



Land Titling and Class Relations Among the Maguindanaos of Ligawasan Marsh: Implications for Peace and Development

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ABSTRACT. The Ligawasan Marsh Stakeholders Mapping Project of 2014 elicited the views of Maguindanao fishers and farmers on the feasibility and possible consequences of establishing a protected area that would cover the Ligawasan Marsh area. In general, there was broad but qualified approval of this project. One of the conditions for accepting the proposed protected area plan was fair implementation of the project. This study traces this concern for fairness to historical experiences of economic marginalization, by the more powerful or elite Maguindanao families, particularly with regard to landownership. The data also shows that many informants sought the Moro Islamic Liberation Front's involvement in the future management of the marsh. This suggests that non-elite Maguindanaos look to the Moro Islamic Liberation Front to control elite Maguindanao families who may seek to exploit the opportunities offered by the establishment of a protected area in the Ligawasan marsh, or by growing foreign investments on oil palm production in the area.

KEYWORDS. ancestral domain · class relations · Ligawasan Marsh · Maguindanao · Moro Islamic Liberation Front

INTRODUCTION

That would be the best, and hopefully it will happen, Insha Allah. We all know that that is our dearest hope . . . so that we all can be at peace here in Mindanao. I believe that if this happens, we will achieve peace, Insha Allah.

These were the words of a farmer residing within the Ligawasan Marsh on the subject *not* of the peace process between the Moro Islamic Liberation Front (MILF) and the government of the Philippines but of the titling of lands within the marsh area. This informant emphasized the centrality of the issues of land and landownership for the

Maguindanao people living in the marsh. Peace thus seems to be linked to the clarification of relative land rights between neighbors rather than to such loftier aspirations as self-determination, regional autonomy, or Islamic governance.

This quote is part of the data from the 2014 Ligawasan Marsh Stakeholders Mapping Project (LMSMP). The LMSMP was conducted as part of the preparations for the proposed Ligawasan Marsh Protected Area, which sought to place 288,000 hectares of this vast marshland under more stringent environmental control. Some proponents of the protected area plan were concerned about the scope of the public hearings organized by the Department of Environment and Natural Resources (DENR) to discuss the plan and requested the conduct of a study that would complement these consultations. It was clear early on that the public hearings tended to focus on the views of local government and other state agency officials and largely bypassed ordinary farmers and fishers dependent on the marsh for their livelihood. These fishers and farmers are mostly poor Maguindanao people living in isolated villages within the marsh complex who might not have heard of the public consultations at all, or who would not be able to attend if they did because it would mean losing one or two days' work and consequent hunger for their families.

To document the views of these fishers and farmers, the LMSMP identified twenty-three isolated farming and fishing communities in the marsh area as field sites (see figure 1) where focus group discussions (FGDs) and key informant interviews were arranged and conducted. The FGDs were conducted in the Maguindanao language by teams of Maguindanao field researchers. They transcribed their interview data and translated them into Filipino. For the sake of readers unfamiliar with Maguindanao or Filipino, English translations will be used here in quoting individual respondent's remarks. Securing local permission for the FGDs and interviews was complicated by the fact that most of the marsh is controlled by the MILF; indeed, many respondents matter-of-factly stated that they were all MILF supporters in their community. The project report (Gatmaytan and Vidal 2015) provided a perspective on the views of Maguindanao farmers and fishers from across the marsh regarding the feasibility and possible impacts of establishing a protected area in the Ligawasan.

In conducting the FGDs, it was decided that rather than focusing too narrowly on the establishment of a protected area, the LMSMP would also explore alternative "management frameworks" for the

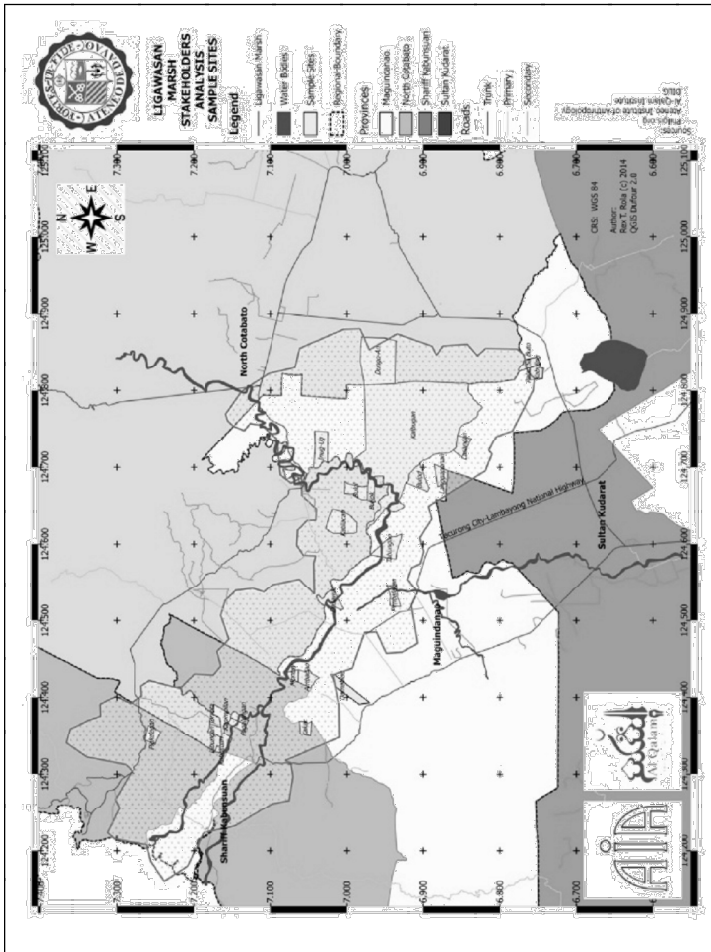


Figure 1. LMSMP field sites. Shown on the map are the locations of twenty three randomly selected barangays within each of which an isolated fishing and/or farming sitio was chosen as field site. Map by Rex T. Rola (2014).

marsh, particularly the idea of turning the area into an MILF-controlled province or of titling the marsh as the ancestral domain of the Maguindanao people, who form the vast majority of the local population. It was in the context of the discussion of ancestral domain titling in Barangay Inug-og, Municipality of Pagalungan that the statement of a Maguindanao farmer, quoted above, emerged.

FOREGROUNDING THE MARGINALIZED

The LMSMP's focus on the perspectives of ordinary Maguindanao fishers and farmers in the marsh was a studied response to a perceived three-fold marginalization: First, and as has already been noted, Maguindanao fishers and farmers are largely bypassed in the DENR public consultations. They are, in other words, politically marginalized in the sense of having limited access to regional planning and decision-making.

