



# Pieces for Peace

The MOA and the Mindanao Conflict

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## Preface

By Atty. Nasser A. Marohomsalic

The people of Mindanao including the Bangsamoro and the *Lumads* greeted with euphoria the news that the respective Peace Panels of the Moro Islamic Liberation Front (MILF) and the Government of the Republic of the Philippines (GRP) were scheduled to sign the Memorandum of Agreement on the Ancestral Domains (MOA-AD) on August 05, 2008 in Kuala Lumpur, Malaysia. After the Supreme Court issued a Temporary Restraining Order (TRO) prohibiting the GRP Peace Panel from signing the Agreement and the GRP announced in its wake that it will no longer sign it “in its present form or in any other form”, elements of the MILF showed displeasure and conducted military operations that disrupted the peace and tranquility of some communities in Lanao del Norte, Cotabato and elsewhere in Mindanao. As a result, the GRP called off the peace process with the MILF and disbanded its Peace Panel, announcing its preference to engage the Moro communities themselves including civil society groups in the enterprise for peace.

A national debate ensued over the MOA-AD, with detractors dominating with the gregariousness of the media. They looked at the Agreement through the reductive prism of constitutionalism, trivializing the political issues that underwrite in the first place the MOA-AD and the whole peace process. What saddens is the incendiary statements by non-Moro political leaders who were discriminating in their choice of issues to nail down the Agreement.

The Bangsamoro pinned their hope for peace in the Agreement. To be sure, the MOA-AD does not fully address their aspirations, far lesser in fact than the suzerainty of their Sultanates of olden times. But it's the most ideal, a political arrangement that can cohere with the Philippine State as a “country of order”. There is thus every reason to propagate to the Filipino public the virtues of the Agreement, especially as a solution to the conflict between the minority Bangsamoro and majority Christian Filipino.

This booklet, *Pieces for Peace*, is our modest contribution to the advancement of the Moro agenda in the national debate. We included herein articles from every sector of Philippine society as far as possible that viewed the MOA-AD with open hearts and enlightened minds.

Prof. Abhoud Syed Lingga's paper entitled, “**Muslim Minority in the Philippines**” is a helpful starter since it provides ample information and discussion about the history and *minoritized* position of the Muslims in the Philippines. It is accompanied by a paper written by Ms. Amina Rasul, “**Ethnic Conflict, Peace and Development**” which situates the Moro conflict in the context of geopolitical developments. It is then followed by “**Highlights of Bangsamoro History**,” a concise *Moro* timeline by Atifahny Laguindab, Rey Trillana, Abdulrahman Ismael and Samira Gutoc.

The next set of articles appeared after the Supreme Court issued the TRO and debate rages over the MOA-AD. “**A Primer on the Memorandum of Agreement on Ancestral domain**” gives a condensed, point-by-point informative background on the provisions of MOA-AD. Cotabato Archbishop Orlando B. Quevedo, OMI then articulated in his article “**Judging the MOA-AD: A parable for our time**” the prevalent “fears and prejudices” about MOA-AD,



zeroing in on Moro vis-à-vis Christian point of views “which become the measure of for judging Memorandum of Agreement.” This article’s trailed with Amina Rasul’s article **“Peace TRO’d.”** She highlighted the “extreme disappointment” of Filipino Muslims upon hearing the dismal Temporary Restraining Order of MOA-AD. The result adequately doused the peace groups and advocates positive anticipation as well as infuriated related concerned bodies such as the Malaysian government efforts for peace processes. Rasul then again retrospectively shared her thoughts on the peace process being “stampeded back to square 1” in her laconic **“Back to Square 1”** work. Fr. Eliseo “Jun” Mercado’s blog entitled, **“MOA: Quo Vadis?”** then argues that it requires a lot to fully appreciate the value of the MOA-AD: “The MOA will be difficult to understand, simply because it introduces a new and unfamiliar paradigm in looking at the issues involved in the peace process.” Atty. Sedfrey Candelaria, the chief legal consultant of the government peace panel, in **“Silencing the Peace: The Story of MOA-AD”** argues that achieving peace goes beyond the signing of the MOA-AD.

The last set of articles provides us with some directions in moving forward now that the government has vowed not to sign the MOA “in its current, or any other form,” and that the Supreme Court has declared it unconstitutional. Atty. Santos provided significant insights about the said outcome in his contribution, **“The MOA is dead! Long live the MOA”**. Taking a step further, Atty. Soliman a produced a post-MOA-AD evaluation as reflected in his piece **“Negotiating Beyond the Constitution, Not Unconstitutional.”** Lastly, as source of suggestions and views on moving forward, Abp. Orlando B. Quevedo’s **“Two Fundamental Postulates for Lasting Peace in Mindanao”** appositely concludes the collection.

It is never too late to be introduced and to be updated with the MOA-AD and more importantly, the peace processes as well as the historical underpinnings of the Bangsamoro struggle. Democracy demands discourse. And discourse demands understanding. Information is imperative to avoid misguided rhetoric, similar to those that characterized the MOA-AD debates. Peace can be achieved in Mindanao—if we open our hearts and mind in helping and reaching out to other and look for alternative approaches to peace. ♦

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# Muslim Minority in the Philippines

*Prof. Abhoud Syed M. Lingga*

**H**ow the Muslims as a minority situate themselves within the Philippine national community is the subject of discussion in this paper. A look into their views on their relations with the national community is helpful in understanding the conflict in Mindanao for this is the impetus in their assertion for their right to self-determination.

## Minority Communities

We find minority communities within the borders of many countries today. These minority communities can be classified broadly into three major categories (Che Man 1990:1).

The minority migrant populations are in the first category. During the colonial period, workers were recruited from other colonies to work in plantations, mining and other industries. In recent years, migration of peoples who are induced by pull factors like economic opportunities and liberal policies of countries of destination and the push factors in their own countries like violent conflicts, lack of economic opportunities and repressive government policies are observable. The migrant populations have no attachment to any portion of the territory of the host country. Their concerns are the acceptability by and equal rights with the dominant majority, and equal access to social services and economic opportunities.

The second category is the indigenous peoples who became minority in their homelands as the result of colonial settlements. There are around 300 million of them in more than seventy countries. These peoples have retained their social, cultural, economic and political way of life but face the threat of being assimilated with the majority populations. The aspirations of the indigenous peoples are to 'exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live' (International Labor Organization 1989).

Peoples who were incorporated into the new nation-states after the departure of the colonial powers are under the third category. Before colonization these peoples had their political institutions, administrative system, and trade and international relations with other countries. Colonial intrusions in their territories were not welcomed and often met with resistance. When the colonial powers granted independence to their colonies the territories of these peoples were incorporated into the new nation-states. In some cases, their territories became parts of more than one country. With their history of political independence and distinct way of life, these peoples claim they belong to different nations from the majority. Their identities are always link to their traditional homeland. They feel uncomfortable living within the borders of the new nation-states, which they perceived as successor-in-interest of the colonial powers, and relish the memory of their long history of political independence that they want to revive in order to establish system of life in accordance with their world view, culture, religion and social norms.

## Identity and Homeland

The Muslims in the Philippines consist of thirteen ethno-linguistics groups: Iranun,



Magindanaon, Maranao, Tausug, Sama, Yakan, Jama Mapun, Ka'agan, Kalibugan, Sangil, Molbog, Palawani and Badjao. There are also Muslims among the other indigenous peoples of Mindanao like the Teduray, Manobo, Bla-an, Higaonon, Subanen, T'boli, and others. In recent years, significant number of people from Luzon and Visayas and migrant communities in Mindanao converted to Islam.

The Muslims who traditionally inhabited Mindanao, the islands of Basilan and Palawan, and the Sulu and Tawi-Tawi archipelago in the south of the Philippines identify themselves as Bangsamoro. The name Moro was given by the Spanish colonizers to the Muslims in Mindanao whom they found to have the same religion and way of life with the Muslims of North Africa who ruled the Iberian Peninsula for centuries. The Malay word *bangsa*, which means nation, was prefixed to suggest distinct nationhood. The term has found place in official documents of the Organization of Islamic Conference (2001) and agreements between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF).

The homeland of the Bangsamoro people consisted of the territories under the jurisdiction of their governments before the emergence of the Philippine state. At the height of its power, the Sulu Sultanate exercised sovereignty over the present day provinces of Sulu, Tawi-Tawi, Palawan, Basilan and the Malaysian state of Sabah (North Borneo). The territory of the Magindanaw Sultanate included Maguindanao province, the coastal areas of the provinces of Sultan Kudarat, South Cotabato, Sarangani, parts of Lanao provinces, Davao del Sur and Davao Oriental, and the eastern part of Zamboanga del Sur. The Datu Dakula of Sibugay, who ruled the Sibugay autonomous region under the Magindanaw Sultanate, exercised jurisdiction over Zamboanga del Norte, Zamboanga Sibugay, Zamboanga City and the western part of Zamboanga del Sur. The Rajah of Buayan ruled North Cotabato, the upper valley of Maguindanao and the interior areas of Sultan Kudarat and South Cotabato and some parts of Bukidnon. The Pat a Pangampong ko Ranao (confederation of the four lake-based emirates) ruled the interior parts of Lanao del Sur, Lanao del Norte, and parts of Bukidnon, Agusan, and eastern and western Misamis provinces. The small sultanate of Kabuntalan separates the domains of Magindanaw and Buayan.

As the result of the colonial policy of the Philippine government to reduce the Bangsamoro into minority by encouraging Filipino settlers from the north to settle in their traditional homeland, the Bangsamoro are now confined in the provinces of Tawi-Tawi, Sulu, Basilan, Lanao del Sur and Maguindanao, and some municipalities of Zamboanga del Sur, Zamboanga Sibugay, Zamboanga del Norte, Lanao del Norte, North Cotabato, Sultan Kudarat, South Cotabato, Sarangani, Davao Oriental, Davao del Sur, Davao del Norte, Compostela Valley and Palawan. Although their territory was significantly reduced but the Bangsamoro people continuously assert their right over their homeland, which gain implied recognition by the government.

### **Ties with the Muslim World**

From the formation of the Muslim community in Mindanao and Sulu up to the middle of the twentieth century the ties of the Muslims in the Philippines with the Muslim world was through the Muslims in Southeast Asian. This was because of the important role played by some members of the ruling families in the region in the expansion of Islam in the Philippines. The fact that the Bangsamoro homeland and people are parts of *dunya Melayu*, and they have

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common religion and shared many cultural practices with the Muslims in the region explains this close ties. The geographic location of Mindanao and Sulu, which are strategically located along the trade route, facilitated contact and communication with other Muslim principalities in the region. In fact, Jolo was a bustling trading center before the Spanish colonizers founded Manila. Their contacts with Arab, Persian and Indian Muslims were limited to traders and missionaries who came for visits, although some stayed after marrying local women.

The coming of Islam to the Philippines according to Majul (1999: 39-84) was an instance of the Islamization of the Malay world in Southeast Asia. By the end of thirteenth century there was already a settlement or colony of foreign Muslims in Sulu who were composed probably of the families of Muslim traders and missionaries who married local women and few converts (Majul 1999: 68). When Islam actually arrived in Mindanao and Sulu is quite difficult to determine at this time, but its expansion happened after members of ruling families in Sumatra and Johore arrived and founded political institutions that facilitated conversion of large population. The first Sultan of Sulu with the regal title of Paduka Mahasari Maulana al-Sultan Sharif ul-Hashim, whose reign was estimated between 1450 and 1480, was reported in Sulu tarsilas to have come from Sumatra. He married the daughter of Rajah Baguinda who arrived earlier in Sulu from Menangkabaw. Sharif ul-Hashim established in Sulu the political institution of sultanate. In Mindanao, Sharif Muhammad Kabungsuwan, who founded the Magindanaw sultanate, arrived on the shores of Mindanao around 1515. According to Magindanaw tarsilas he was the son of Sharif 'Ali Zein ul-'Abidin from Arabia and his mother belonged to the royal family of Johore.

Tracing descent from the ruling families in the region facilitated marriage alliances that provided another connection. Sources both in Sulu and Brunei show that Sulu seventh sultan Muhammad ul-Halim was related to the Brunei royal family. The mother of Sultan Badar ud-Din I was a Tirun from the northeast coast of Borneo. If intermarriages happened among royal families who were traditionally protective of their bloodline to maintain their legitimacy to rule, we can assume that there were intermarriages also among those in the middle and lower classes of society. These intermarriages cemented political alliances. When Spanish governor Corcuera attacked Sulu in 1638 Rajah Bongsu, the Sulu Sultan, was helped by Makassar warriors. The Ternatans often assisted Sultan Buisan of Magindanaw in his war against colonial intrusion.

In state formation, the political institutions in neighboring principalities heavily influenced the sultanates. Nomenclatures of positions were similar with most Malay states. Aside from the sultan the other positions in the Sulu sultanate were the Datu Bendahara, Datu Maharajah-Iela, Datu Juhan Pahlawan, Datu Muluk Bandarasa, Datu Sebalmal, Datu Tumanggung, Datu Mamamsha, Datu Amir Bahar, Munnabil 'Alam and Datu Sawajahan (Majul 1999: 390-91). The sultan exercised the executive functions together with the abovementioned office holders who composed the cabinet. The Ruma Bichara performed functions of a legislative body. The qadi (locally known as datu kali) headed the justice department. Workable political and administrative systems in Sulu, Magindanaw, Buayan and even in the confederation of the lake-based principalities of the Maranaos were in place which were important factors in the sultanates movement towards centralization of powers and in the resistance against Spanish colonization.

Although the claims of descent from Prophet Muhammad (peace be upon him) and the ruling families in the region, which were prominently featured in all tarsilas, was primarily to establish legitimacy of rule, it showed, at least on the level of the ruling families, awareness



that the Bangsamoro people belonging to the global Ummah. This consciousness manifested also in traditional khutbah, read during Friday and 'id congregational prayers, that included not only prayers for the reigning sultans but also for the Caliph of the Ummah. This suggested that the sultanates in Mindanao and Sulu recognized the Caliph's leadership and they were parts of the Muslim world.

Before the popularization of the Arabic language, religious books in Mindanao and Sulu were mostly in Malay language written in jawi scripts. This explains the fact that religious practices at that time were greatly influenced by religious practices in other parts of the Malay world. Only the few learned were literate in Arabic language so Malay religious literatures were more accessible to many.

After the Philippines got its independence in 1946 and Mindanao and Sulu were made part of the new nation-state, link with the Muslim world gradually shifted to the Middle East. This started with admission of students from Mindanao to Al Azhar University in Cairo. The Arab petrodollars provided scholarships to many students studying in Middle East universities, who after finishing their studies came home as paid missionaries of religious institutions, and established madaris and Qur'anic schools that teach what they learned of Islam. The curricula of these madaris are usually patterned after the curricula of the institutions where the founder graduated. Graduates of Islamic universities are often looked up to in their communities as religious leaders and opinion makers.

