain of the tribes were occupied by the BIAF and hanged tarpaulins bearing the message as MILF Community.

On the Bangsamoro governance, the TJG and the Non-Moro Indigenous Peoples constituents were saddened because the provisions of the BOL recognizing their rights were ignored and arbitrarily violated. The accomplishment of the BTA for the Non-Moro Indigenous Peoples has a strong negative impact. Their right to Native Title/Ancestral Domain was denied by the BTA with the approval of the BTA-BARMM Resolution No. 38, urging the NCIP to cease and desist from proceeding in the issuance of Certificate of Ancestral Domain Title (CADT) for the Ancestral Domain which the NCIP has completed its delineation process. With this action of the BTA-BARMM will make the Non-Moro Indigenous Peoples continuously experiencing social injustices.

The government agency that is supposed to lead in the recognition, protection, promotion and fulfillment of the rights of the Non-Moro Indigenous Peoples in the BARMM, which is the Ministry of Indigenous Peoples Affairs (MIPA), spearheaded the polarization of its clientele by posing a threat to dismantle the legitimate and commonly accepted Indigenous Political Structure (IPS) and customary laws of the Teduray and Lambangian and their People's Organizations duly organized in accordance with the laws of the Philippines. It organizes its Tribal Councils of Indigenous Peoples which is not provided in the BOL as well as in the recently passed and approved Bangsamoro Administrative Code. It installed the IP Mandatory Representatives in Local Legislative Councils in all levels of

Local Governance violating Section 16 of R.A. 8371, also known as the IPRA for not observing the National Guidelines on the installation of IPMRs in the Local Legislative Councils. It excluded the leaders and groups who are asserting and standing for the 4 bundles of rights of the Non-Moro Indigenous Peoples as provided in the national laws. It arbitrarily violated the national laws as well as the provisions of the BOL. Its actions are beyond which are legally provided, This cannot help in strengthening the moral governance envisioned by the Interim Chief Minister Ahod Balawag Ebrahim.

Given these facts, it is a normal gesture of the Teduray and Lambangian not to favor the amendment of the BOL on the provision for the first regular election on 2022 to 2025, extending the term of the BTA in a status quo. The extension will only prolong the agony of historical and contemporary injustices succumbed by the Non-Moro Indigenous Peoples. We fully believed that the composition of the present BTA is the stumbling block for the BARMM to achieve genuine inclusive peace, development and progress.

Lastly, should the extension is inevitable because the President and Congress are inclined to amend the BOL, the TJG is appealing to His Excellency President Rodrigo Roa Duterte and Congress that the two (2) representatives of the Non-Moro Indigenous Peoples be chosen and endorsed by the Non-Moro IPs as well as the Minister for the Ministry of Indigenous Peoples Affairs (MIPA). We need the fatherly care of the President to the least of his constituents. We remain, In behalf of the Baglalans (Chosen leaders) in all the three (3) branches of the indigenous governance system and all levels.

Timuay Justice and Governance