Second, these people are economically marginalized. This is underscored by the fact that this general area is consistently one of the poorest regions in the Philippines (NSCB 2013; Gutierrez and Borrás 2004, 19). The data from the LMSMP (Gatmaytan and Vidal 2015, 21) likewise suggested that most farmers and fishers in the area are impoverished. As a female respondent from Kabuling said:

We make no profit in farming or fishing; whatever we earn in a day is enough only for that day. . . . What often happens is when we go to sleep at night . . . we do not know what we will live on the next morning.

Many informants spoke of a lack of farming or fishing equipment, widespread dependence on loans from creditors or buyers for financing their fishing and farming work, lack of alternative economic options, and unpredictable and increasingly severe flooding and other environmental problems among the constraints on their livelihood. A few communities also reported landlessness and share-tenancy among their problems. In these communities, farmers stated that they surrendered 10 to 20 percent of their harvests to the landowner. There was one community in Sultan sa Barongis, however, where farmers reportedly gave up 85 percent of their harvest. Finally, a number of informants stated that the unstable peace and order situation—arising from militarization by state forces as well as inter-family *rido* or feuds—contributed to their economic hardship.

Third, Maguindanao fishers and farmers are marginalized even within the academic literature. Much of what has been written about the Maguindanao as a people is historical in nature (see Iletto 1971; Beckett 1982; Mercado 1992; May 1992; McKenna 1998, 2007; Abinales 2000), and/or has largely focused on powerful leaders or families, and their elite notions and practices of politics (e.g., Beckett 1994; Abinales 2000, 2010; Human Rights Watch 2010; Lara 2014). An offshoot of the interest in Maguindanao politics explored the links between local governance and the so-called “shadow economy” (Gutierrez and Borrás 2004; Lara and Champain 2009; the essays in Lara and Schoofs 2013; Lara 2014), but again the focus is on the link between illicit economic activities and the politics of elite or powerful Maguindanao families (e.g., Lingao 2013). One published source that actually provided a glimpse into the day-to-day lives of contemporary non-elite Maguindanao in the marsh area is the *Liguasan Marsh Vulnerability Survey* (Acción Contra el Hambre 2004), which was based on interviews of conflict-affected Maguindanaos mostly from the municipality of Pikit. That brief study, however, focused on economic issues. It provided little information on how farmers and fishers relate to local, and larger, political arenas, among other issues.

Despite its stated interest in the views of non-elite Maguindanao, the LMSMP did not present ethnographic data on the lives of the fishers and farmers of the Ligawasan area. It was simply not designed to do that. What it did provide was a broad sampling of non-elite views or perspectives on the issue of establishing a protected area in the marsh, in the conduct of which other relevant issues emerged—many of which warrant further, more in-depth investigation. Among the important insights drawn from the mass of collected data is the still under-appreciated relevance of class relations between elite and non-elite Maguindanaos. The focus of this article will thus be on the broad dynamics of elite and non-elite relations as it affects issues of land and resource control or access, information on which emerged incidentally in the course of conducting the FGDs for the LMSMP.

To that end, I would build on McKenna’s findings (1998; 2000) that there are significant differences between the political viewpoints of Maguindanao leaders and their followers, even within revolutionary movements such as the Moro National Liberation Front (MNLF), and—I argue—the MILF as well (see Abinales 2010). Here, I will draw attention to the views of non-elite Maguindanaos, who are thus moved from the discursive margin to its foreground. In the process, the

tensions between elite and non-elite Maguindanaos in the context of a gradual transition to a post-conflict setting in the area will be outlined. I suggest even now that this issue deserves greater academic attention because of its implications for long-term peace and development in the region as well as the country.

CONTEXTS

The Ligawasan Marsh is a complex system formed by three component marshes: Ligungan, Ligawasan, and Ebpanan. This vast area sprawls across the territorial jurisdictions of nineteen adjacent municipalities of Cotabato, Maguindanao, and Sultan Kudarat provinces. Parts of the marsh, particularly the larger catchments or basins and the channels of the rivers and tributaries that join it, are inundated all year round. Other areas are flooded only part of the year. Infrastructure projects, however, are gradually modifying water flows and building up the “dry” areas in the marsh. Still, it remains the largest freshwater marsh habitat in Mindanao and supports the greatest number of resident freshwater birds, some of which are rare or endemic (FPE 2014, 8). Crocodiles, which seem to occupy a special position in the indigenous ecology, and a rich variety of freshwater fishes are also found in the marsh (FPE 2014, 8).

The Ligawasan forms part of the traditional or historical territory of the Islamized Maguindanao people who are associated with the Pulangi River (Beckett 1982, 394; 2007, 290), which flows through the marsh. McKenna noted historical sources to the effect that the name “Maguindanao” can be translated as “people of the flood plain,” referring to the marsh and the surrounding lands sustained by the waters of the Pulangi (1998, 27; also Saleeby 1905 as cited in Warren 1981, xxii-iii). The historical seats of the Sultanate of Maguindanao and of Buayan—both of which played parts in resisting the Spanish colonial project in this part of Mindanao—were defined by their relative positions along the Pulangi, the former in the area surrounding the mouth of the river, the latter further upstream (Warren 1981, xxii-iii). Finally, McKenna (1998, 30) cited eighteenth century historical accounts documenting the presence of “Mahometan” farmers along the many waterways of this region. These data, taken together, support contemporary Maguindanaos’ claim to the marsh as part of their ancestral territory. In fact, the Maguindanaos easily qualify as “indigenous people” as defined in Section 3 (h) of the Indigenous People’s Rights Act

(IPRA) of 1997 (Republic Act 8371), being an organized group defined by self-ascription and ascription by others, with distinctive cultural traits that evolved in the course of resistance to colonization, and a historical claim of ownership over a given territory, in this instance, the Ligawasan marsh. The main ethnographic distinction between them and other Philippine indigenous groups is their conversion to Islam, which almost certainly helped them resist colonial aggression (Mercado 1992, 160–61; Sakili 2013, 116; Mastura 2012, 19 et seq.).