Consequently, religious thoughts in the Middle East gradually influence religious practices in Mindanao and Sulu. Active da'wah programs of religious institutions in Saudi Arabia, Kuwait and other Arab countries reinforced this trend. With the generous support from charitable institutions and philanthropic individuals more mosques and madaris were built.

Even Islamic reform movements in the Middle East and the Indo-Pakistan subcontinent have influence on Muslims in Mindanao and Sulu. Syed Qutb of the Muslim Brotherhood and Syed Abul A'la Maududi of Jamaat Islamie for example had profound influence on the political thought of Salamat Hashim, founder and head of the Moro Islamic Liberation Front until his death in July 2003, which seeks separate state for the Muslims in Mindanao and Sulu (Lingga 1995: 26). These two reform movements excelled in their education programs and expectedly their ideas are transmitted to many parts of the world.

The strong ties with the Ummah work in favor of the Muslims in Mindanao and Sulu. After reports of massacres and other atrocities committed against Muslims reached the media in early seventies, Libya reacted immediately and led the move to bring the case to the attention of the OIC, which expressed during the Third Islamic Conference of Foreign Ministers 'serious concern over the plight of Muslims living in the Philippines' (1972). Libya, aside from being the host, played significant role in the signing of the 1976 Tripoli agreement between the Moro National Liberation Front (MNLF) and the Philippine government. Indonesia played active role in the concluded negotiations between the government and the MNLF and Malaysia is mediating in the on-going peace talks between the government and the MILF.

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## Contrasting Views

After independence was granted to the Philippines by the United States, the Muslim territories in Mindanao and Sulu became part of the Philippines. Accordingly, the government considers them Filipino citizens, including those fighting the government. Reflective of this policy is President Ferdinand E. Marcos' (1977) statement in his report to the Batasang Bayan that the government 'consider(s) the MNLF citizens of the Republic even if they are in rebellion.' As such, he emphasized that agreements with the liberation movements are agreements between the Philippine Government and its own nationals.

They have equal rights and obligations with other Filipinos. Their communities are subdivided into local units just like other parts of the country. Muslims are elected to positions in local governments in areas where they are in majority and appointed to manage local bureaucracy. There were few who were elected in the Senate before and representation in the House of Representatives is always assured because congressmen are elected by district although they are not many. There are also Muslims who are appointed to positions in the national bureaucracy and in the judiciary.

There is no government policy that clearly discriminate Muslims, but policies are formulated in response to popular demand. And since majority of the populations are Christians, policies can be biased in favor of the majority. There are also policies and programs that are meant to reinforce the position of government but they work against the interest of the Muslims. For example, in the name of development Christians from the north were encouraged to settle in Mindanao resulting to the minoritization of the Muslims in many parts of their traditional homeland

On the other hand, the Muslims view their situation in different way. Muhammad al-Hasan (Quoted by Gowing 1978: 78) articulates this view in these words:

We [Moros and Filipinos] are two different peoples adhering to different ideologies, having different cultures, and nurtured by different historical experiences.

We have contradistinct conceptions of sovereignty. The Filipinos believe that sovereignty resides in them, but we believe that sovereignty belongs to God alone. The political, social, economic and judicial institutions they inherited from the colonizers, organized on the basis of the separation of spiritual and mundane aspects of life, are incongruous with ours which are established on the postulates that life is a unity, God is the Sovereign and man is His vicegerent.

Our culture, imbued with Islamic beliefs, tenets and principles, is diametrically in contrast with what is known today as Filipino culture which is the amalgamation of the residues of the colonizers' cultures. Our art, architecture, literature and music have retained their Asian character [which] is not true [of] theirs.

The Muslims claim they belong to a separate nation by virtue of their distinct identity and long history of political independence. Arguing in line with the nationalist theory of secession, they also claim that they have 'a right to self-determination, including the right to a state', at least in areas where they are in majority (Buendia 2002: 9). Their experience in state formation and resistance against colonial rule are often cited as bases of their claim for separate nation



and state. The Spanish colonial government attempted to conquer the sultanates to subjugate their political existence and to add their territory to the Spanish colonies in the Philippine Islands but there was no significant success. The sultanates with their organized maritime and infantry forces succeeded in defending the Muslim territories during what Majul (1999: 121-372) called Moro wars, thus preserving the continuity of their independence.

The Muslims' resistance against attempts to subjugate their independence continued even when US forces occupied some areas in Mindanao and Sulu. At this time the resistance of the Muslim governments was not as fierce as during the Moro-Spanish wars but group-organized guerrilla attacks against American forces and installations reinforced what remained of the sultanates' military power. Even individual Muslim showed defiance against American occupation of their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

When the U.S. Government promised independence to the Filipinos, the Muslim leaders registered their strong objection to be part of the Republic of the Philippines. In the petition to the U.S. President, the people of Sulu archipelago said that they would prefer being part of the U.S. rather than to be included in an independent Philippine nation (Jubair 1999: 293-7).

In their Declaration of Rights and Purposes, the Muslim leaders meeting in Zamboanga on February 1, 1924, proposed that the 'Islands of Mindanao and Sulu, and the Island of Palawan be made an unorganized territory of the United States of America' (Jubair 1999:298-03), in anticipation that in the event the U.S. would decolonize its colonies and other non-self governing territories the Bangsamoro homeland would be granted separate independence. Had it happened, the Muslims would have regained by now their independence under the UN declaration on decolonization. Their other proposal was that if independence had to be granted including the Muslim territories, fifty years after Philippine independence a plebiscite be held in Mindanao, Sulu and Palawan to decide by vote whether the territory would be incorporated in the government of the Islands of Luzon and Visayas, remain a territory of the United States, or become independent. The fifty-year period ended in 1996, the same year the MNLF and the Philippine government signed the Final Agreement on the Implementation of the Tripoli Agreement. The leaders warned that if no provision of retention under the United States were made, they would declare an independent constitutional sultanate to be known as Moro Nation.

Even after their territories were made part of the Philippine republic in 1946, the Muslims continue to assert their right to independence. They consider the annexation of their homeland as illegal and immoral since it was done without their plebiscitary consent. Their assertions manifest in many forms.

The armed resistance of Kamlon, Jikiri and Tawan-Tawan were signs of protests for being part of the Philippine republic. Those who joined the Philippine government used the new political system they were in to pursue the vision of regaining independence. Congressman Ombra Amilbansa, for example, filed House Bill No. 5682 during the fourth session of the Fourth Congress that sought the granting and recognition of the independence of Sulu (Jubair 1999: 304-05). As expected, the bill found its way to the archive of Congress since there were few Muslim members of Congress. Then on May 1, 1968, the then provincial governor of Cotabato, Datu Udtog Matalam, made a dramatic move by issuing the Mindanao Independence

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Movement manifesto calling for the independence of Mindanao and Sulu to be known and referred to as the Republic of Mindanao and Sulu (Jubair 1999: 306-07).

### **Independence Movement**

Buendia (2002: 11) observes that the 'Muslims in the Philippines, at first, took the peaceful track in carving the nation-state.' When it became evident to them that it would not be possible to regain independence within the framework of the Philippine legal system, the MNLF was organized to lead the armed struggle. The MNLF objective then was for separate state but upon the prodding of the Organization of Islamic Conference it signed the Tripoli Agreement on December 23, 1976 that binds it to accept autonomy within the framework of Philippine territory. Nur Misuari's acceptance of autonomy triggered debate within the MNLF that ultimately led to the separation of a faction known later on as the Moro Islamic Liberation Front. The MILF vowed to pursue the original objective of the MNLF for separate state but this time only in areas where the Muslims are in majority. If we look at the population distribution in Mindanao, this will include the provinces of Tawi-Tawi, Sulu, Basilan, Lanao del Sur and Maguindanao, the cities of Marawi, Cotabato and Isabela. In addition, there are towns in other provinces where the Muslims are in majority. Some are contiguous with the five provinces others are not.

The clamor for separate state is not only among the liberation fronts but includes the Muslim civil society. While armed struggle remains one of the options of the liberation fronts the civil society movement advocates peaceful and democratic approach through a United Nations supervised referendum. The Bangsamoro People's Consultative Assembly met twice, in 1996 and 2001. The first assembly, reportedly attended by more than one million people, came out with a statement calling for reestablishment of the Bangsamoro state and government (Bangsamoro People's Consultative Assembly 1996: 5-10). The declaration of the second assembly, attended by around two and a half million participants according to reports, states 'the only just, meaningful, and permanent solution to the Mindanao Problem is the complete independence of the Bangsamoro people and the territories they now actually occupy from the Republic of the Philippines' (Bangsamoro People's Consultative Assembly 2001: 5).

The manifesto (1999) issued by hundreds of thousands of Bangsamoro who participated in the Rally for Peace and Justice in Cotabato City and Davao City on October 23, 1999, in Marawi City on October 24, 1999 and in Isabela, Basilan on December 7, 1999 clearly states their position.

*'... we believe that the only just, viable and lasting solution to the problem of our turbulent relationship with the Philippine government is the restoration of our freedom, liberty and independence which were illegally and immorally usurped from us, and that we be given a chance to establish a government in accordance with our political culture, religious beliefs and social norms.'*

The traditional leaders had also expressed their strong desire for self-determination. The Declaration of Intent and Manifestation of Direct Political Act (2001) released by the datus headed by Magindanaw Sultan Abdul Aziz Guiwan Mastura Kudarat IV calls for United Nations supervised referendum to determine whether the Bangsamoro people want independence or not.



## Government Response

To deflect the issue on the rights of the Bangsamoro to self-determination, the Philippine government admitted neglect. The government is insistent that the problem is the absence of economic development. That is why within the span of the administration of five presidents government efforts are always focused on development of Mindanao.

The Philippine government initiated negotiations with the MNLF in 1975 and with the active involvement of Libya the framework on how to solve the problem was reached in 1976. But it took more than two decades to negotiate the implementing details of the 1976 Tripoli Agreement. In 1996 with the active mediation of Indonesia the final agreement between the government and the MNLF was initialed in Jakarta and signed in Manila. Following the end of the negotiations with the MNLF, the government started talking to the MILF. After informal contacts, negotiations started on January 7, 1997. The MILF pulled out from the negotiations in 2000 following the government all-out war in Mindanao, but when President Gloria Macapagal Arroyo assumed the presidency in 2001 she asked the assistance of Indonesia and Malaysia to convince the MILF to resume the stalled talks. From then on Malaysia has been hosting the talks between the government and the MILF. So far two significant agreements were inked, agreements on cessation of hostilities and agreement on rehabilitation of refugees and development of war-affected areas. The on-going talks have yet to tackle the issue on ancestral domain and the political status of the Bangsamoro people.

Before the final agreement with the MNLF was reached, the government organized an autonomous region as its own way of complying with the provisions of the 1976 Tripoli Agreement. The 1987 constitution provides for the establishment of autonomous regions in Muslim Mindanao and the Cordillera. With this constitutional mandate Congress passed Republic Act 6734, the law governing the creation and operations of the Autonomous Region in Muslim Mindanao (ARMM). In a plebiscite conducted on November 19, 1989, four provinces out of the thirteen provinces mentioned in the 1976 Tripoli Agreement voted to constitute the autonomous region. Later, amendments were introduced in the ARMM Organic Act to accommodate provisions of the final agreement and one province joined the autonomous region.

As transitory mechanism from the signing of the final agreement on September 2, 1996 to the amendments of the 1986 Organic Act of the autonomous region, the Special Zone of Peace and Development (SPCPD) was created to provide basic services, adequate infrastructure facilities, entrepreneurial support, capability-building assistance to local government units, and to promote investment and trade in the areas covered in the 1976 Tripoli Agreement. Both the ARMM and the SPCPD were placed under the control of the MNLF.

Even before the MNLF rebellion, there were government programs designed to address the problems of the Muslims as understood by political leaders and bureaucrats in Manila. In 1957, the Commission on National Integration (CNI) was created for the purpose of integrating the Muslims and other cultural minorities into the body politic. The CNI was abolished and the Office on Muslim Affairs was created in its place.

To promote government program of education to accelerate the integration of the Muslims into the body politic, the Mindanao State University was established in Marawi City. The university

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serves as instrument of the government in the development of the southern region. The Mindanao Development Authority (its name was later changed to Southern Philippines Development Authority and abolished last year) was created in 1961 to hasten the economic development of Mindanao. 11

To appeal to the religious sense of the Muslims, the Code of Muslim Personal Laws of the Philippines was decreed into law in 1977. These laws were extracted from Islamic jurisprudence on person and family. Shariah courts were subsequently organized in Muslim communities and Shariah judges were appointed to adjudicate cases involving marriage and inheritance. The Philippine Amanah Bank, with mandate to operate in accordance with Islamic banking principles, was also established.

At the same time that new policies and programs were introduced to appease the Muslims, the government invoking its sovereign right to maintain its territorial integrity unleashed its military might against the Muslims. Carolyn O. Arguillas (2003) provides a vivid picture of the cost of the military campaign.

In a privilege speech in July 1996, then Rep. Eduardo Ermita, now Presidential Adviser on the Peace Process ... citing data from the Armed Forces of the Philippines, showed how over a period of 26 years since 1970, more than 100,000 persons had been killed in the conflict in Mindanao, 30 per cent of that government casualties, 50 per cent rebels and 20 per cent civilians.

Ermita said 55,000 persons were injured, not counting those from the rebel side. From 1970 to 1976 alone, he said, an average of 18 people were slain everyday.

All in all, Ermita said, the AFP spent P73 billion in the 26-year period, or an average of 40 per cent of its annual budget.

In the year 2000 when government troops attacked the MILF camps, around 932,000 civilians were displaced from their homes. The World Bank (2003:12-13) report shows that "Majority of people who were displaced as a result of the conflict in Mindanao that erupted in 2000 were Muslims." Around 390,000 people were again displaced when government troops attacked MILF enclaves in Pikit and Pagalungan in February 2003.

### **Concluding Observations**

Within the borders of the Philippines we find Muslim minorities who identify themselves as Bangsamoro. They can be classified under the third category of minority communities. Their experience in state formation predates the formation of the Philippines as a state. They continue to occupy what remain of their traditional homeland

Their problematic relations with the national community, which oftentimes resulted to violent confrontations, should be understood in the context of the principle of self-determination. The feeling among the Bangsamoro people is strong that the best guarantee for their security and the only opportunity that they can organize their political life according to their values and way of life is when they possess the medium of sovereign power. Issues of poverty, underdevelopment, neglect and other social and economic inequities certainly need attention

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but the core issue of the problem is their assertion for their right to self-determination.

