

Beyond Conflicting Resource Tenure and Property Rights: State Policy and Continuing Issues on the Land and Moro Autonomy Question in the Southern Philippines

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Examples of dramatic reductions of indigenous peoples' ancestral domains and access to land and resources continue to be portrayed in post-colonial narratives on property rights in the Philippine countryside. Among the Southern Philippines' Moro and Lumad peoples, land is both sacred, cultural space and exploitable resource handed down by the community's forebears. Pre-existing notions of resource use, landholding, and production, based on indigenous knowledge and community access rules, have been substantially undercut by the intrusion of capitalist property concepts by the colonial government's efforts to institute land laws and other state-centric policies reproduced in the post-independence regimes. This paper also revisits and unpack once more the Mindanao indigenous peoples' pre-existing resource tenure practices and governance, to understand the questions related to the **Bangsamoro** historical claim to ancestral domain and ongoing quest for special autonomy status as important to an improved commons management and protection agenda.

In response to the aforesaid issues, the Philippine state continues to embark on a range of legal reforms and production of new policy frameworks aimed at redressing past inequities and ensuring resource tenure and property rights especially in more vulnerable communities in contested domains. Significantly, the new legislation crafted intend to promote the use and management of specific resource sites, local governance, and customary rights of access to such and other common lands and resources. However, these new legal developments have yet to resolve issues of previously vested land rights that overlap and conflict with existing indigenous tenure. Drawing on case studies of Moro communities, the paper also explores the nature of this conflict in the context of a local region having a history of critical inter-ethnic relations, while stressing the importance of the people's collective struggles and indigenous jural practices that continue to survive (e.g., **adat, agama**,) regulating the community's common resource spaces.

Key words: Mindanao, Bangsamoro, "ancestral domains", customary rights, autonomy

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