This area continues to provide a home and livelihood to approximately one million Maguindanao farmers, fishers, and traders (FPE 2014, 19; compare Winrock International et al. 2002) who constitute the clear demographic majority in this region. Most of these fishers and/or farmers reside in small villages or settlements scattered across the area. While the local road network has been expanding, a number of villages can be reached only by boat; the LMSMP selected its FGD sites from among these. Some research informants self-identified as fishers and others as farmers (mainly of rice and corn); some said they combine these livelihoods, while still others shift from one livelihood to the other depending on whether or not the land is flooded over. Exact numbers of full-time farmers, fishers, and farmer-fishers are unavailable.

The marsh also provides a secure setting for the military camps of the MILF, which is widely seen in the area as a champion of Maguindanao and Moro rights. In this, the Maguindanao people follow a historical and global pattern where highlands, deserts, marshes, and similarly remote areas serve as indigenous groups' political and cultural refuge from the state-building projects of nation-states (following Scott 2009, 10, 13). The marsh can be seen as one of the last strongholds of the Maguindanaos, whose territory has elsewhere been severely reduced through land grabbing by migrant settlers and by government-backed settlement, plantation, and logging projects (Rodil 1994, 37; McKenna 1998, 114–18; Beckett 2007, 292–93). One unfortunate legacy of this history of displacement has been the stereotype held by some Maguindanaos of migrant or Christian settlers as “landgrabbers” (Sakili 2013, 118; also Castillo 2014). Loss of land, militarization, discrimination, and other historical injustices are at the heart of continuing tensions between the Maguindanaos and the MILF on one hand, and migrant settlers and the Philippine state on the other (cf. McKenna 1998).

Despite the historical centrality of the land issue, there is very little information on the tenurial situation of the Maguindanaos within the marsh; that is, the question of how land and other resources are allocated among the local population. There are authors who claim that in Maguindanao traditional tenure, land was held “in common” (for example, Lara 2010, 12; 2014, 131-32), although what precisely is meant by this is unclear. Furthermore, the historical or ethnographic basis of such statements is never presented. I suspect that it is simply *assumed* that pre-colonial land tenure—which in the Ligawasan and some other parts of Mindanao arguably ended only in the 1950s or 1960s—is “communal.” The LMSMP data (Gatmaytan and Vidal 2015, 42-44) suggested that the current tenurial situation across the marsh area is diverse, complex, and contentious. Some informants claimed to own land they inherited from their parents or ancestors, but they had no titles to that effect. Other communities reported that their residents had titled lands. Such “titles” may be in the form of real-estate tax receipts or of actual documents of title issued by the Department of Agrarian Reform or through municipal cadastral surveys. In other communities, land was said to be the hereditary property of one or more local elite families. In some cases, these elite families’ hereditary landholdings have reportedly been converted into titled property.

Landownership across the Ligawasan can thus be imaged as an intricate mosaic of individual and family claims; some of which are titled, and others are not. A complicating factor is the possibility that at least some of these titles might be fake. Gutierrez and Borrás (2004, 37) reported that fake titles were at one time widely available in this region, many of which were submitted to the Department of Agrarian Reform under the “voluntary offer of sale” mechanism for agrarian reform. It was later discovered that eight out of every ten titles thus submitted to the Department of Agrarian Reform in this region were fake, resulting in the suspension of the implementation of agrarian reform in the area in 1999 (*ibid.*). A final complicating factor is that the landownership of elite families is sometimes challenged by individual Maguindanaos. In some cases, the thrust of the challenge is that these families have no better right to the land than poor fishers or farmers, even though the land may already be titled. In others, the argument is that the marsh belongs to the Bangsamoro as a people and thus cannot be the property of individuals or families. There is, as of this writing, no effort to map out these various claims and counter-claims over land on the part of the government, though such an exercise clearly has value

for the proposed implementation of a protected area in the marsh or for any other development initiative for that matter.

To note, these various local/traditional and state-backed systems of reckoning and allocating relative rights to land and other resources should properly be seen as actively engaging each other as Maguindanao individuals and groups invoke one or another legal system in their negotiations over relative tenure rights. It is, in other words, a context characterized by legal pluralism (following Donovan 2008, 186); that is, a setting where one or more legal systems in addition to that of the state are invoked and utilized by the local people. This obliges— or empowers—claimants or disputants to navigate the sometimes conflicting demands or often competing claims of these systems in pursuit of their interests (Hall, Hirsch, and Li 2011; Sikor and Lund 2009). Gulane (2013) offers an interesting case study of how local government officials and leaders of powerful Maguindanao families invoke or contest state and non-state modes of reckoning landownership in the course of a land dispute in the Municipality of General S.K. Pendatun, Maguindanao. It showed how the dispute was entirely dominated by powerful groups and individuals while the poor Maguindanao farmers living in and working on the contested area had very little voice.

Gulane's case study underscored the often critical role of "local leaders" in disputes over land and resources. To note, the LMSMP (Gatmaytan and Vidal 2015, 52–53) asked its Maguindanao informants to identify the "local leader" they go to in order to resolve their day-to-day problems. The most frequently cited leader was the barangay captain (in two cases, *retired* barangay captains were identified). Coming in a distant second were MILF commanders or officials, which indicates the prestige the MILF enjoys in the area. The third most often cited were traditional leaders or elders and local *datus* (chieftain). Interestingly, the informants saw links between these various leaders. A barangay captain could be a clan elder or an Islamic cleric or even an official of a local MILF unit or organization, leading to a blurring between state and non-state sources of authority. Even more interestingly, many of these leaders were seen as belonging to a small circle of powerful local families. The contemporary Maguindanao political structure is thus a complex matrix of traditional, state, and "anti-state" (i.e., MILF) systems of authority. It would be interesting to explore the views of barangay, municipal, provincial, and regional officials on land ownership. Unfortunately, the LMSMP was designed to focus on small farmers and fishers and did not have the resources to

include local officials among its respondents. Interested readers should investigate the DENR's documentation of the public consultations for the protected area plan, in which local government officials participated; and might thus yield information on their views on landownership. In any case, I believe this issue should be flagged for further, more in-depth study.

Other scholars have described the transformations that political leadership in this region has undergone. In the past, leaders attracted followers through their reputation as "men of prowess" (Wolters 1999, 18; see also Abinales 2000). Since then, Moro datus have witnessed the decline of the sultanates, and have gradually become integrated into the colonial political structure of the Spaniards and Americans, emerging in the post-war era as politicians whose power shaped and was shaped by elections (cf. Ileto 1971; Beckett 1982; Abinales 2000). Some of these leaders even used state laws to secure titles to tracts of land (Lara 2014, 131-32), at times to the detriment of non-elite Maguindanaos. By the 1960s and 1970s, expanded educational opportunities allowed the emergence of a "counter-elite" who called for secession from the Philippine state and even criticized the personalistic leadership of the datus (McKenna 1998; 162-63, 165).