The Bangsamoro have never live in isolation from their brothers and sisters either in Southeast Asia or in the Middle East. They always relate themselves with the Muslim world and their ties with global Ummah will always remain, whether they differ or not in their understanding and practice of Islam. In their quest for the assertion of their rights to freedom and self-determination the Muslims in Mindanao and Sulu will always find sympathetic ears to listen to their aspirations at least from the masses in the Ummah, if not from governments and organizations. ♦

### NOTES

1. *The Agreement on Peace Between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front, otherwise known as the Tripoli Agreement on Peace of 2001, signed on June 22, 2001 in Tripoli, Libya, unambiguously recognizes that identity. Examples are these provisions of the agreement:*

*"Recognizing that peace negotiations between the GRP and the MILF is for the advancement of the general interest of the Bangsamoro people..."*

*"On the aspect of ancestral domain, the Parties, in order to address the humanitarian and economic needs of the Bangsamoro people and preserve their social and cultural heritage and inherent right over their ancestral domain, ..."*

*"The observance of international humanitarian law and respect for internationally recognized human rights instruments and the protection of evacuees and displaced persons in the conduct of their relations reinforce the Bangsamoro people's fundamental right to determine their own future and political status."*

2. *In the preamble of the Agreement on Peace Between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front, otherwise known as the Tripoli Agreement on Peace of 2001, signed on June 22, 2001 in Tripoli, Libya, states that the GRP and the MILF are "Determined to establish a peaceful environment and normal condition of life in the Bangsamoro homeland".*

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*(This paper was presented during the SEACSN Conference 2004: "Issues and Challenges for Peace and Conflict Resolution in Southeast Asia", at Shangri-La Hotel, Penang, Malaysia on 12-15 January 2004)*

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# Ethnic Conflict, Peace and Development: The Philippine Case

*Amina Rasul*

## Introduction

**A** Lebanese peace advocate, said of war: "If a child grows up with the idea of violence, that you get what you can by force, what kind of world will this be?" My friends, it is the world that we in Muslim Mindanao are living in.

Today, allow me to speak on the situation in Muslim Mindanao. After the signing of the 1996 Peace Agreement, there was great hope that we were indeed on the road to the fulfillment of the promise that is Mindanao. Businesses and investments were in Mindanao. Even Muslim citizens were optimistic about the future. A relative from TawiTawi told me: "I can dream again." Former President Fidel V. Ramos, who for many years led the military against insurgents, wisely advised "Break Not the Peace".

We have not heeded the lessons of the past. We are breaking the peace. All-out-war strategies have become the primary method to secure the peace, especially post 9/11.

**War on Terror? The Terror of War.** To ensure national security in the short run, Muslim leaders concede that there is a need for assistance to professionalize and equip the military. However, the military is only one part of the solution. In the conflicted areas of Mindanao, existing national security programs, which rely heavily on military solutions, have negatively affected rule of law. People are radicalized due to marginality, poverty and absence of socioeconomic development in their communities. Deep-seated grievances remain to be addressed: debilitating poverty, festering land issues and ancestral domain, lack of equitable representation, discrimination. When discussing the problem of terrorism in the Philippines, it is necessary to disaggregate international terrorism from domestic insurgency. The major threat to dies in the Arab World is believed to be the Abu Sayyaf Group with its alleged ties to Al Qaeda, Jemaah Islamiyah, Abu Sofia. The Abu Sayyaf is responsible for the heinous crimes and has become more of a criminal enterprise with a veneer of ideology attached to it.

However, the question that has not been satisfactorily answered is how big a threat the ASG really poses due to its size and diminished capacities. The answer becomes even more complicated as some public officials and terrorism experts link MNLF and MILF troops with terrorism. To make matters worse, corruption, narco-politics, kidnap for ransom and other criminal activities prevent many communities from enjoying the benefits of the simple life they hope to lead, mired as they are in poverty and hopelessness. The picture in Mindanao is made even more complex by the interlocking sets of political and familial relationships, crosscutting linguistic and tribal differences, and other sets of allegiances to individuals and political agendas. "Rido" is a clear example.

A simplistic view of the problem results in the application of a military solution to the conflict. The situation in Sulu today is a case in point. As media and some government officials continuously describe the insurgents in Sulu as part of the Misuari Breakaway Group, local leaders point out that the protagonists are MNLF, plain and simple. Given attempts to link the Jolo MNLF troops with the bombings in Makati, Davao and Gensan, many well-informed political analysts caution government to investigate the matter thoroughly. If the Jolo MNLF troops are

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not part of the terrorist attacks, military operations against them can lead to a breaking of the 1996 Peace Agreement.

**Rule of Law vs Reign of the Lawless.** It is evident to our communities that law and order has broken down in Muslim Mindanao. Rule of law requires democratic pluralism, an economic system that promotes the development of every member of the society, and an independent judiciary. A well functioning justice system including prison administration, police reform, and human rights protection are essential. It also requires the peaceful resolution of disputes. Unfortunately, the administration of justice in conflict-affected Mindanao is weak. The police are under-trained, ill equipped and under-manned. Even if the police were strong, where would they bring evidence and who would enforce it? There is supposed to be a dual judicial system in the Muslim areas: *shariah* for personal laws and the national justice system.

Neither works very well in the areas of conflict, especially ARMM. In the case of *shariah*, although Philippine law provides for its implementation for Muslim communities, lack of funds seriously hamper the establishment of sharia courts in Mindanao. Moreover, many Muslim women leaders would like to participate in a review of the shariah code of personal laws to ensure gender fairness, within the tenets of our faith. As for the regional and local governments, there is consensus that these units are ineffective. People have very poor expectations that the Autonomous Region of Muslim Mindanao (ARMM) government can provide honest government, maintain peace and order, and provide for basic services. Thus, ARMM's administrative capacity, transparency and accountability in governance have to be improved. The forthcoming ARMM elections, not selections, can be the mechanism with which effective leaders will be installed. We can always hope.

ARMM supports the national government in the fight against terrorism. It was noted that political defense is one area that should not be left to the government alone, whether central and regional. There is a need to establish the basic conditions that will allow the communities themselves to participate in processes which will usher in and foster peace and development in Mindanao. Government is not the only stakeholder in the development process. Civil society, people's organizations, and others need to be involved. A wise man said, "There never was a good war or a bad peace." While the Muslims of Mindanao stand behind President Gloria Macapagal-Arroyo in stopping terrorists, care should be taken not to implicate uninvolved groups in the process. Muslims are becoming convinced that there is a conspiracy which indiscriminately links even legitimate groups to terrorism in order to substantiate the threat.

**Socio-Economic Dimensions of the Conflict.** Although Philippine leaders acknowledge the immediacy of the fight against terrorism, there is general agreement that peace and stability cannot be attained without socio-economic development. The peoples of Mindanao are involved in a different kind of struggle, fighting unjust political structures which prevented the Muslim and ethnic communities from participating equally in the government's democratic processes.<sup>5</sup> Since Islam is the unifying force among the Muslim tribes, it has been used by radicals to justify the rebellions and attract recruits. Henry David Thoreau said "What is human warfare but just this: an effort to make the laws of God and nature take sides with one party." It must be pointed out that it is not religion per se that is the major cause of conflict but the perceived injustices and oppression faced by minority groups. Thus, three key demands or rights have to be addressed by national government: • Political rights: Full implementation of the 1996 Peace Agreement between the Philippine Government and the MNLF. The consensus among Muslim leaders is that full autonomy has not been attained. Moreover, stakeholders' involvement in the decision-making process has been limited. • Property rights: Rights to ancestral lands and access to natural resources by the Muslim tribes and indigenous peoples



of Mindanao needs to be granted and ensured. • Right to basic social services addressing basic human needs for health, water, education, food, and shelter, among others. ARMM is the poorest region with the least access to services and resources. Leaders bewail the worsening of the poverty situation after the signing of the 1996 Peace Agreement.

**Areas of Assistance.** Donor assistance in Mindanao has been primarily employed in three major areas. The first is basic services such as poverty alleviation programs, micro-enterprise and livelihood assistance programs, and primary health care. The second is education as Muslim communities suffer from the nation's lowest literacy rates. As part of the education package, assistance to improve the capacity of the madaris should be included. The third area is infrastructure from major road projects to potable water systems.

There should be a fourth area, which relates to the implementation of rule of law. Although the Philippines is a republic, majority of the Muslims live under feudal systems. Under this fourth consideration, the capacity of stakeholders – especially women and youth – must similarly be strengthened. How about our ulama? The most recent Philippine survey on women and peace say in statistics what we have always known: the ulamas are a powerful voice in Muslim Mindanao, in spite of their lack of organization. They and the madrasahs can be a catalyst for positive change. The survey also confirms our contention that women can be effective in Muslim communities as peace advocates and mediators for conflict.

**Conclusion.** In conclusion, as we all strive to maintain a strong security presence in the region, we must stress that peace and progress of the region cannot rest on military victories alone. Economic growth and democratization of the region are keys to peace. Agencies of government and the donor community need to strengthen the foundations for democracy as well as implement development and poverty alleviation programs more effectively. Without development and strong democratic institutions, the roots of terrorism will find fertile soil. Unless the deeply rooted grievances are addressed simultaneously, a military solution will only alienate the community. All is not doom and gloom. The rays of hope come from the communities themselves. Civil society groups in Mindanao have, on their own, been active in organizing and implementing their own self-help projects. Interfaith groups have been effective in promoting peace advocacy and coexistence. The Bangsamoro civil society are moving to help their communities. Women's groups such as the Muslim Women Peace Advocates Council of Sulu, the Bangsamoro Women's Solidarity Forum, the Regional Commission of Bangsamoro Women are at the forefront of peace and development work, striving to be heard.

Listen to us and your plans will avoid pitfalls and cultural landmines. Support us and we will build a strong foundation for democracy. Partner with us and together we can make our dreams of peace and development a reality. ♦

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*Paper presented by Amina Rasul, lead convenor of the Philippine Council for Islam and Democracy at the CSID Sixth Annual Conference "Democracy and Development: Challenges for the Islamic World" Washington, DC - April 22 - 23, 2005*

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# Highlights of Bangsamoro History

Compiled by *Samira Gutoc, Abdulrahman Ismael, Altifahny Laguindab, and Rey Trillana*

**1450 AD** - A Johore-born Arab adventurer, Shari'ful Hashem Syed Abu Bakr, arrived in Sulu from Melaka; He married Param Isuli, daughter of Raja Baguinda, and founded The Royal Sultanate of Sulu in 1457; He declared himself H.R.H. Paduka Maulana Mahasari Sharif Sultan Hashem Abu Bakr, Sultan of Sulu, of the Saudi House of Hashemite in Hadramaut, where most Tausug and Yakan believe Prophet Mohammad's genealogy is traced.

**1451 AD** - By this time, the Melakan Sultanate had become a leading center of Islam in southeast Asia, and as a time-tested protege of the Ming dynasty, Yung Lo sent away his daughter Hang Li-po and a cortege of five-hundred Mandarin ladies as a gift to Melakan Sultan Mansor Shah in 1459; in turn, Shah conceived "Bukit Cina" as a permanent residential court for his esteemed visitors.

H.R.H. Sultan Syed Hashem Abu Bak'r reign (1457-1480).

**1470 AD** - Muslim conquest of the Madjapahit Empire.

**1473-1521 AD** - Golden age and rule of Nakhoda Ragam Sultan Bulkeiah's Sultanate of Brunei that expanded her hegemony to include North Borneo, Sarawak, Indonesia Balabac, Banggi, and Palawan in Archipelago San Lazaro (present-day Philippines) and the new Royal Sultanate of Sulu

H.R.H. Sultan Kamal ud-Din reign (1480-1519).

**1509 AD** - A Bengali Putih and Diego Lopez deSequeira with a squadron of five Portuguese battle ships established the first White settlement in Melaka (Ferdinand Magellan was said to be a member of this expedition).

**1511 AD** - Portuguese privateer Alfonso de Albuquerque captured Melaka from deSequeira and reported of Muslim trading vessels from Sulu anchored in that Malay port.

**1512 AD** - Unnamed Portuguese sailors effected a brief landing in Mindanaw.

**1520 AD** - Jesuit historian Francisco Combe reported of an unnamed Muslim Sharif who tried to spread Islam to Jolo but died at Bud Tumangtangis; His magnificent tomb was comparable to those in Makkah, but unfortunately in the years following, Manila Spaniards burned it to the ground.

**1565-1663** - Fourth Stage of Moro Wars (Majul)

**1638-1640** - Records had it that Sulu Sultan Wasits many heroic battles during this period at Bud Datu in Jolo island against the Manila Spaniards were never lucidly recorded; It was Wasit who named this hill to honor the bravery and unconditional loyalty of his datus.

**1718-1772** - Fifth Stage of Moro Wars (Majul)

**December 21, 1751** - A furious Manila governor-general F. Valdez y Tamon issued a decree that ordered: (1) The extermination of all Moros with fire and sword; (2) The destruction of all

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their crops and desolate their lands; (3) Make Moro captives; (4) Recover Christian slaves; and (5) Exempt all Christians from payment of any taxes and tributes while engaged in the termination of these Moros.

**March.1877** - The Sulu Protocol was signed between Spain, England, and Germany that recognized Spain's rights over Sulu and, in consideration for the said lease of North Borneo, ended European hostilities in the area.

**July 22, 1878** - Sultan Jamal ul-Alam signed a treaty with the Spanish Crown making whole of Sulu a protectorate of Spain yet retained her autonomy and the privilege to fly own flag thus saved Jolo from further destruction. [Majul, Muslim in the Philippines/ Kho]

**1883** - Manila Spanish government established a customs house in Ciudad de Zamboanga to clear goods coming into the Sultanate of Sulu but, on the insistence of the British, Jolo was declared a free port and trade continued

December 10, 1898 - Treaty of Paris was signed in Washington DC between the United States and Spain

**December 21, 1898** - McKinley issued a proclamation calling for a Philippine colonial policy of benevolent assimilation

**February 5,1842** - American captain Charles Wilkes landed in Jolo and signed the first-ever US-documented peace & trade treaty with Sultan Jamal ul-Kiram I

**August 20, 1899** - Sultan Jamalul Kiram II hesitatingly signed the treaty with Gen. J.C. Bates. (Bates Treaty or Senate Document No. 136, 56th Congress, 1st Session, Serial 3851). A very critical error of translation exists in this treaty. The Tausug version states "The support, aid, and protection of the Jolo Island and Archipelago are in the American nation, "whereas the English version read: "The sovereignty of the United States over the whole Archipelago of Jolo and its dependencies is declared and acknowledged. The word "sovereignty" was not used anywhere in the Tausug version. (Peter Gowing, Mandate in Moroland. The American Government of Muslim Filipinos 1899-1920, p. 122).

*Among the other terms of the treaty were:*

- 1) Non-interference with religion, social and domestic customs or internal economic or political affairs of Moros unless requested to do so*
- 2) The U.S. was not to give or sell Sulu or anypart of it to any other nations*
- 3) Continuation of the \$250.00 monthly allowance that was initiated by the Spaniards*
- 4) Slaves allowed to purchase their freedom.*

**November 7, 1900** - The U.S. pays Spain another \$100,000 to incorporate the islands stretching as far as Sibutu to Cagayan de Sulu. President William McKinley's Instruction to the First Philippine Commission of 1900 treated the Moro Nation initially as a Dependent Nation.

**March 2, 1904** - The U.S. unilaterally abrogates the Bates Treaty, upon recommendations by Gov. Gen. Wood, for two main reasons: the Sultan's failure to quell Moro resistance and the treaty's hindrance to effective colonial administration of the area. Payments to the Sultan also stopped.



**April 1904** - The Sultan protests the unilateral abrogation of the Bates Treaty. He argues that he couldn't stop the Moro conflict against the Americans because of U.S. had imposed poll and land taxes on the population, a practice which the Moros were not used to. He urged the Americans not to "put yokes on our necks that we cannot bear, and don't make us do what is against our religion and don't ask us to pay poll tax forever and ever as long as there is sun and moon, and don't ask taxes for land which are our rights of the Moro people, including all that grows (is planted) in Jolo and its islands." (Letter to Gov. Gen, Luke Wright in Peter Gowing, p. 350-351)

**Nov. 12, 1904** - U.S. Philippine Commission restores annual payments to the Sultan and his advisers.

**March 7, 1906**-900 Moros killed in Bud Dajo, Sulu

**1968-1971** - Constabulary elements took control of Muslim communities. Christian paramilitary groups staged an attack at a Mosque killing 65 men, women and children, which gained international attention. Before the Moro National Liberation Front (MNLF) was organized, Datu Udtog Matalam, led the first salvo by leading the Mindanao Independent Movement (MIM) declaring the whole of Lanao, Cotabato "Empire", Davao Sur, all of Zamboanga Peninsula, Sulu (including Tawi-tawi), Basilan and Palawan as independent. These were the same areas identified in the 1976 Tripoli Agreement.

**March 1968** - Government forces massacred 28 Moro army recruits with one survivor on Corregidor Island in what was dubbed the Jabidah massacre, triggering publicity and widespread indignation across the country.

**September 21, 1972** - Marcos declared martial law. One month later, the first organized Moro counter-offensive took place in Marawi. The MNLF declared secessionist war against the government.

**November 14, 1972** - The MNLF, headed by University of the Philippines Professor Nur Misuari, Salamat Hashim and others, was formally announced. Fighting escalated between Armed Forces of the Philippines (AFP) and MNLF forces.

**January 1975** - MNLF Chairman Prof. Nur Misuari and government representatives held its first meeting in Jeddah, Saudi Arabia. Autonomy was the first exploratory option, after the 6th Islamic Conference of Foreign Ministers (ICFM) supported it as basis for negotiations. The definition of autonomy was culled from the Working Paper of the Committee of Four (Senegal, Libya, Saudi Arabia and Somalia) which provides for self-government within the framework of Philippine national sovereignty and territorial integrity.

**December 23, 1976** - MNLF Chairman Prof. Nur Misuari and GRP Defense Undersecretary Carmelo Barbero signed the Tripoli Agreement. The Agreement provides for autonomy in 13 provinces and nine cities in Southern Philippines.

**March 25, 1977** - Pres. Marcos issued Proclamation 1628 declaring autonomy in 13 provinces. On 17 April, a plebiscite was called despite MNLF objections. Only 10 to 13 provinces voted for autonomy. Talks broke down.

**May-December 1977** - A group led by Salamat Hashim broke away from the Misuari-led MNLF leadership. Hashim went to Cairo, Egypt declaring a New MNLF.



**1978** - Negotiations between the MNLF and GRP resumed. However, Marcos chose to negotiate with Hashim instead of Misuari. The 9th ICFM declared Misuari as chairman and spokesman for the MNLF.

**1979** - Misuari reverted to his original position for secession, which was supported only by Iran. Surrendered MNLF founding member Abul Khayr Alonto joined government panel.

**1980** - Malaysia and Indonesia offered to serve as peace brokers. The 11th ICFM in Pakistan requested GRP to implement the 1976 Tripoli Agreement.

**1981** - Misuari failed to convince Arab states summit in Saudi Arabia to support secession. Marcos meanwhile, visited Saudi Arabia and OIC Habib Chatti. The 13th ICFM called on GRP to immediately expedite the implementation of the 1976 Tripoli Agreement. CPP-NPA formed the Moro Revolutionary Organization.

**1984** - The 15th ICFM reaffirmed its commitment to recognize the territorial integrity of the Philippines and called for MNLF to close ranks. Hashim meanwhile officially declared the establishment of the Moro Islamic Liberation Front.

**February 26, 1986** - Marcos ousted by a people-led revolt. Newly-installed President Aquino tasked the Constitutional Commission to include provisions for autonomy in Muslim Mindanao and the Cordilleras.

**March-September, 1986** - MILF sent feelers to GRP Pres. Aquino for peace talks. Through the Organization of Islamic Conference (OIC) and Muslim World League mediation, both MILF and MNLF agreed in principle to negotiate jointly in an expanded panel. In September, Aquino visited an MNLF camp that Misuari seized to gain an initiative and recognition for the MNLF from the government as its negotiating panel.

**August 1, 1989** - Philippine Congress passed Republic Act 6734, which creates the Autonomous Region of Muslim Mindanao (ARMM) and signed by Aquino into law on 1 August 1989. On November 10, a plebiscite was called, boycotted by MILF and MNLF. Only four provinces—Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi— chose autonomy.

**July-October 1992** - The 20th ICFM in Istanbul called for the resumption of the peace talks between the MNLF and GRP. In July 1992, Pres. Fidel V. Ramos appointed a National Unification Commission (NUC) to formulate an amnesty program for MNLF rebels. On October 1992, the first round of peace talks was held.

**1993** - Indonesian Foreign Minister Ali Alatas hosted the second round of GRP-MNLF exploratory talks that led to the signing of Executive Order 125 defining the approach and administrative structure for government peace efforts.

**1994-1995** - Ramos issued Proclamation 347 granting amnesty to Moro rebels and creating a government-MNLF Joint Ceasefire Committee. In September, the second round of formal talks began. An Interim Agreement was signed, containing 81 points of consensus in defense, education, economic and financial systems, mines and minerals, Shariah courts, functions of a Legislative Assembly and Executive Council and representation in the national government and administrative system.

**1996** - A meeting of the GRP-MNLF Mixed Committee resulted in the establishment of the Southern Philippines Zone of Peace and Development (SZOPAD).



**September to December 1996** - The Final Peace Agreement is signed on 2 September. The MILF distances itself from the Agreement, but commits not to stand in the way of peace. In the ARMM elections, Misuari runs for governor and wins, and six MNLF leaders are elected to the Regional Legislative Assembly. Ramos issues Executive Order 371, which departs from the Agreement on some significant points.

The government forms a new negotiating panel for talks with the MILF in October. The MILF, in a display of strength, holds a huge assembly near Cotabato City from 3-5 December, and reaffirms commitment to independence.

Misuari wins the election as first ARMM Governor. Ramos issued Executive Order 371, a slight departure from the FPA on some significant points. GRP started negotiations with MILF.

**1997** - MILF and the GRP issued a joint statement for peace. However, heavy fighting between MILF and AFP forces in Buldon that killed hundreds marred the negotiations. In March, an Interim Ceasefire Monitoring Committee was formed but in June, AFP launches biggest offensive against MILF.

**1999** - Congress filed three bills amending the Organic Act on the ARMM, expanding it in accordance with the FPA. MILF-GRP formal peace talks began at the Dawah Center, Sultan Kudarat, Maguindanao. On December 17, GRP-MILF panels agreed on the rules and procedures for the conduct of formal peace talks.

**2000** - All out war policy by Erap Administration invites international attention to massive evacuations.

**July 9, 2000** - Government forces overran MILF camps. On July 12, MILF Chairman Salamat Hashim declared jihad against the Philippine government. On August 21, MILF disbanded its peace panels after GRP issues warrants of arrest against its leaders. On September 22-24, the MILF 16th General Assembly reaffirmed Salamat Hashim's declaration of jihad against GRP.

**February 7, 2001** - Philippine Congress approved House Bill 7883 and Senate Bill 2129 as Republic Act 9054, supplanting RA 6734 or the ARMM Organic Act. On February 20, President Gloria Arroyo declared the suspension of offensive military action (SOMO).

**March 13, 2001** - President Arroyo named Misuari as Special Envoy to the OIC. On March 24, GRP and MILF signed a General Framework of Agreement of Intent in Kuala Lumpur, Malaysia.

**March 24, 2001** - The "Agreement on the General Framework for the Resumption of Peace Talks" was signed in Kuala Lumpur by then Presidential Adviser on the Peace Process Eduardo Ermita and Al Haj Murad Ebrahim, then MILF vice chair for military affairs.

Ebrahim would be named MILF peace panel chair until he assumed the post of MILF chair Salamat Hashim in late July 2003 after Hashim succumbed to a lingering illness in Lanao.

MILF information chief Iqbal took over the chairmanship of the peace panel. The March 24, 2001 agreement was hailed a "breakthrough" especially with both parties agreeing to resume the talks "immediately" after the signing of the March 24, 2001 agreement "and continue the same from where it had stopped before April 27, 2000 until they shall have reached a negotiated political settlement of the Bangsamoro problem." (*Mindanews*)



**March 30, 2001** - Philippine Congress approved RA 9054, An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao, Amending for the Purpose Republic Act 7634, Entitled "An Act Providing for the Autonomous Region in Muslim Mindanao, as Amended"

**April 2001** - The 15-Man Executive Council was formed in defiance to the leadership of Nur Misuari and chose MNLF Vice Chairman Hatimil Hassan as Chairman of the Executive Council. Misuari, however, remained ARMM governor.

**June 19-22, 2001** - GRP and MILF panel chair Al Haj Murad Ebrahim signed an Agreement on Peace.

**August 7, 2001** - MILF and MNLF signed an Agreement on the General Framework for Unity and a Joint Communique and Implementing Guidelines on the Security Aspect of the GRP-MILF Tripoli Agreement of Peace in 2001.

**November 19, 2001** - Former MNLF Chair Misuari was accused of rebellion and on November 24, Misuari was arrested in Malaysia.

**November 26, 2001** - MNLF Executive Council member Parouk Hussin was elected ARMM Governor. On December 20, the GRP and MNLF signed a Joint Communique to recognize the progress in the implementation of the 1996 Peace Agreement and the need to sustain its progress.

**January 2002** - Presidential Assistant for Mindanao Jesus Dureza takes Misuari from Subang Jaya, Royal Malaysian Air Force Base on 7 January and brings him to the detention bungalow in Sta. Rosa Laguna. The CCCH, tasked with supervising the implementation of the ceasefire, meets for the first time on 12 January.

**February 2002** - Skirmishes resume in various parts of central Mindanao .

**March 2002** - President Arroyo suspends formal peace talks with the MILF.

**April 2002** - Geneva Call persuades the MILF to sign a deed of commitment against use of landmines after a meeting at a MILF camp in Maguindanao.

**May 2002** - The GRP and MILF sign a Joint Communiqué on the isolation and interdiction of all criminal syndicates and kidnap-for-ransom groups operating in Mindanao, on 6 May in Kuala Lumpur, Malaysia. The next day Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the GRP-MILF Tripoli Agreement on Peace of 2001 are signed in Putrajaya, Kuala Lumpur .

The MNLF and MILF hold a first meeting of the Joint Coordinating Council of the Bangsamoro Solidarity Conference (BSC) on 8-9 May in Kuala Lumpur, Malaysia and agree to send a joint delegation to the 29th Islamic Conference of Foreign Ministers of the organization of the Islamic Conference on 27 June in Sudan.

**June 2002** - The MILF's project implementing body, the Bangsamoro Development Agency, is set up to "lead, manage and determine" rehabilitation and development projects in the conflict-affected areas.

**July 2002** - President Arroyo announces on 2 July that the MILF's former headquarters

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Camp Abubakar will become an army base named Camp Datu Sinsuat.

**July to September 2002** - Members of LMTs are appointed as per the GRP-MILF agreements in 2001, and a series of local workshops are held in various parts of central and western Mindanao. The Bangsamoro Development Agency also conducts a series of planning workshops.

**November 2002** - On 6 November Jesus Dureza denies that the USA is to list the MILF as a terrorist group, after reports to the contrary following a meeting between Philippine and US government officials.

**December 2002** - Government peace chairman Jesus Dureza and panel member Irene Santiago admit during a meeting with the members of Mindanao media on 28 December that a peace agreement is expected to be forged within the first quarter of 2003 to avoid "politicization" of the peace process.

**January 20, 2003** - MILF Chairman Hashim Salamat writes US Pres. George W. Bush seeking support for the Moro Nation: *"We are therefore appealing to the basic principle of American fairness and sense of justice to use your good offices in rectifying the error that (sic) continuous to negate and derogate the Bangsamoro People's fundamental right to seek decolonization under the United Nations General Assembly Resolution 1514 (XV) of 1960. For this purpose, we are amenable to inviting and giving you the opportunity to assist in resolving this predicament of the Bangsamoro People."*

**February 10, 2003** - The government peace panel presents the draft final peace agreement with the MILF to congressional leaders. Philippine government forces storm the Buliok Complex in the town of Pikit, in Cotabato Province on 11 February (the day of the Eid'ul Adha). Efforts to get the ceasefire committees to meet on 12 February fail as the MILF declines to attend the meeting before government troops move out.

President Arroyo approves a draft peace proposal on 19 February.

**March 2003** - A bomb explodes at the waiting shed of Davao International Airport on 4 March, killing 22 people and injuring at least a hundred others. Hashim reportedly condemns the act. Charges of multiple murder and frustrated multiple murder are filed against Hashim, Vice-Chair for military affairs Al Haj Murad Ebrahim (also MILF peace panel chair), Vice-Chair for political affairs Ghazaali Jaafar, and spokesperson Eid Kabalu.

**27-28 March 2003** - The government and MILF peace panel representatives meet in Kuala Lumpur, Malaysia and Jesus Dureza (GRP) and Lanang Ali (MILF) sign a Joint Statement on 28 March, reiterating their commitment to resume formal peace negotiations and to honor and implement past agreements.