Gutierrez and Borrás (2004, 4-5, 7-10) argued that the continuing "highly skewed distribution of ownership and control of land" in the region—caused by land grabbing and real-estate speculation by, among other actors, Moro leaders (Lara and Champain 2009, 13-14)—has led to the emergence of "entrepreneurs in violence" who protected the land rights of their clients. Lara and Champain similarly observed continuing conflicts over land and resources, but went on to underline the emergence of illicit sources of income (e.g., trade in illegal drugs and weapons) in a region excluded from the economic growth enjoyed by the rest of the country. This enabled some powerful Maguindanao families to gain power in the wake of the MNLF's abject failure to bring development to the Autonomous Region of Muslim Mindanao (ARMM) (Lara and Champain 2009, 15-16). This latest phase in the evolution of local leadership is embodied by the Ampatuan clan (see Lara 2012), which amassed unprecedented political and economic control of the region in exchange for electoral support for then-President Macapagal-Arroyo (Human Rights Watch 2010). Today, local leaders may draw authority from descent from "royal" families, electoral or other state positions, connections with the MNLF or the

MILF, Islam, access to licit or illicit sources of profit or both, their brute ability to inflict violence, or some combination of these. Again, this is a matter that deserves further study.

THE LIGAWASAN MARSH AS ANCESTRAL DOMAIN

It is difficult. Everything is difficult. But we cannot leave this place, because the Ligawasan is considered our ancestral domain, because this is where our ancestors lived. (Katidatuan resident, speaking of life in the marsh)

The idea of turning the Ligawasan Marsh into a protected area originated from a network of Maguindanao environmentalists, community organizers, and officials of the DENR who were all concerned that, in the face of the worsening environmental conditions within the marsh, they had no legal framework for coordinated planning, management, and enforcement across a vast area riven by the jurisdictions of municipal, provincial, and regional local governments and line agencies. When I first heard of this plan, my immediate concern was that, if declared a protected area, the marsh would be classified as *public land*, and it would thus contradict the Maguindanao's claim to this area as their ancestral territory, that is, their collective *private property*. The proponents, however, were terrifyingly optimistic that this, and other potential problems, could be resolved through dialogues among all stakeholders, including the MILF, after the establishment of the protected area. The feedback from the DENR public hearings on the protected area project indicated that local governments in the area supported this plan or at least did not oppose it. Whether they would actually cooperate with the project should it push through is unknown. After all, their political jurisdiction and responsibilities, access to resources and taxation, size of territory and land ownership, among other issues, are at stake.

The LMSMP (Gatmaytan and Vidal 2015, 55) found that there was general acceptance of, or at least openness to, the idea of establishing a protected area in the Ligawasan Marsh among Maguindanao farmers or fishers. This acceptance or openness was conditional, however. The condition most often cited by informants was that implementation of the protected area plan should not adversely affect the livelihood of local residents. This is an understandable demand given the generally low and erratic incomes most Maguindanao farmers and fishers in the marsh earn. The next most often cited

condition was that the management of the protected area should be “*pantay-pantay*” (undertaken fairly, justly, or equitably). As a respondent from Dasawao puts it, he will agree to the protected area plan “provided there is equal treatment of everyone in the Ligawasan, be they ordinary [folk] or people with a hold on power.” Here we have an indication of a sense of injustice that small farmers or fishers feel toward those “with a hold on power,” an inequity that they do not want perpetuated by the protected area project. Finally, there were a few informants who demanded that the establishment of the protected area should not prevent the Bangsamoro—or as a few respondents phrased it, the Bangsa Maguindanao—from exploiting the resources within the marsh, particularly the rich oil and natural gas deposits reported to be in the area.

However, the LMSMP also explored alternative “management frameworks” other than that outlined in the National Integrated Protected Areas System Act of 1992 (Republic Act 7586). In particular, it discussed the possibility of governing the marsh first as a “special province” controlled by the MILF and second as an “ancestral domain.” Unfortunately, the various informants’ reception of the idea of a special province or region was rather vague. In large part, I believe this stems from the widely-held view that much of the marsh area is already under the control of the MILF directly or indirectly through a “shadow government” that operates in parallel to state institutions and officials. Thus, while there was widespread support for this option, there was little in the way of elaboration or deeper discussion because MILF control of the area was presumed by both informants and the LMSMP’s Maguindanao field researchers. It is also possible that the notion of a special province or region was conflated in the informants’ minds with the political institutions introduced in the Bangsamoro Basic Law (BBL), the substance of which was still under negotiation between the state and MILF representatives at the time the LMSMP was conducted.

As for the idea of titling the marsh as an “ancestral domain,” it should be noted that the MILF consistently opposed the application of IPRA—which provides for the titling of ancestral domains—within the area to be covered by the BBL, which includes the Ligawasan Marsh. Reacting to some political observers’ call to allow the non-Islamized indigenous groups in this region to have their ancestral domains titled, the MILF leadership outlined the reasons for their rejection of the IPRA in an editorial posted on its online mouthpiece, *Luwaran*. They

argued that the IPRA would not give the Maguindanaos and other indigenous people in the prospective Bangsamoro territory full enjoyment of their rights as it does not provide for revenue sharing or political representation; that the Maguindanaos and the other indigenous peoples are all descendants of two brothers who thus share only one indivisible ancestral domain today; and lastly, that allowing the IPRA to be implemented in an area to be governed by the BBL would simply be too confusing for everyone in the region (Luwaran 2016). The MILF then called on everyone to respect their choice to push for the approval of the BBL and to reject the IPRA.

Given the MILF's position and reputation, the LMSMP was surprised to find that many local residents responded positively to the idea of having the marsh titled as the Maguindanao people's "ancestral domain." In part, this reflects long-standing tensions already noted between the MILF and the Maguindanao residents of the marsh on one hand, and the Philippine government and migrant settlers and their descendants on the other. Representative of this view is a statement by one informant, "What is important is that the [ancestral domain] title will be in the name of the Bangsa Moro and not of people from other places." Another informant from Kalbugan said of titling the ancestral territory, "This truly . . . is what the Bangsa Moro fought for; if this happens, we will surely have peace, Insha Allah."