**April 2003** - A bomb explodes at Sasa Wharf in Davao City on 2 April, killing 16 and wounding 55 others. MILF fighters attack the town of Maigo, Lanao del Norte on 24 April, leaving 13 people dead.

**May 2003.** Twenty-two people die in a MILF bomb attack in Siocon on 4 May, prompting the Philippine government to call off the 9-11 May exploratory talks in Kuala Lumpur. On 5 May, the Catholic Bishops Conference of the Philippines (CBCP) issues an open letter to both Arroyo and Hashim urging for a ceasefire and return to negotiations. Days later the Bishops Ulama Conference issues a statement offering to mediate between the MILF and the GRP.



On 9 May, GRP peace panel Chair Jesus Dureza resigns, claiming he wants to focus his efforts on development in Mindanao. A market place in Koronadal City, South Cotabato is bombed on 10 May. Fifteen people are killed and 31 are wounded. The government blames the MILF.

On 13 May, President Arroyo warns the MILF that she will recommend the USA puts them on their list of terrorist organizations if they do not end attacks on civilians by 1 June.

On 14 May, the OIC officially recognizes ARMM governor Parouk Hussin as chair of the MNLF. Arroyo declares a war of "will and vision" against the MILF on 17 May, and orders "selective attacks" on "embedded terrorist lairs" in central and western Mindanao. In the evening of the same day, Arroyo departs for a state visit to the US, and returns a week later having secured US\$356m in defense and counter-terrorism aid.

On 28 May, the MILF announces a unilateral 10-day ceasefire beginning 2 June, welcomed by President Arroyo. The next day the MILF is involved in an attack on Carmen town, North Cotabato, in which five civilians are killed.

**June 2003.** The MILF extends its ceasefire for another 10 days on 12 June. Presidential Assistant on the Peace Process Eduardo Ermita, named as chair of the government peace panel on 10 June, announces that the government will withdraw its offer to resume peace talks if MILF chair Salamat Hashim does not act as chief negotiator for the MILF.

On 22 June, the MILF extends its ceasefire indefinitely and requests a matching gesture from the military. Hashim issues a policy statement dated 20 June "rejecting terror as a means to resolve differences". The government welcomes the move but urges Hashim to declare a permanent ceasefire and reiterates its call for him to personally head the MILF peace panel. The government announces on 24 June that following meetings of the peace panels GRP-MILF talks will resume in Malaysia and Hashim will lead the MILF negotiators and sign any resulting agreements.

**December 2004** - The discussions on ancestral domain, the last of the three major agenda items aside from security and rehabilitation, were divided into four strands – concept, territory, resources and governance.

**2005** - Iqbal told Mindanews the MILF was considering four governance possibilities in the negotiated political settlement: federal, commonwealth, association of free states and independence.

**2006** - The impasse of the peace talks started on September 6-7, during the 13th exploratory talks over the issue of territory when the GRP's recognition of the 613 Muslim-dominated barangays is conditioned on undergoing a constitutional process.

**Nov. 14 2007** - Joint Statement issued. Among the consensus points on ancestral domain that the two panels agreed upon were: the "joint determination of the scope of the Bangsamoro homeland based on the technical maps and data submitted by both sides; measures to address the legitimate grievances of the Bangsamoro people arising from their unjust dispossession and/or marginalization; Bangsamoro people's right to utilize and develop their ancestral domain and ancestral lands; and economic cooperation arrangements for the benefit of the entire Bangsamoro people."

**April 2008** - Makati Regional Trial Court allows MNLF Chairman Nur Misuari to post bail.

**May 10, 2008** - 29 Malaysian members of the International Monitoring Team (IMT) including

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Major General Datuk Mat Yasin Bin Mat Daud, the head of mission left in a phased withdrawal of troops. This draws statements from civil society groups on possible resumption of hostilities between government and the MILF.

**July 22, 2008** - PGMA in a visit in Maguindanao, announces she supports a call to postpone the ARMM elections scheduled on August 11, 2008. Dureza said the "Cabinet consensus" to postpone the regional polls was reached after Arroyo met with Cabinet members and ARMM officials in Awang, Datu Odin Sinsuat, Shariff Kabunsuan .

**July 24, 2008** - Hermogenes C. Esperon, Jr., presidential adviser on the peace process would meet the MILF in Malaysia for the final date on the signing of a memorandum of agreement (MoA) on ancestral domain. In the days to come, Zamboanga City Mayor Celso L. Lobregat, who has objected to calls for some parts of the city to be under the Bangsamoro territory, said he is backing North Cotabato Vice-Governor Emmanuel F. Piñol, who will file a case with the Supreme Court demanding public disclosure of the contents of the ancestral domain draft pact.

July 24, 2008 - 5 Muslim lawmakers filed House Bill 4832 which proposes to amend Section 1 of Republic Act 9333 - the law that sets the August 11 ARMM elections - by replacing the date of the ARMM polls to coincide with the May 2010 national elections. Those who authored the House Bill 4832 are representatives Faysah Dumarpa of Lanao del Sur, Simeon Datumanong of Maguindanao, Munir Arbison of Sulu, Mujiv Hataman of party-list Anak Mindanao, and Pangalian Balindong of Lanao del Sur. Senator Miguel Zubiri backs out on filing a similar bill in the upper chamber.

**July 26, 2008** - Saturday headlines bannered GRP-MILF talks collapse after an impasse Friday night in KL . Government had reportedly changed its position and wanted to delay the plebiscite until after the signing of a final peace pact, instead of after the agreement on ancestral domain as they had agreed upon.

**July 28, 2008** – 14th Congress opens session with the State of the Nation Address by PGMA where she alludes to the completion of a peace agreement during her administration.

**July 31, 2008** - The House committee on suffrage and electoral reforms approved the bill that seeks to postpone the elections in the Autonomous Region in Muslim Mindanao (ARMM).

**August 5, 2008** - Scheduled signing in Kuala Lumpur of the MOA on Ancestral Domain providing for a plebiscite on November 2009. This is merely a part of The Comprehensive Compact, as the MILF proposes the peace agreement would be called, which will be a consolidation of the talks' three agenda items: security, rehabilitation and development, and ancestral domain.

The Supreme Court issued a temporary restraining order halting a territorial deal between the government and Muslim separatists, just as an agreement between Manila and the MILF was set to be signed in Kuala Lumpur after more than 10 years of stop-start talks.

**August 15, 2008** - Government's peace negotiators announce they will no longer sign the MOA-AD but will try to renegotiate with the MILF.

August 28, 2008 - Malaysia announced it would keep its peace monitors in violence-torn southern Philippines for another three months after appeals from both Manila and the country's biggest Muslim rebel group.



**September 3, 2008** - Press Secretary Jesus Dureza confirmed that President Arroyo has dissolved the government panel conducting peace negotiations with the MILF. Dureza said that the termination of the government's peace panel headed by retired Gen. Rodolfo Garcia would pave the way for a fresh start to the peace process for Mindanao.

October 14, 2008 - The Supreme Court, in an 8-7 decision, struck down as unconstitutional the scuttled ancestral domain agreement with the Moro Islamic Liberation Front.

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# A Primer on the Memorandum of Agreement on Ancestral Domain

*1. Is the memorandum of agreement on ancestral domain (MOA-AD) the Final Peace Agreement?*

No. It is a sub agreement on the third substantive aspect identified by the Parties under the Government of the Republic of the Philippines (GRP)—Moro Islamic Liberation Front (MILF) Tripoli Agreement on Peace of 2001. Once the MOA-AD is signed, the Panels will move on to discuss the issues that will be carried to the final peace accord (or Comprehensive Compact).

*2. In brief, what does the MOA-AD contain?*

It contains general principles concerning, among others, Bangsamoro identity and rights, the establishment of a genuine self-governance system appropriate for them, the areas to be placed under this self-governance system, and the protection and utilization of resources found therein.

*3. Is the concept of "ancestral domain" discussed in the negotiations the same concept as in the Indigenous Peoples Rights Act (or IPRA, R.A. 8371)?*

No. While "ancestral domain" in the context of IPRA is tenurial (i.e. recognition and protection of traditional collective land areas—or domain—belonging to an IP clan/group), the issue of "ancestral domain" in the context of the GRP-MILF negotiations has a political dimension.

Under IPRA, an IP clan/group claiming a certain area of land as their ancestral domain or ancestral land will ideally be awarded certificates of ancestral domain/land title (CADT or CALT) to show their collective ownership of the area. They are therefore entitled to certain rights over their ancestral domain/land, such as the right of ownership, the right to regulate the entry of migrants, priority rights in utilizing resources, a share in the revenue derived from the utilization of resources by other parties, etc.

In the GRP-MILF negotiations, areas identified are those that will be placed under the political jurisdiction of the prospective Bangsamoro self-governance system (generically termed as a Bangsamoro juridical entity or BJE).

*4. What are these so-called "Consensus Points" in MOA-AD negotiations?*

These are agreements in principle reached by Parties during the initial stages of discussions on AD (Seventh and Ninth Exploratory Talks in 2005). Consisting 26 items of general ideas and concepts, the consensus points provide the overall parameters and foundation of AD discussions. These consensus points have since been carried over and/or expanded into the present draft MOA-AD.

*5. Why is there so much confidentiality involved in the negotiations?*

Since the start of the negotiations, the GRP and MILF Panels, along with the Malaysian



facilitators, have adopted a set of protocols meant to foster the confidence and trust of the Parties at the negotiating table. Among these is a mutual understanding that all pending matters under negotiation are kept confidential in order to avoid preempting the substantive discussions and undermining the integrity of the talks.

Since 2001, however, the GRP Panel has been providing regular updates on the peace process to strategic audiences, and in the process avail of views and insights from the ground.

Actual deliberations over the text of the draft MOA-AD itself started during the 11th Exploratory Talks in March 2006 and continues to this day. The deliberations had been punctuated at times by periods of impasse or cancellations in previously scheduled talks. Presently, there are around 31 items of agreed text on the draft AD MOA, and three additional residual items awaiting formal resolution.

*6. Are the MOA-AD and the prospective Comprehensive Compact unconstitutional?*

No. Although the agreement will contain provisions that ultimately describe the relationship between the Central Government and the BJE, it also indicates clearly that it is prospective and non-executory.

In the extensive legal consultations conducted by the GRP Panel with various experts, it was found out that the self-governance system for the Bangsamoro people (i.e. BJE) being proposed by the MILF will contain elements having Constitutional implications. Indeed, people will always view their aspirations and collective vision beyond any legal prism.

Notwithstanding the above, however, the agreement will also recognize that provisions requiring possible amendments to the existing legal framework shall be executory only after we are able to effect the necessary changes to the legal framework.

*7. What is the Bangsamoro Juridical Entity?*

“Bangsamoro juridical entity” is a generic term referring to the proposed self-governance system contemplated under the GRP-MILF peace negotiations.

*8. What is the difference between the Autonomous Region in Muslim Mindanao (ARMM) and BJE?*

The ARMM is the self-governance system for the Bangsamoro people under the 1986 Philippine Constitution and RA 9054 “The Expanded ARMM.”

If and when a final peace agreement with the MILF is signed, eventually the ARMM will be transitioned into the BJE. The BJE is envisioned to enjoy more autonomy, more powers and more territory.

The powers to be devolved to the prospective BJE touches on a range of familiar issues such as executive, legislative and judicial arrangements, powers over taxation, fiscal authority, institution building, revenue sharing, representation in National Government on matters directly

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affecting the BJE, etc. However, the details of all these will still be the subject of future discussions in the Final Peace Agreement called the Comprehensive Compact.

*9. What happens, therefore, to the implementation of the 1996 GRP-MNLF Final Peace Agreement (FPA)? How can Government implement the 1996 GRP-MNLF FPA and the prospective GRP-MILF final agreement when we are talking of the same people, the same area and the same self-governance system for the Bangsamoro people?*

In a broader sense, the prospective BJE intends to be the fulfillment of the Bangsamoro people's struggle for their rights and aspirations—begun by the Moro National Liberation Front (MNLF) and pushed to completion by the MILF.

The 1996 FPA will continue to be implemented until the implementation process achieves full closure. Government will build on the ARMM setup in order to fulfill its commitment under the prospective GRP-MILF agreements, even as it will seek later on to transform the ARMM into the BJE. Second, GRP's track record in implementing the 1996 FPA will also reflect on its political will to implement a prospective agreement with the MILF.

Both the ARMM and the contemplated BJE belong to the Bangsamoro people, and neither to the MNLF nor the MILF. The objective of their armed struggle is the advancement of the Bangsamoro people's rights and aspirations. If either the ARMM or BJE proves to be the path to attain this objective, then the struggle would have been won.

But for the vision to work, the entire Bangsamoro people—MNLF, MILF, local political leaders, traditional leaders, community members, individual tribes—must all reach out to one another and forge for themselves a *modus vivendi*, and a common direction in pursuing their political and socioeconomic destiny.

*10. Who will govern the prospective BJE when it is finally in place?*

Those who will be chosen by the people within. The same principles respecting the fundamental right of the constituents to choose their leaders will be respected.

*11. What areas will be included in the BJE?*

The areas under contemplation include the following: (a) the present geographic area of ARMM; (b) municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangkal, in Lanao del Norte that voted "yes" in 2001 plebiscite and; (c) around 735 barangays wherein a plebiscite will eventually be conducted

*12. Will Indigenous Peoples (IPs) be included in the BJE?*

Inclusion of areas into the BJE will require a plebiscite to be administered to all affected communities and residents—Moros, settlers and Lumads. If a community, by virtue of plebiscitary consent, decides in favor of inclusion, then it will be respected.

*13. Will the BJE be given ownership of its own maritime areas?*

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No. Rather, the BJE and the component local governments within shall have jurisdiction over the management and utilization of natural resources within the 15-km municipal waters. This is consistent with rights of local governments over municipal waters, and IP rights over ancestral waters, which are all still part of the internal waters of the Philippines.

The GRP is also looking into joint management arrangements over strategic resources (i.e. oil, natural gas) found in territorial waters extending immediately beyond the 15-km zone under the BJE. Again, it must be pointed out that this prospective arrangement will only be effected if and when we are able to effect the necessary changes to our legal framework.

*14. Will BJE have jurisdiction over the natural resources found therein like timber, mines, etc?*

Yes. In fact, such powers are already granted to the present autonomous government. They can even regulate certain activities within the area, such as logging operations for instance.

*15. What will happen to operating licenses and similar instruments (like Industrial Forest Management Agreements, Technical Licenses Agreement, etc.) already issued beforehand?*

These will continue to operate until they either expire, revoked with due cause, or renewed. The MOA-AD will have an explicit provision respecting all existing and vested property rights.