Yet there was also a large number of informants who supported the idea of titling the marsh area because it would help settle disputes *between* Maguindanaos. A Buliok respondent said, "We can have the Ligawasan titled so there will be no conflict, since everyone will have [papers] to hold on to." Another informant stated, "It would be good to have the Ligawasan titled, as long as the implementation is fair"—a statement that reflects a wariness that a titling program or project could be unfair or coopted to the detriment of beneficiaries with less access to power. In any case, it appears that the clarification of relative land rights *among* the Maguindanaos is seen by many respondents as a key to achieving peace. It was in this light that many respondents argued that titling should be done on an individual rather than "communal" basis, which is the premise of ancestral domains titling under the IPRA (sec. 5, in relation to sec. 3a and 3b). Thus, a respondent from Tabungao declared, "Titling is the best of all [options] . . . but not as an ancestral domain . . . titling should be individual for . . . each owner and occupant of the Ligawasan." One farmer from Ambadao felt so strongly

about the need for individual rather than communal titling that, if not implemented in this manner, then “*huwag na lang*” (just forget it).

There were still other views on the idea of titling. Some were wary of the whole idea, and thus called for prior consultations. This indicates informants’ awareness that ancestral domains titling—whether done communally or individually—could provoke hostile reactions from local families with traditional and/or titled claims to land. One respondent’s initial reaction to the idea of titling was, “But what will happen to those lands which are already titled?” to which a neighbour added, “like ours.” Maguindanao civil-society leaders interviewed for the LMSMP conceded that there is a need for some form of property or land reform in many parts of the marsh. One of them even described rural elite and non-elite relations in some areas as “feudal.” Yet, they all warned against implementing land or property reform without prior and extensive social preparation, as elite families or powerful leaders might react adversely or even violently. Some small farmers and fishers, on the other hand, asserted that they have as much right to land in the marsh as the elite families. A few simply hoped that recognition of their rights to land and resources will not provoke the ire of landowners. As one informant said, “Hopefully, [the former landowner] will not think badly of those who will now enter their lands [to make a living].” Clearly, landownership and titling are contentious issues in this region. Finally, a few informants rejected the need for titling, because, as a Dungguan resident noted, “there are no Christians near [our village];” that is, there was no danger of land grabbing in their community.

TENSIONS

One other reservation that some respondents had was the concern that titling would open up opportunities that the more powerful or wealthy local families could exploit to the detriment of ordinary fishers and farmers. As an informant from Barangay Kakar said of the idea of titling the land, “The difficulty here is that only the powerful families might benefit. What about the poor?” This reflects the widespread concern that the titling of the marsh must be *pantay-pantay*. As noted, a lot of residents qualified their support for the proposed protected area with the precondition that the management of the marsh must be similarly fair and without undue deference to powerful leaders or families. It is in this context that most respondents argued for the active

participation of the MILF in the management of the Ligawasan Marsh. A respondent from Kabuling declared:

We agree to the titling of the lands here, with the government of the Bangsa Moro as the implementer and in such a way that [the lands are titled in the name of] each landowner and not as an ancestral domain. No one but the Bangsa Moro can own the Ligawasan Marsh

I read this statement as a reflection of widespread popular recognition of the credibility of the MILF—equated here with the Bangsamoro government—across the region as a guarantor of local people’s rights and interests, in light of its successes in the field and at the negotiation table. Local farmers and fishers thus look to the MILF to ensure that there is a level playing field between the elites and non-elites, in a context where the former already control much of the local political and economic resources. This desire for equity or parity is expressed in the idea of individual titling where *everyone*—not just the elite—receives a clearly delineated, duly documented share of the Maguindanao’s ancestral territory, thereby enhancing peace and order as competing claims over land are thus finally settled. This, I think, explains the widespread interest in individual rather than communal titling of the marsh as ancestral domain. Communal titling could allow elite families to consolidate or even expand their ownership or control of land by using patronage, debt-relations, or perhaps even threats or violence to control their poorer, less powerful “co-owners” in their shared communal lands.

The implication is that there are continuing economic tensions between the elite and non-elite Maguindanaos, which the latter now seek to address. A respondent from Tabungao commented on the comparative economic trajectories of elite and non-elite Maguindanaos, “What happens to poor people is that they become poorer, while they who are rich become even richer,” ending his statement by spitting on the ground to emphasize his point. Finally, the statement indicates that at least some non-elite Maguindanaos are resisting the hegemony of powerful local families by seeking the involvement of the MILF in the future management of the marsh. The Maguindanao fishers and farmers of the Ligawasan thus figure not as a silent mass of peasants subservient to local elites—which is the general impression one gets from reading the literature—but as a diverse population, some of whom do defer to the powerful even as others articulate discourses of anti-elite

resistance and seek to implicate the MILF in their political project of securing political and/or economic parity with the local elite.

Political and economic domination of Maguindanao non-elites by their *datus* and local government officials is of course not a new issue. As early as 1969, Maguindanao intellectual Alunan Glang asserted that the “Muslim leadership itself” is the real problem plaguing the Moro peoples (cited in Abinales 2010, 126). In the same vein, McKenna (1998, 165) stated that MNLF’s Misuari and MILF’s Salamat both recognized the abuses of “*datu* leadership,” but there were “practical considerations” that prevented them from confronting the institution of traditional leadership, particularly their respective movements’ dependence on the logistical and other support of local leaders. More recently, the MILF ideologue Salah Jubair criticized those Moro leaders who enriched themselves while their constituents wallow in poverty (1999, 258; also Jubair 2007, 84–85). What has not been noted in the literature was that many local government officials, local *datus*, MILF commanders, and even local religious leaders in the Ligawasan Marsh very often belong to the same elite families—as the LMSMP data indicate. This last point suggests the possible limit of some respondents’ hope of asking the MILF to ensure that management of the marsh will be *pantay-pantay*. One informant expressed his worries as follows:

But maybe it will only be the MILF forces whose lives will be improved by the development of the Ligawasan. What of the people of the barangays?

It would seem that the MILF, for all its general credibility and popularity across Ligawasan Marsh, is not without its critics or doubters, even among the Maguindanaos. If it wishes to maintain or improve its standing among the majority of its constituency, the MILF must begin to programmatically protect the non-elite Moro from any abuses by the elite.