*16. Will private properties of settlers and ancestral domains of IPs be confiscated from them later on?*

No. Again, the MOA-AD will have an explicit provision respecting all existing and vested property rights.

*17. Will MILF fighters be integrated into the Armed Forces of the Philippines or the Philippine National Police (PNP)?*

The Parties have not yet discussed this specific issue at the negotiating table. There are arrangements for an internal security force in the prospective BJE, and this issue is similar to what transpired during the negotiations with the MNLF. Again, this will be taken up in the discussions at the Comprehensive Compact stage.

For the GRP, we intend to put forward proposals on a long-term framework for the normalization of communities. This must run alongside a comprehensive government program to eliminate the proliferation of loose firearms in Mindanao.

*18. What is the nature of the internal security force contemplated in the BJE?*

There are no detailed discussions on this issue yet. As a starting point for the GRP, however, we can make use of a precedent found in Sec. 2, Art. XIII of Republic Act 9054 (ARMM Organic Charter) concerning the Special Regional Security Force (SRSF). Under this arrangement for example, the SRSF is composed of existing PNP units, the MNLF elements, and other residents of the area who would opt to join in following certain recruitment standards. Of course, said structure is ultimately under the general supervision of the national government.



*19. Will the Panels eventually discuss the disarmament, demobilization and reintegration (DDR) of the MILF?*

The Government will push for discussions on DDR at the appropriate juncture of the negotiations on the FPA stage.

We have learned from the MNLF experience that in the absence of a well-designed and holistic DDR component in the peace agreement, some fighters still tend to resort to violence when the implementation process encounters difficulties and delays, or when they do not benefit tangibly from the fruits of a peace settlement.

Peace process models in other parts of the world (Sin Feinn in Northern Ireland, GAM in Aceh, FRETELIN in East Timor, etc.) have successfully showcased that in a post-peace settlement scenario, it is possible for revolutionary groups to later on shift their arena of struggle—from armed (rebel group) to parliamentary (political party)—where they are free to advance their political programs and compete for political power through the electoral system.

The massive presence of loose firearms in Mindanao, as well as the culture of rido (family feuds), are among the factors which will complicate the planning and execution of a successful DDR. We need to also institute parallel government programs addressing these issues alongside the implementation of DDR.

*20. How will the MOA-AD and the prospective Comprehensive Compact be operationalized?*

The AD MOA itself is a non-executory document and still subject to further discussions as to the details of its provisions. Once the details are discussed and agreed on, these will be incorporated, among others, into the Comprehensive Compact document.

To implement provisions of the agreement, the Executive branch will undertake the necessary processes, where needed, to effect changes to the existing legal framework. This will range from the passage of the necessary executive issuances (E.O.), national laws (R.A.), and perhaps Constitutional amendment (via Constituent Assembly or Constitutional Convention) to legally entrench our arrangements on the BJE.

We have faith that there is bi-partisan support for the peace process, and that the other branches of government will help the executive pursue the attainment of lasting peace in Mindanao. The three decades of armed conflict has affected the entire country. Its solution is our shared responsibility.

*21. Is the prospective BJE envisioned to exist under a federal form of government?*

*The ongoing negotiations focus on the substance of governance, rather than the form of government.*

In terms of substance, we know that amendments to some provisions of the Constitution (probably, Art. X on Local Government and Art. XII on National Economy and Patrimony) may be necessary to give full effect to our agreement.

In terms of form of government, many legal experts are of the opinion that the agreement will find more pragmatic application when a federal system is in place. In the end, this will be a matter of collective judgment on the part of the Bangsamoro people and the rest of Philippine

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society. However, we welcome the strong bi-partisan initiatives of some of our legislators who push for federalism, and see it as a viable track to help solve the Mindanao problem. When such an opportunity becomes evident, we will leave it to the wisdom of the framers on how they see themselves contributing to the achievement of lasting peace in Mindanao.

*22. Does the ancestral domain issue also involve discussions on compensation, reparation, and the like?*

The issue of compensation or reparation for properties lost or destroyed by reasons of the conflict on the part of displaced individuals and families is already included in the Implementing Guidelines on Humanitarian, Rehabilitation and Development signed in May 2002.

The MOA-AD affirms this principle, and it will include a provision on restitution measures for unjust dispossession and marginalization of displaced persons and communities. This will have to be studied and evaluated by the Parties on a case-to-case basis.

*23. What happens to settlers and Lumad communities who will be situated later on within the prospective BJE?*

There will be no effect on the fundamental rights, properties and personal circumstances of settlers and Lumads. The principles of equality, respect for cultural integrity, and the rule of law will be recognized at all times. Good governance will ensure that these rights are protected at all times, and the basic needs of communities—regardless of cultural persuasion and religion—are satisfied.

*24. Is the MOA-AD bereft of respect for civil and human rights?*

There is no truth to the hysterics that the unsigned GRP-MILF MOA-AD is “bereft of respect for civil and human rights” and that its proposed BJE shall possess and exercise “absolute powers without any of the civilized limitations in the Bill of Rights . . .” One has just to look mainly at the “Terms of Reference [TOR]” at the start of the MOA-AD.

The seventh paragraph therein states as a TOR:

“ILO Convention No. 169, in correlation to the UN Declaration of Rights of the Indigenous Peoples, and Republic Act No. 8371, otherwise known as the Indigenous Peoples Rights Act of 1997, the UN Charter, the UN Declaration of Human Rights, International Humanitarian Law, and internationally recognized human rights instruments.”

The second, third and fourth paragraphs of the TOR in turn mention three earlier interim but framework agreements in the GRP-MILF peace negotiations:

1. The General Framework of Agreement of Intent (GFAI) between the GRP and the MILF dated August 27, 1998
2. The Agreement on the General Framework for the Resumption of Peace Talks between the GRP and the MILF dated March 24, 2001
3. The Tripoli Agreement on Peace (TAP) between the GRP and the MILF dated June 22, 2001



In the GFAI of August 27, 1998, an important early framework agreement which deserves more attention than it is usually given, there is Article II which states: "The Parties affirm their commitment to protect and respect human rights in accordance with the principles set forth in the Charter of the United Nations, and the Universal Declaration of Human Rights." There is also Article V, which states: "The parties recognize that there will be lasting peace in Mindanao when there is mutual trust, justice, freedom, and tolerance for the identity, culture, way of life and aspirations of all the peoples of Mindanao."

It is clear under the MOA-AD that the powers of the BJE are not "absolute" and that these are with "civilized limitations." The so-called "civilized limitations in the Bill of Rights" are found in other legal instruments, which are mutually acceptable to the parties like those mentioned in the early above-quoted seventh paragraph of the TOR of the MOA-AD. That would include what is known as the "International Bill of Rights"—the 1948 Universal Declaration of Human Rights; the 1966 International Covenant on Civil and Political Rights; and the 1966 International Covenant on Economic, Social and Cultural Rights. In fine, the Bill of Rights of the Philippine Constitution is not the only, nor even the best, legal instrument on civilized limitations to governmental powers.

The non-mention in the MOA-AD of the Bill of Rights and for that matter the Constitution itself, is understandable because of the MILF's consistent objection from Day 1 to the Constitution as a TOR or framework for the peace talks. This negotiating position is only natural for any revolutionary force (just like the NDF, for that matter), which seeks the overthrow of, or separation from that constitutional order or entity. Those who insist on the mention of the Constitution as a TOR or framework in these peace negotiations do not really understand the armed struggles that these negotiations are trying to resolve. Those who make peace negotiations impossible by imposing the Constitution will make continued armed struggle inevitable. ♦

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## Judging the MOA-AD: Today's parable

Archbishop Orlando B. Quevedo

**V**iolence is breaking out once again in southern Philippines. Doubly tragic because such violence could be prevented. The popular rejection of the memorandum of agreement on ancestral domain (MOA-AD) has separated the positions of Moros and Christians quite clearly.

Many Moros are now saying, "Christians will never recognize our fundamental right to self-determination as a people. We do not want an independent State. We simply want self-determination in our ancestral land." On the other hand, Christian Filipinos are passionately affirming their stand, "We do not want to be driven away from our lands. We do not want any Philippine territory to be taken away. We do not want to be part of the Bangsamoro Juridical Entity."

The great tragedy for the country is that the MOA-AD is being rejected for reasons that can be resolved or may not even be in the agreement. It is as though our fears and prejudices have become the measure for judging the MOA-AD. There is no substitute to actually reading and studying the document—in itself—to know what it says, to know what it does not say, and to realize the implications of all these. By rejecting the memorandum of agreement on the basis of misconception, prejudices and misinformation, we may be throwing out a "piece of paper" that could very well be a good working basis for lasting peace in Mindanao.

Many Filipinos reject the MOA-AD mainly on the following bases:

- 1) It is dismembering the Republic of the Philippines;
- 2) It has certain unacceptable or at least questionable provisions;
- 3) The Filipino people were not consulted;
- 4) The present government cannot be trusted;
- 5) President Arroyo wants the MOA-AD in order to extend her term;
- 6) The United States had a "hidden" hand in the MOA-AD because of its own interests.

The first and second objections concern the content of the MOA-AD. The third objection is about process. The third, fourth, fifth and sixth objections are about circumstances external to the document.

I believe that all of us should let the MOA-AD speak for itself. To do this may I suggest some points for reflection.

On the concept of Bangsamoro self-determination: Do Christian Filipinos recognize that the right to self-determination is a fundamental right? Is such a right unconstitutional?  
Are the Bangsamoro people entitled to such a right?

On the Bangsamoro homeland or ancestral domain:  
In their history have the Bangsamoro people ever exercised the right to self-determination



and sovereignty? Are we, Christian Filipinos, aware that even before the Spaniards came, the Bangsamoro people already had a system of political authority that held sway over a domain that covered most parts of Mindanao and Sulu? Despite Spanish and American colonizers, did leaders of the Bangsamoro people continue to claim political authority over their ancestral domain? Within the short space of 50 years, from the 1920s to the 1970s, did not Christian Filipinos completely reverse the demographic, territorial, and political situation in Mindanao and Sulu partly through a series of land laws that sent several waves of migrating Christians from the Visayas and Luzon? Are we aware that while we Christians call this historical, demographic, and political development quite legal, members of the Bangsamoro believed and continue to believe that this was an injustice to their historic claim to their lands and to the self-determination that they—for a long time—once exercised in their territory?

On Bangsamoro self-determination and exercise of sovereignty in relation to the national sovereignty and territorial integrity: Does Bangsamoro self-determination and exercise of sovereignty in their ancestral domain necessarily mean political independence from the Republic of the Philippines? Does the MOA-AD say that the Bangsamoro Juridical Entity is a separate and independent State? Does it intend to set up such a state? Is there internal evidence in the MOA-AD that in fact it does not intend to do so, and that the agreement is not setting up an independent state? Does the MOA-AD say, even if only equivalently, that it is breaking up the territorial integrity of the Republic of the Philippines?

If the document has internal merits, surely the problems of lack of consultation can be worked out. Flaws in the concepts and content can be remedied. Suspicions about the hidden hand of the United States or the hidden intentions of President Arroyo behind charter change can be resolved in their own context. But these to my mind are basically extraneous to the internal validity of the MOA-AD. We can surely correct its faults.

But to reject the MOA-AD completely on the basis of what it does not say could be a tragedy of incalculable proportion, possibly a death knell to lasting peace. The two panels have painstakingly worked out the peace documents for 11 long years. I would give them the benefit of the doubt that they have been conscientious in their work, looking out for the interests of their constituencies.

It is my firm conviction that if only the MOA-AD is allowed to speak for itself or examined on its own merits, it can be a good working document for lasting peace in Mindanao. ♦

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# Peace TRO'd

Amina Rasul

I have been pessimistic that a peace agreement between the government and the Moro Islamic Liberation Front would be signed any time soon under the Arroyo Administration. First, I didn't think the peace process is a priority for an administration besieged by corruption charges and economic problems (unless it served a partisan political agenda). Second, the hawks in government who prefer a military solution are very influential. Third, many political leaders like Vice-Governor Manny Pinol and Mayor Celso Lobregat have always been against the peace agreement which they believed would give more power to the Bangsamoro. More for them means less for us?

When I received a text from Datu Michael Mastura that the Philippine Council for Islam and Democracy was invited for the August 5 signing of the Memorandum of Agreement between the Philippine government and the Moro Islamic Liberation Front, I wanted to believe. Datu Mike's invitation gave me reason to hope.

I flew to Kuala Lumpur at 3:30 PM on August 4, joining an exuberant and optimistic crowd of Mindanao peace advocates and civil society leaders. Foreign Affairs Secretary Alberto Romulo, Peace Adviser Hermogenes Esperon Jr. and GRP Panel Chair Rodolfo Garcia led the government delegation. US Ambassador Kristie Kenney, Australian Ambassador Rod Smith, Japanese Ambassador Makoto Katsura, World Bank Representative Bert Hoffman, Asia Foundation Representative Steve Rood and other members of the international community were on the same flight. All were looking forward to the formal negotiations to come, which would iron out the implementation details. When we landed, cell phones started ringing with text messages informing us that, at 3 PM, the Supreme Court had imposed a Temporary Restraining Order.

You can imagine the extreme disappointment we all felt.

A very subdued group arrived at the Marriot Hotel where we were all billeted, in Putrajaya, the Malaysian government center. What a waste of time and resources! The international embarrassment suffered by the Philippine government! The Malaysian government, facilitator for the peace talks, spared no expense in organizing a major celebration for the signing ceremony. The Malaysians were eager to show the world its success as a facilitator. The Malaysian government, frustrated over the lack of progress in the peace talks, had even declared that it would pull out of the International Monitoring Team, which has been a crucial factor in lessening the incidence of skirmishes between government troops and the MILF. The pull out pressured both parties to return to negotiations.

It seemed to me that the Memorandum of Agreement on Ancestral Domain did not contain any section that committed government to action that would violate the Constitution. After all, didn't the Executive branch spend many months reviewing the draft after its approval in KL last November?

The MOA does not bind government to give territory to the Bangsamoro, even as it agreed to the inclusion of 735 Muslim majority barangays in the proposed Bangsamoro Juridical Entity



(BJE). A plebiscite will be held so that the affected citizens can decide for themselves if they want to be part of the BJE. Big business and foreign investors should not be concerned either, since existing property rights, legal investments and contracts will be recognized and protected.