THE THREAT OF OIL PALM PLANTATIONS

The above remarks acquire urgency in light of the projected expansion of oil palm plantations into—among other areas—Maguindanao province (Villanueva 2011, 16), where much of the Ligawasan Marsh is located. A 2014 Department of Agriculture study (PRDP 2014, 18) of the prospects for oil palm expansion in Maguindanao reported that there has been a 142 percent increase in the area planted to oil palms in the

province between 2008 and 2012, and that of the 959,000 hectares of land in Mindanao considered suitable for oil palm production, 177,000 hectares in the ARMM and Caraga regions are already under negotiation. In Buluan, Maguindanao, the Malaysia-Singapore firm Agumil Oil Palm Mill is already in place (ARMM 2014), with other Malaysian firms said to be planning to establish their own oil palm plantations in the region (Cayon 2013). At the same time, data from the Regional Board of Investments-ARMM included a list of fourteen landowners from Maguindanao offering their lands—totalling 87,184 hectares—as oil palm plantation sites for potential investors, particularly those from Malaysia (Mymatrade 2016).

What is at stake here for ordinary farmers and fishers is the risk of dispossession, as has been the documented experience in other palm oil-growing areas in Southeast Asia (Villanueva 2011; Pye and Bhattacharya 2013). This is in a context where, as has already been noted, elite families or leaders control expanses of local lands (see Gutierrez and Borrás 2004; Lara and Champain 2009; also Knack 2013). Indeed, the report cited above on Maguindanao landowners offering “their” lands to foreign investors in palm oil production raises the question of whether they are, in fact, the legitimate owners of those lands. Claiming ownership of land in this way may be one of the ways local elites can capture a large portion of the benefits from foreign investments in oil palm operations. It is not clear if these putative landowners have “tenants” or other “landless” dependents. Their fate if plantation development pushes through is not clear as well. Again, landownership in this region is contentious and tenuous (Gutierrez and Borrás 2004, 2–3). There were cases where disputes over land and resources served as the flashpoint for deadly feuds (see essays in Torres 2014), and even armed clashes between the MILF and the Philippine state’s military forces (Canuday 2007).

I suspect that Maguindanao fishers and farmers would have similar concerns over the possible development and exploitation of oil and gas reserves reported to exist in the marsh area. Unfortunately, the sheer novelty of the idea of oil or gas production, in contrast to the political, economic, and symbolic weight historically accorded by farmers here—as elsewhere—to land and landownership meant that the LMSMP elicited very little data on the former. This issue should thus be marked for further investigation.

The question now is whether the MILF can live up to non-elite expectations that it serves as a counterweight to possible attempts by

local elites to exploit the economic opportunities opened by the impending expansion of the oil palm industry in the region. What the MILF is thus confronted with represents, at one level, a shift from the “vertical” and “external” dimension of peace-building (between the MILF and the Philippine state), to the “horizontal” and “internal” relations between segments of the Maguindanao people (in this case, between elites and non-elites). Otherwise stated, this is a challenge posed by the question of class tension or conflict within the ranks of the Maguindanaos and other Moro peoples, considered in relation to local, yet evolving, notions of leadership, and to land and resource tenure concepts and practices.

At another level, it represents a return, as it were, to the problems posed by abuses by Maguindanao and perhaps other Moro leaders, which Glang already criticized in 1969. These are problems that the MNLF and the MILF have largely been able to defer addressing in light of the priority hitherto given to the defensive war against the internal colonialism spearheaded by the Philippine state. Now that the region is (very) gradually evolving into a post-conflict scenario, the MILF faces the challenge posed by what some authors have called “datuism” or the “datu system.” On one hand, the datos and their powerful families represent the old sultanates whose historical struggles the MILF sees itself as continuing and, hopefully, winning. On the other, there are the perceived abuses by certain Maguindanao leaders, embodied in the public mind by the now-notorious Ampatuan clan (Human Rights Watch 2010; Mercado 2010; see also Lingao 2013). How should respect for the largely elite-oriented Maguindanao history and culture be balanced against the democratic aspirations and economic interests of the non-elite Maguindanaos (see Lidasan 2014)? Will the MILF have the political will and capacity to counter any abuses by the traditional Moro elite and their contemporary counterparts in local government for the sake of the non-elite who form the vast majority of its constituency? And what if the MILF fails to deliver on the Maguindanao farmers’ and fishers’ expectations? Will the next phase of conflict in this region be a class struggle between elite and non-elite Moro?

CONCLUSION

This paper finds that in a post-conflict scenario, the MILF may be expected by its non-elite constituency to serve as a check on possible abuses by some members of the Maguindanao elite who already control

much of the local political and economic resources. This is in the context of an expected influx of investors in oil palm production—also a result of the peace process—which could open up economic opportunities for local leaders and their families. This expectation was expressed by ordinary farmers and fishers who thus wanted to see the MILF become actively involved in the management of the proposed Ligawasan Marsh protected area. Such an expectation reflects longstanding, serious, yet still largely overlooked class tensions between the Maguindanao elites and non-elites over issues of landownership, in particular, and economic justice and opportunity in general.

Other observers have remarked that the recent peace negotiations were overly focused on relations between the Philippine state and the nascent Bangsamoro government—i.e., on the “vertical” relations between these two political entities—at the expense of addressing the “horizontal” relations between the Maguindanao people on one hand, and the non-Islamized indigenous and migrant populations, on the other.

This article has tried to draw attention to the continued salience of a sociological variable that has both vertical and horizontal dimensions: class differences within the Maguindanao and perhaps other Moro peoples, and its articulation with issues of ownership or control of land. It is quite striking that throughout the peace negotiations, and all through the draft BBL, the “Bangsamoro” people were re/presented by both the MILF and the Philippine state as one homogeneous polity, largely ignoring the ethnic and cultural differences between the various Islamized (and non-Islamized) groups on one hand, and the continuing class differences and tensions discussed here, on the other.

It is unfortunate that class relations within the Moro peoples have failed to draw sustained academic interest, and should thus be flagged for further study. As of this writing, the peace process has been seriously stalled by the Philippine legislature’s failure or refusal to enact the BBL. It would thus be pointless to speculate on how the BBL would have factored into the strategies of elite and non-elite Maguindanaos as they negotiate their relative rights to land and resources. It may perhaps be more fruitful to consider that the demise of a BBL that ignores the reality of class differences now provides us an opportunity to finally include the problem of class in the visions, dialogues, and plans for peace and development of the continuing peace process. If we are serious about peace and development, then the stark class differences

and tensions reflected by the contrasting quality of life of powerful and wealthy Maguindanao elites, on one hand, and of impoverished farmers and fishers of the marsh, on the other, need to be acknowledged and appropriately approached. Failure to do so would be a refusal to confront a critical but largely overlooked root cause of political instability in the region.