What did Pinol, Lobregat et al violently disagree with? They said they were not consulted. Does this mean they did not know the contents of the MOA? It seems they do. Sources say that there have been unofficial discussions with the local government leaders. Knowing that a plebiscite would be required and that their properties would be protected, what was the real objective behind the petition filed by Pinol, Lobregat et al? If, as they say, their people do not want to be part of the BJE, then they are at liberty to vote "No" in the plebiscite as they did before. During the first plebiscite for ARMM, only 4 out of 23 provinces and cities agreed to join: Sulu, TawiTawi, Maguindanao and Lanao del Sur. A second plebiscite for an expanded ARMM was held in 2001. Out of 11 provinces, only Basilan joined ARMM.

In the meantime, national and local leaders have been making pronouncements, which only serve to enflame already tense situations in Mindanao. Perhaps they should analyze the MOA first. The civil society organizations that went to KL are now back. Instead of focusing on the next steps towards the road to peace, they are now desperately trying to douse flames of war.

The ARMM elections will be held tomorrow. We can only pray that the tense situation between MILF and government troops will simmer down, allowing the ARMM residents to vote.

We can only speculate why we are in this predicament. I, for one, wonder why Mrs. Arroyo did not make sure her people focused on addressing the concerns of those in her government who are opposed to the agreement. As Senator Pimentel said in our media forum on Friday, Pandora went to the Beijing Olympics and left her box behind. ♦

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# Back to square 1

Amina Rasul

Almost 12 years ago, government succeeded in signing a peace agreement with the Moro National Liberation Front. President Fidel V. Ramos and MNLF Chair Nurulajji Misuari received the UNESCO's Felix Houphouet-Boigny Peace Prize "for the agreement they have made in ending the conflict on 2nd September 1996 between the Philippines Government and the Moro National Liberation Front". Former President Corazon C. Aquino had initiated the talks with the MNLF. It took almost 9 years of negotiations under two highly credible presidents before an agreement was signed.

After more than 12 years of negotiations with the Moro Islamic Liberation Front, are we back to square 1?

I have been pessimistic that a peace agreement with the MILF would be signed under the Arroyo regime. Ramos had one Peace Adviser throughout the negotiations, the much respected Ambassador and former AFP Chief General Manuel Yan. Mrs. Arroyo has had four. Ging Deles resigned with the Hyatt 10 group while Yoyong Afable resigned, according to insiders, because he did not get the support he needed to be effective.

While the Arroyo Peace Advisers and the government panels have tried their best, they always suffered from Mrs. Arroyo's lack of political will and capability to support the peace process and, worse, her lack of credibility.

First, I don't think the peace process is a priority for an administration besieged by corruption charges and economic problems (unless it served a partisan political agenda). Second, the hawks in government who prefer a military solution are very influential. Witness the conflagration in Central Mindanao. Third, more political leaders have come out to join Vice-Governor Manny Pinol and Mayor Celso Lobregat against the peace agreement which they believe would give more power to the Bangsamoro. Fourth, the MOA on Ancestral Domain is now viewed as an excuse for amending the constitution in order to allow Mrs. Arroyo to stay on in the Palace.

As Peace Adviser Hermogenes Esperon Jr was preparing to brief the Strategic Studies Group of the National Defense College of the Philippines on the controversial MOA on Ancestral Domain, Malacanang announced that the MOA would not be signed.

Mrs. Arroyo also announced a shift in the conduct of government's peace efforts: "The focus of our talks shall shift from the armed groups to the communities. The parameters governing our negotiations shall be a balance between the constitutionality and public sentiment." She will focus on disarmament, demobilization and rehabilitation (DDR). She will conduct "authentic conversations or dialogues with the people." She will make the armed groups "account for their actions not only to the government but more importantly to the people."

The MILF have stated its rejection of any attempt to renegotiate the MOA, saying they have already signed it. After over 4 years of negotiation on issues related to ancestral domain, I can't blame them. Besides, how does Mrs. Arroyo plan to conduct peace talks via "authentic dialogues"? Maybe SWS can conduct a survey on each point to be negotiated? Perhaps



another consultation like the one her Chacha Consultative Commission conducted? Where none of the major Mindanao NGOs were invited? Not even former Senator Santanina Rasul of Sulu was invited to any of the consultations for ARMM or Sulu.

How will she get the MILF to disarm and demobilize? How will she take them to account for their actions? She can't even collect the hundreds of thousands of loose firearms in the hands of her local leaders.

FVR's speech for the UP Centennial Lecture Series(August 12), was a solid rebuke of the way the Arroyo regime is conducting the peace process. He recollected the daring daytime raid on Ipil by the Abu Sayyaf and some lost commands (including MILF troops) resulted in the burning the commercial center of Ipil and the deaths of 50 civilians, police and soldiers. The attack could have derailed the peace talks with the MNLF. However, FVR stayed the course.

"The violence in Ipil could have broken the back of the peace negotiations. We could have accepted the futility of ever achieving peace in Mindanao — and returned to the decision of relying on the force of arms as our remaining course of action". This seems to be the course of action of the Arroyo administration, complete with arming vigilante groups. The PNP has announced that it would provide 1000 shotguns to civilian militia. Is this just the start of vigilantism supported by government?

FVR shared the lesson he learned from the GRP-MNLF peace talks: "in any peace effort, the leader must focus on the long-term view — the strategic vision of peace and development — and refuse to be stampeded into contrary action by tactical pressures from the enemies of the peace process."

We have been stampeded back to square 1. Tragically, it is a red square, red with the blood of innocent victims, soldiers and Mujahideen. All avoidable – if only she had truly supported the peace process. As it is, when people ask me where we are headed, I think we are exactly where she wants us to be.

The current chaotic situation is reminiscent of the days before the imposition of martial law by former President Marcos. All we need now is for the car of a high ranking government official to be bombed and the implementation of a martial law playbook would be complete. ♦

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# Silencing Peace: The Story of MOA-AD

By Atty. Sedfrey Candelaria

**A**midst the rumblings surrounding the aborted signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD), the nation once again finds itself in a dilemma on whether to pursue the peace process or resort to military solution to finally put an end to the armed conflict in Mindanao.

It is important to look at the MOA-AD in its proper context devoid of prejudices, stereotyping, political color, unfounded fear and speculation, as we have witnessed the past four weeks. Only through the prism of disinterested passion and with the highest regard for a just and lasting peace could we responsibly deliberate upon genuine solutions to the present armed conflict with the MILF.

## Background

A basic understanding on how peace negotiations around the world are presently conducted will be instructive, specifically for those uninitiated in the process, as a starting point to put the MOA-AD in the proper context.

It is commonplace today to see peace negotiations divided in stages, namely: pre-negotiation, preliminary agreement, comprehensive framework and implementation. The agreement on ceasefire may come in sometimes early on in the talks or during the agreement on final cessation of hostilities at the last stage of the negotiations.

In the case of the talks with MILF, prior to the discussions on the MOA-AD, it is crucial to note that the MILF had entered into a ceasefire agreement and subject to the supervision by an International Monitoring Team led by the Malaysians. After 2003, Mindanao had enjoyed considerable calm and very low level of violence on account of this ceasefire.

The MOA-AD is not a stand-alone document but constitutes a codification of consensus points (e.g. principles, territory, and resources) prior to Governance and the Comprehensive Compact. It is the result of more than a hundred consultative dialogues or forums with various stakeholders conducted by the GRP Panel spread to about 3-4 years, inclusive of the periodic technical working group meetings here and abroad between the Parties.

Joint statements are released to the public on key issues tackled after every exploratory talk. The GRP Panel is also in receipt of local government resolutions, statements and memoranda expressing their sentiments on the key issues (for example, opposition to inclusion in Bangsamoro Homeland and the need for consultations, adding representatives to the Panel, etc, ...)

## Structure of the MOA-AD and substantive issues covered

Discussions on the MOA-AD hit a snag for about a year on the matter of territory before November of 2007. The final codification process of consensus points on the MOA-AD was completed thereafter.



By early 2008, the two Panels have arrived at an understanding of the final text of the MOA-AD and a thorough review of its legal implications, particularly on the needed appropriate legal processes which may be undertaken by the GRP side to address the proposals contained in the MOA-AD.

Judging from the various Supreme Court justices' interpellations of the counsels for both the petitioners and the respondents, the following contentious issues are worth examining in seriatim: (a) legal characterization of the MOA-AD; (b) status of the Bangsamoro Juridical Entity (BJE); and, (c) authority of the GRP Panel to negotiate and sign the MOA-AD.

#### Legal characterization of MOA-AD

There were several attempts by petitioners during the oral arguments to advance the theory that the MOA-AD is classified as a treaty under international law.

The rule laid down under the Vienna Convention on the Law of Treaties is that an international agreement must be entered into by two states in writing and governed by international law. Petitioners' argument immediately fails this test because the MOA-AD is one entered into between a state and a non-state entity.

Related to this is the difficulty of characterizing it under municipal law as an ordinary contract because of the political character of the obligations arising from it. Thus, even the matter of governing law and applicable remedial measures would now be a serious legal concern when attempting to enforce this type of instrument.

Elsewhere, it has been observed by Christine Bell that, "(a) lack of legal formality enables parties to avoid the appearance of commitment to compromise, which could undermine the move toward talks and give ammunition to dissenters and outbidders..." She maintains that peace agreements "do not easily fit within traditional legal categories."

The MOA-AD contains the following crucial provision which may also explain the unique and non-self-executing character of the document:

"The Parties agree that the mechanisms and modalities for the actual implementation of this MOA-AD shall be spelt out in the Comprehensive Compact to mutually take such steps to enable it to occur effectively.

Any provisions of the MOA-AD requiring amendments to the existing legal framework shall come into force upon signing of the Comprehensive Compact and upon effecting the necessary changes to the legal framework with due regard to the non derogation of prior agreements and within the stipulated time frame to be contained in the Comprehensive Compact."

The practice of negotiating peace agreements confirms that "(b) their nature, implementation agreements involve new negotiations...as parties test whether they can claw back concessions made at an early stage." Therefore, the tentative character of the principles, concepts and framework may evolve as the parties continue to move to the next stage of the negotiations.

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## Status of the BJE

A series of discussions ensued on the matter of creation of a new state as a result of the MOA-AD.

In this regard, the Montevideo Convention of 1933 provides for the qualifications of a state: (1) permanent population; (2) a defined territory; (3) a government that is in effective control of its territory and independent of any other authority; and, (4) a capacity to enter into relations with other states.

Nowhere in the MOA-AD could one derive that all the requisites above are present. On the contrary, the reference to “Central Government” and the need to undertake legal processes within the GRP confirm the hierarchical relationship similar to an empowered autonomous region which already exists in our Constitution. Perhaps, the petitioners were harping at the “state-in-the-making” theory which is highly speculative in nature.

Nothing in the MOA-AD grants territory to the BJE without the benefit of plebiscites at three levels: the more than 700 barangays in Category A (within 12 months from signing of MOA-AD), Category B (not earlier than 25 years from the signing of the Comprehensive Compact) and the implementation of the BJE after the Comprehensive Compact. There were reasonable criteria for choosing the areas subject of the plebiscites such as: historical, population patterns, contiguity, and functionality.

Secession was never an issue between the two Panels. It is even more instructive to note that the current Senate Joint Resolution No. 10 initiated by Sen. Pimentel, et. al. on the establishment of a Federal System of Government, including a Bangsamoro State, provides the right to secede for every state. Not even the MOA-AD went this far!

Clearly, there was never any intention to create “a republic within the republic.” It may be recalled that this was practically the same fear expressed when the Indigenous Peoples’ Rights Act of 1997 (IPRA) was questioned before the Supreme Court on the matter of ancestral domain claim based on native title.

But vested property rights of all are, in fact, respected in both IPRA and the MOA-AD. The free choice of indigenous peoples inside BJE is also assured, i.e they may continue to enjoy their stay inside their own ancestral domain as this constitutes clear vested right.

Those inside the political subdivisions to be constituted within the BJE will be governed by the principles of equality of peoples and mutual respect and guaranteed protection of their civil, political, economic and cultural rights.

Authority of the GRP Panel to negotiate and to sign the MOA The premise of most peace negotiations is to address key issues in the conflict. In some cases, law reform initiatives or even constitutional amendments result from political commitments or settlement.

When the GRP and MILF Panels came to the negotiating table, they were driven by what is possible and not by what is unthinkable.



Under E.O. No. 125 (September 15, 1993) and E.O. No. 3 (February 28, 2001), the comprehensive peace process may require administrative action, new legislation or even constitutional amendments. These are well within the mandate of the GRP Panel to submit by way of recommendations to the Executive as a result of discussions at the negotiating table. Thereafter, the Executive may consider these for appropriate coordination with the Legislative Branch which may now undertake the necessary legal processes.

In summary, there was never any attempt to supplant the powers of a co-equal branch of the Government by entering into the MOA-AD.

### **The way forward**

After weeks of finger pointing and costly armed engagements resulting to loss of innocent lives, it is the hope of any responsible and peace-loving citizen to find durable solutions instead of inflaming deep-rooted biases and misconceptions. As peace negotiators, the eye for breakthroughs even in the most trying moments of the process will remain focused and unrelenting.

Justice will have to be served in so far as the atrocities committed by rogue MILF elements are concerned. Confidence building and trust will have to be creatively worked on once again.

In the end, the process of achieving peace is beyond the MOA-AD signing. One may silence the MOA-AD, but not peace itself. ♦



# MOA- Quo Vadis?

*Fr Eliseo Mercado, OMI*

The Memorandum of Agreement (MOA) on the Ancestral Domain Aspect of the GRP-MILF Tripoli Agreement on Peace of 2001 is supposed to be signed Tuesday, the 5th of August 2008. As in all peace agreements, the signing of the MOA is the easy part notwithstanding the protests and the many discordant voices from “foul” to “sell out”. The formidable task for the Philippine government (GRP) and the Moro Islamic Liberation Front (MILF) is to win public support for the accord that would eventually lead to a “successful” plebiscite in all the areas to be added to the core territory of the Bangsamoro (the present ARMM plus the six municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangcal in Lanao del Norte).

To appreciate the MOA, one has to understand the struggle of the MILF in the name of the Bangsamoro peoples. In bold stroke, the peace process between the GRP and the MILF is geared towards solving a “sovereignty- based” conflict. The “non-understanding” of this kind of conflict is, precisely, the source of the many of the confusion or a lack of understanding about the nature of the struggle of the Bangsamoro.

It is a truism that the solution to conflict depends on the type of conflict. There is no “ready-made” and “fit-all” solution to conflicts. The way to resolve the Bangsamoro question entails answering a sovereignty-based struggle that is at the root of their aspiration and dream as a distinct nation.

The MOA on Ancestral Domain Aspect of the GRP-MILF Tripoli Agreement on Peace of 2001 is, definitely, a step towards answering to that sovereignty question. The title “MOA on Ancestral Domain Aspect of the GRP-MILF Tripoli Agreement on Peace of 2001” is misleading. The MOA not just about “ancestral domain” in the ordinary sense of the word. The MOA creates the very prism, the framework and the mechanism to realize their dream and aspiration.