Had the BBL been passed, it could have provided an overarching framework for governance or management that would help ensure that turning the Ligawasan into a national park would not thereby negate the ancestral rights of the Maguindanaos—especially the small fishers and farmers—to their territory. This contradiction between (public) protected area status and (private) ancestral domain ownership has historically been a contentious issue in the Philippines. In Mt. Kitanglad in Bukidnon province, for example, there was a recurrent debate on whether the area is an ancestral domain with environmental value *or* a national park where indigenous communities just happened to reside (Gatmaytan 2001, 39). As the LMSMP report recommended (Gatmaytan and Vidal 2015, 56–57), there is a need to recognize that to properly address the ecological threats to the marsh, the management of the protected area must keep local Maguindanao communities as the focus of its decision-making processes. After all, fishers and farmers not only have a large stake in improving the quality of the marsh, but their presence in the area also means their cooperation is crucial to the success of the protected area. The management of any national park must thus ensure that its implementation is inclusive, equitable, and sensitive to the rights, interests, and welfare of the people of the marsh. In other words, just as measures that improve the quality of the marsh can only improve the quality of life of its residents, the improvement of the lives of the “children of the marsh” can also improve the ecological condition of the marsh. If local conditions of economic marginalization are duly addressed, people need not resort to ecologically destructive livelihoods or technologies, and their relationship with the DENR becomes less problematic and more open, thereby improving monitoring and enforcement. Perhaps most importantly, their sense of ownership of and responsibility for Ligawasan Marsh is affirmed and deepened. To that end, the question of land tenure and ownership—which is a metaphor and metonym of class dynamics—needs to be addressed, beginning with a more intensive documentation and analysis of the tenure situation within the marsh.

This is a complex problem, which we can better appreciate and approach by seizing upon the academic dimension of the so-called peace dividend; i.e., with peace on the distant horizon, more intensive research into Maguindanao history, economics, politics, and culture is becoming more possible. While the LMSMP provided a broad picture of the farmers' and fishers' views of peace, livelihood, and governance, the data can and should be enriched ethnographically. In particular, I would like to reiterate the need for a better understanding of peoples' livelihood in relation to local land and resource tenure practices and village-level political relations, ideas, and practices as negotiated between the elites and non-elites. This would represent a long-overdue shift in scholarly attention from the Maguindanao elites—who have dominated the academic literature as they have the local economy and politics—to the ordinary fishers and farmers who constitute the vast majority of the people of the marsh. Such a project would also serve as a venue for humanizing our performance of environmentalism and for realizing the perpetual project of a politically-engaged scholarship. ❀

REFERENCES

- Abinales, Patricio N. 2000. *Making Mindanao: Cotabato and Davao in the Formation of the Philippine Nation-State*. Quezon City: Ateneo de Manila University Press.
- . 2010. *Orthodoxy and History in the Muslim-Mindanao Narrative*. Quezon City: Ateneo de Davao University Press.
- Accion Contra el Hambre. 2004. *Liguasan Marsh Vulnerability Survey*. Cotabato City: Accion Contra el Hambre.
- ARMM. 2014. "ARMM Investment of P1.621-B in First Semester of 2014 Tops Last Year." Official Website of the Autonomous Region of Muslim Mindanao, 28 May 2014. <http://www.armm.gov.ph/armm-investment-of-p1-621-b-in-first-semester-of-2014-tops-last-year>.
- Beckett, Jeremy. 1982. "The Defiant and the Compliant: The Datus of Maguindanao under Colonial Rule." In *Philippine Social History: Global Trade and Local Transformations*, eds. Alfred W. McCoy and Edilberto C. de Jesus, 391–414. Quezon City: Ateneo de Manila University Press.
- . 2007. "Political Families and Family Politics among the Muslim Maguindanao of Cotabato." In *An Anarchy of Families: State and Family in the Philippines*, ed. Alfred W. McCoy, 285–310. Quezon City: Ateneo de Manila University Press.
- Canaday, Jose Jowell. 2007. "Big War, Small Wars: The Interplay of Large-Scale and Community Armed Conflicts in Five Central Mindanao Communities." In *Rido: Clan Feuding and Conflict Management in Mindanao*, ed. Wilfredo Magno Torres III, 254–289. Makati City: The Asia Foundation.
- Castillo, Rosa Cordillera. 2014. "Perspectives on Truth, Justice, Reparation, and Reconciliation in Central Mindanao." In *Moving Beyond: Towards Transitional*

- Justice in the Bangsamoro Peace Process*, eds. Venus Betita, Manuel Domes, Daniel Jaeger, Lotte Kirch, and Jeremy Simons, 29-40. Davao City: forumZFD.
- Cayon, Manuel. 2013. "Malaysians Invest P23-B in Mindanao." *ABS-CBN News*, 25 January. <http://news.abs-cbn.com/business/01/25/13/malaysians-invest-p23-b-mindanao>.
- Donovan, James M. 2008. *Legal Anthropology: An Introduction*. Plymouth, UK: Altamira Press.
- FPE (Foundation for the Philippine Environment). 2014. *Marshalls of the Marsh: Ligawasan Marsh*. Quezon City: Foundation for the Philippine Environment.
- Gatmaytan, Augusto. 2001. "Issues in Community Resource Management in Northern Mindanao." International Centre for Research in Agroforestry. http://www.asb.cgiar.org/PDFwebdocs/ICRAF-SEA_WP_Phil_Final_Report_Phase_1.pdf.
- Gatmaytan, Augusto B., and Leah H. Vidal. 2015. *The Ligawasan Marsh Stakeholders Mapping Project: Foregrounding the Marginalized*. Davao City: Ateneo de Davao University.
- Gulane, Judy T. 2013. "Informal Land Markets and Conflict in Maguindanao." In *Out of the Shadows: Violent Conflict and the Real Economy of Mindanao*, eds. Francisco Lara and Steven Schoofs, 145-196. London: International Alert.
- Gutierrez, Eric, and Saturnino Borrás. 2004. *The Moro Conflict: Landlessness and Misdirected State Policies*. Washington D.C.: East-West Center Washington.
- Hall, Derek, Philip Hirsch, and Tania Murray Li. 2011. *Powers of Exclusion: Land Dilemmas in Southeast Asia*. Honolulu: University of Hawai'i Press.
- Human Rights Watch. 2010. *"They Own the People": The Ampatuans, State-Backed Militias, and Killings in the Southern Philippines*. New York: Human Rights Watch.
- Ileto, Reynaldo C. 2007 (1971). *Maguindanao, 1860-1888: The Career of Datu Utto of Buayan*. Quezon City: Anvil Vintage.
- Jubair, Salah. 1999. *Bangsamoro: A Nation under Endless Tyranny*. Kuala Lumpur: IQ Marin SDN BHD.
- . 2007. *The Long Road to Peace: Inside the GRP-MILF Peace Process*. Davao City: Institute for Bangsamoro Studies.
- Knack, Paula D. 2013. "Legal Frameworks and Land Issues in Muslim Mindanao." In *Land and Post-Conflict Peacebuilding*, eds. Jon Unruh and Rhodri Williams, 451-74. Abingdon: Earthscan.
- Lara, Francisco. 2012. "The New Face of Mindanao's Strong Men: The Politico-Economic Foundations of Legitimacy in Muslim Mindanao." *Asian Studies* 48 (1-2): 55-68.
- . 2014. *Insurgents, Clans, and States: Political Legitimacy and Resurgent Conflict in Muslim Mindanao, Philippines*. Quezon City: Ateneo de Manila University Press.
- Lara, Francisco, and Phil Champain. 2009. *Inclusive Peace in Muslim Mindanao: Revisiting the Dynamics of Conflict and Exclusion*. London: International Alert.
- Lara, Francisco, and Steven Schoofs, eds. 2013. *Out of the Shadows: Violent Conflict and the Real Economy of Mindanao*. London: International Alert.
- Lidasan, Mussolini Sinsuat. 2014. "Datuism and Maratabat in the Bangsamoro Basic Law?" *Sun Star Davao*, 21 January 2014. www.sunstar.com.ph/davao/opinion/2014/01/21/lidasan-datuism-and-maratabat-bangsamoro-basic-law-324348.
- Lingao, Ed. 2013. "The Clan Politics of ARMM: Ampatuans, Web of Kin Warp Maguindanao Polls." *The Maguindanao Chronicles*, Philippine Center for

- Investigative Journalism, 10 April. <http://pcij.org/stories/ampatuans-web-of-kin-warp-maguindanao-polls>.
- Luwaran. 2016. "Respect RSD of IPs in the Bangsamoro." Luwaran.com, accessed 25 January. <http://www.luwaran.com/index.php/editorial/item/357-respect-rsd-of-ips-in-the-bangsamoro>.
- Mastura, Michael O. 2012. *Bangsamoro Quest: The Birth of the Moro Islamic Liberation Front*. Perpustakaan, Malaysia: Southeast Asian Conflict Studies Network.
- May, R.J. 1992. "The Wild West in the South: A Recent Political History of Mindanao." In *Mindanao: Land of Unfulfilled Promise*, eds. Mark Turner, R.J. May, and Lulu Respass Turner, 125–46. Quezon City: New Day Publishers.
- Mercado, Eliseo R. 1992. "The Moro People's Struggle for Self-Determination." In *Mindanao: Land of Unfulfilled Promise*, eds. Mark Turner, R.J. May, and Lulu Respass Turner, 159–68. Quezon City: New Day Publishers.
- . 2010. "The Maguindanao Massacre and the Making of the Warlords." *Autonomy and Peace Review* 6 (1): 11–32.
- McKenna, Thomas N. 1998. *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines*. Manila: Anvil Publishing.
- . 2000. "Murdered or Martyred?: Popular Evaluations of Violent Death in the Muslim Separatist Movement in the Philippines." In *Death Squad: The Anthropology of State Terror*, ed. Jeffrey A. Sluka, 189–203. Philadelphia: University of Pennsylvania Press.
- Mymatrade. 2016. "Trade and Investment Opportunities in the Autonomous Region in Muslim Mindanao (ARMM)." <http://mymatrade.dev.skali.net/documents/12582/16102/Trade+and+Investment+Opportunities+in+the+ARMM.pdf/70d8c2c4-7777-4e08-b41f-3df68b14493d>.
- NSCB (National Statistical Coordination Board). 2013. "2012 First Semester Official Provincial Poverty Statistics of the Philippines." Preliminary results. www.nscb.gov.ph/poverty/data/1stsem_2012/2012OfficialPovertyStatistics.pdf.
- PRDP (Philippine Rural Development Program). 2014. *Competitiveness Strategy: Oil Palm in Maguindanao*. Department of Agriculture Autonomous Region of Muslim Mindanao.
- Pye, Oliver, and Jayati Bhattacharya, eds. 2013. *The Palm Oil Controversy in Southeast Asia. A Transnational Perspective*. Singapore: ISEAS Publishing.
- Rodil, B.R. 1994. *The Minoritization of the Indigenous Communities of Mindanao and the Sulu Archipelago*. Davao City: AFRIM.
- Rola, Rex T. 2014. *Ligawasan Marsh Stakeholders Analysis Sample Sites*. Davao City: Ateneo de Davao University.
- Sakili, Abraham P. 2013. "Muslim Perspective of the Mindanao Problem: Contextualizing the SPCPD." In *Introduction to Philippine Politics: Local Politics, the State, Nation-Building, and Democratization*, ed. Maria Ela L. Atienza, 113–29. Quezon City: The University of the Philippines Press.
- Scott, James C. 2009. *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. New Haven and London: Yale University Press.
- Sikor, Thomas, and Christian Lund. 2009. "Access and Property: A Question of Power and Authority." *Development and Change* 40 (1): 1–22.
- Torres, Wilfredo Magno, ed. 2014. *Rido: Clan Feuding and Conflict Management in Mindanao*. Expanded edition, Makati City: The Asia Foundation.

- Villanueva, Jo. 2011. "Oil Palm Expansion in the Philippines: Analysis of Land Rights, Environment and Food Security Issues." In *Oil Palm Expansion in South East Asia: Trends and Implications for Local Communities and Indigenous Peoples*, eds. Marcus Colchester and Sophie Chao, 110-216. Moreton-in-Marsh (UK) and Bogor (Indonesia): FPP and Sawit Watch.
- Warren, James Francis. 1985. *The Sulu Zone, 1768-1898: The Dynamics of External Trade, Slavery, and Ethnicity in the Transformation of a Southeast Asian Maritime State*. Quezon City: New Day Publishers.
- Winrock International, Minsupala Economic Development Foundation, Inc., Sustainable Ecosystems International Corp., and Maguindanaon Development Foundation. 2002. "Final Report: Protected Area Sustainability Assessment for Ligawasan Marsh."
- Wolters, O.W. 1999. *History, Culture, and Region in Southeast Asian Perspectives*. Revised edition, Singapore: Southeast Asia Program Publications and the Institute of Southeast Asian Studies.