The MOA will be difficult to understand, simply because it introduces a new and unfamiliar paradigm in looking at the issues involved in the peace process. In the past, the peace negotiations were done and approached by insisting on the Constitution as if it were written in stone. It is no accident that the peace negotiators of the past had to negotiate within the “box”, that is, the principles of sovereignty, territorial integrity, and political independence.

Atty. Camilo Montesa of the Institute for Autonomy and Governance, a Cotabato-based Think Tank, narrated to the Kusog Mindanaw Group the genesis of the new paradigm as used in the negotiation with the MILF beginning December 2006. The new paradigm is based on the concept of “earned sovereignty” as a way out of the intractable positioning of the parties. The new paradigm had the following three stages:

Stage 1: Shared sovereignty. The GRP and the MILF shall agree on an initial stage of shared sovereignty, whereby the Philippine State and soon-to-created sub-state, Bangsamoro Juridical Entity (BJE) will jointly exercise some sovereign authority powers and functions over a defined territory in Mindanao (with the present ARMM territory as the core).

Stage 2: Institution building. During the period of shared sovereignty and prior to the determination of final political status, the sub-state BJE, with the assistance of the international community, undertakes to construct new institutions for self-government, or even modify present

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autonomy arrangements, e.g. ARMM.

Stage 3: Future determination of the final political status. In some future time, the relationship between the GRP and the BJE will be determined by the Bangsamoro people themselves directly. Most probably the status will be determined by a referendum conducted by international third parties, i.e. the United Nations.

The main flaws of the otherwise a very good paradigm are basic which could have been addressed easily by government while negotiating with the MILF. The paramount flaw is the absence or utter lack of consultation of stakeholders, including Christian leaders, indigenous peoples in Mindanao, and peace advocates themselves. This flaw contravenes the very essence of any peace process which is participative of the stakeholders. The participative aspect of any process can NOT be overemphasized since this should lead to a regional and national consensus on the peace formula.

The second flaw is the lack of transparency and thus the lack of accountability in the whole process. It is rather very tragic that a good paradigm is now being "torpedoed" on the basis of fundamentals (consultation and transparency) that could have been easily addressed. The same fundamentals are required in the upcoming negotiations on the Comprehensive Compact (or Final Peace Agreement).

The third flaw is the fact that the government negotiating peace with the MILF is at its lowest ebb. The social capital and the credibility of Government are busted. For a peace process to bring to a successful conclusion will require a very high social capital and credibility that this Government sorely lacks. Government has to do a lot of "selling", "cajoling" and "convincing", especially so when the waters the Parties have navigated in coming up with the MOA are deep and little known. For this very reason, Government should have walked the extra mile in making sure that the stakeholders are on board.

The way Government negotiated the MOA would appear that it will NOT deliver on its commitments. Thus I have made observations that point to the seeming "bad faith" of government in the negotiation of the MOA. In an earlier forum, I have raised the issue of Government's real motive in coming up with this MOA knowing fully well that it cannot deliver. Is it simply a feather in its cap and feather it shall remain...? Or is this a plan to use the MOA for something more "sinister" like perpetuating itself beyond 2010 through charter change?

What is the MOA?

By the GRP-MILF MOA on ancestral domain according to Atty. Camilo Miguel Montesa, Executive Director of the Institute for Autonomy and Governance (IAG), the Philippine government agrees to:

- Recognize the Bangsamoro people as "distinct from the rest of the national communities;"
- Grant the Bangsamoro people their own "distinct territory;"
- Grant the Bangsamoro people their own "government;" and,
- Concede international recognition to the Bangsamoro people.

Who are the Bangsamoro?

The Bangsamoro people refer to "those who are natives or original inhabitants of Mindanao and its adjacent islands including Palawan and the Sulu archipelago at the time of conquest or colonization and their descendants whether mixed or full native blood."



Spouses and descendants, including the Lumads, he said, are also classified as Bangsamoro “unless they choose otherwise.”

“They are the ‘First Nation’ with defined territory and with a system of government having entered into treaties of amity and commerce with foreign nations,” Montesa said.

#### Bangsamoro territory

Under the MOA, the Bangsamoro territory comprises the following areas:

- the present Autonomous Region of Muslim Mindanao (ARMM);
- the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal in the province of Lanao del Norte, which voted for inclusion in the ARMM during the 2001 plebiscite;
- additional geographic areas in the provinces of Sultan Kudarat, Lanao del Norte, and North Cotabato, “subject to plebiscite.”

Montesa said that under the MOA, the Bangsamoro homeland did “not form part of the public domain.” Thus, it is “not within the jurisdiction of the Philippine government.”

The Bangsamoro homeland, he added, “encompasses ancestral communal and customary lands, maritime, fluvial and alluvial domains as well as all natural resources therein that have inured or vested ancestral rights on the basis of native title.”

#### Bangsamoro government

The Bangsamoro territory will be governed by the Bangsamoro Juridical Entity (BJE).

Montesa said the “relationship between the Philippine government and the BJE shall be associative characterized by shared authority and responsibility with a structure of governance based on executive, legislative, judicial and administrative institutions with defined powers and functions.”

The BJE’s purpose is to “establish a system of governance suitable and acceptable to them as a distinct dominant people.”

Montesa said the public still does not know about the MOA. He said peace will not work if people are not informed about the agreement and why it should be supported.

The MOA is expected to encounter rough sailing right after its initialing. North Cotabato, Iligan City, Zamboanga City are now raising their loud protests over the MOA and accusing the Arroyo government for lack of consultation and transparency. They claim that the MOA will require several other steps, including charter change and another plebiscite “only to face stumbling blocks along the way.” They warn the government is courting trouble by signing the MOA, especially when the leaders themselves are not aware of the content and the process of the MOA. ◆

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# The MOA is dead! Long live the MOA!

*Atty. Soliman M. Santos, Jr.<sup>1</sup>*

The initialed but unsigned final draft of the Government of the Republic of the Philippines (GRP)-Moro Islamic Liberation Front (MILF) Memorandum of Agreement on Ancestral Domain (MOA-AD), the subject of much current controversy at the national level and of fighting in Central Mindanao, has been “set aside for all intents and purposes” by the Philippine government, at least by its Executive Department (we have to be clear these days which of the three departments is actually acting). The matter is still pending in the Supreme Court but the Executive has announced that “No matter what the Supreme Court ultimately decides, the government will not sign the MOA... in its present form or in any form.” In so many words, the MOA is dead. Those who were so worried about what they thought as the MOA giving away national sovereignty and territory to a new Bangsamoro state, in grave violation of the Constitution, need not worry anymore. The MOA is dead. What they should perhaps worry about now is whether the peace process with the MILF is also dead or at a dead end, where the detour taken could lead to a full-blown war.

The peace negotiations were meant to resolve the armed conflict on the Moro front through a negotiated political settlement for a just, lasting and comprehensive solution of the Bangsamoro problem. The ancestral domain aspect of that problem was lined up as the penultimate substantive agenda heading before finally working out the political solution and the legal modalities in a Comprehensive Compact. But this mutually agreed process has reached a dead end of sorts with the non-signing of the MOA, as far as the MILF is concerned. It remains to be seen whether this deadlock can be unlocked. The logic of the whole process would seem to dictate that, since the peace negotiations cannot proceed for the MILF, then it can be expected to consider “alternative means to achieve freedom and justice for the Bangsamoro people” (from an official statement of MILF chief peace negotiator Mohagher Iqbal). These other options include a return to armed struggle which the Moro liberation fronts had waged in the first place to achieve political objectives. And when this rebellion is met by the Armed Forces of the Philippines (AFP) in order to suppress it, then you have an armed conflict. This could go back in some ways to the situation during the early years of martial law before the 1976 Tripoli Agreement with the Moro National Liberation Front (MNLF).

The Executive Department had announced that it will not sign the MOA due to “changed circumstances” like the ongoing controversy at the national level and the precarious ground situation in Central Mindanao, in effect saying that the MOA issue had become more political than legal. Stated otherwise, the MOA has become politically untenable to sign as far as the government’s own Christian majority constituency is concerned. The non-signing the MOA was calculated to give the Executive some space to engage in various political efforts to defuse the political situation as well as address the ground situation. As for the peace process, the Peace Adviser and the GRP Peace Panel Chairperson have mulled continuing this through “further negotiations” that already “move towards a Comprehensive Compact,” of course coupled with “consultation with various stakeholders” – the major lesson from the aborted MOA experience.

But there are strong indications that the MILF will not entertain any GRP proposal for “further negotiations” even towards a final peace agreement with the Arroyo administration after its firmed-up decision not to sign the MOA. For them, never mind if there is another indefinite impasse, they will just wait for the next President, “if we get there.” In the meantime, they will consider other options. Let me try to share my understanding of this likely MILF view of rejecting “further negotiations” with the Arroyo administration. They take what happened to the MOA (including but not just the Executive’s decision of non-signing) as the GRP having negotiated in bad faith, and thus the basic trust built by years of peace talks has been seriously eroded. The

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bottom line is that the Arroyo administration cannot deliver after all. This whole experience hurts for them but at least they now know the real score and where they stand vis-à-vis the whole Philippine side — Executive, Legislative, Judiciary, Local Governments, Business Sector, Media, General Public, etc. all ganged up on the MOA. The widespread and loud rejection of the MOA by the whole Philippine side is like a rejection of the Moros and their aspirations for recognition of their identity, way of life and longing for self-rule. *The truth hurts but it sets us free.*

The MOA is now an already *closed chapter* as far as the MILF is concerned, even as it remains an important document for them. The MOA had at least placed Moro aspirations on the national agenda, discourse and consciousness. They say that it has even become a rallying point for Moro unity. So, there is already with them some sense of moral ascendancy or even victory with the MOA issue. They cannot for their own self-respect go into “further negotiations” which would not be on the basis of a signed MOA. This was already the product of difficult but successful negotiations up to its final draft with the “Government of the Republic of the Philippines” (that’s what the MOA says, not just “Executive Department”) for more than three years starting 2005. They cannot defend doing this (“further negotiations” without first signing the MOA) to their own forces and constituency. They themselves do not see the viability of “further negotiations” for a final peace agreement which may end up just like the MOA. To use an Islamic expression, it would be like “getting bitten by a snake twice in the same pit.”

Still, the MOA should be seen an important document, and not just for the MILF and the Bangsamoro people. It is also an important document for the peace process, for history, for eventual understanding between two peoples, and no less for the Filipino people in addressing their various nation-building problems, not just the Bangsamoro problem. Notwithstanding the admittedly unfamiliar and difficult language and concepts in the MOA, Cotabato Archbishop Orlando B. Quevedo, OMI, says it “is a remarkable document. It is a very serious attempt to balance national sovereignty and Bangsamoro aspirations for self-determination and freedom. For this reason, I believe that the MOA can bring lasting peace.... The balancing act... may be seen in the concepts on governance, concretized in such terms as ‘associative relationships,’ ‘shared authority,’ the idea of ‘central government,’ and its responsibility for external defense, etc. For the GRP, the balancing continues with two fundamental democratic safety values – acts of Congress and referendum [or plebiscite].” In this sense, long live the MOA — as a landmark or watershed exercise in exploring the possibilities of a just, lasting and comprehensive peace between the Philippine and Moro sides, after decades of armed conflict with long historical roots and complex dimensions.

The MOA shows that *at least some* Filipinos and Moros can compromise or find a middle ground for a proposed Bangsamoro Juridical Entity (BJE) which would be something between the existing Autonomous Region of Muslim Mindanao (ARMM) and independent statehood, the original common aspiration of the Moro liberation fronts. This aspiration is based on the historical sovereignty of the Moro sultanates which were once sovereign independent nation-states several centuries before there even was a Philippine State and Constitution. Thus, also a compromise or middle ground between a man-made Constitution with its sovereignty of the people, and a God-made Qur’an with its sovereignty of Allah. The MOA idea is for “shared sovereignty” between the Central Government and the BJE in an “associative relationship” where it is the former, not the latter, which represents the sovereign independent State.

Then, there is also a compromise or middle ground between the present ARMM territory and that of the original historical Bangsamoro homeland covering the whole of Mindanao, Sulu and Palawan. This was their homeland which was annexed to the Philippine Islands ceded by Spain to the United States by way of the 1898 Treaty of Paris, and then incorporated in the Republic of the Philippines granted its independence by the U.S. in 1946, in both cases without the plebiscitary consent of the Bangsamoro people. This was the same homeland in Mindanao

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which was 76% Moro in population in 1903 but which had become just 19% Moro by 1990 as a result of government resettlement programs which systematically brought Christian settlers from the Visayas and Luzon into Mindanao over several decades. The MILF to its credit is seeking as territory for the BJE basically those geographical areas which the Moros still actually occupy or where they are the majority per present reality on the ground, and still subject to plebiscite. In any case, this BJE territory would remain part of, not be dismembered from, the national territory.

If there is one thing that the MOA issue has opened up, aside from a deeper sense of Moro aspirations, it is the need to “think out of the box” of the Constitution. Newspaper columnist and Sociology Prof. Randy David pointed out, as early as 1999-2000, the need for “the readiness on the part of government to allow a wide latitude for institutional experimentation in the region, instead of the constant invocation of constitutional limits as a warning against insolent initiatives.” He also wrote of a certain “constitutional pragmatism” which is necessary to overcome “constitutional obstacles that have needlessly prevented the exploration of more creative approaches to the Mindanao problem.” He is reminded of John Dewey’s insight: “The belief in political fixity, of the sanctity of some form of state consecrated by the efforts of our fathers and hallowed by tradition, is one of the stumbling blocks in the way of orderly and directed change; it is an invitation to revolt and revolution.”

There is, of course, so much more subject matter involved in the MOA. There is still much to learn in further studying and discussing the concepts found therein as well as the issues which have emerged in the controversy about it. After an adequate period of dispassionate, informed and intelligent discussion of these concepts and issues by all concerned – “after some sanity is restored,” says Fr. Eliseo R. Mercado, Jr., OMI — the time should come when the parties can viably continue their peace negotiations, presumably from where they left off. Much depends on how an expected interregnum or hiatus or what the MILF’s Iqbal calls “purgatory” is handled by both sides in the coming weeks and months.

Given that prospect of no “further negotiations” as well as the danger of military options on both sides, the best bets for the remaining period (one year and ten months) of the Arroyo administration are to somehow maintain the ceasefire; enhance humanitarian, rehabilitation and development work and projects; and pursue the three-part imperatives suggested by Archbishop Quevedo. The premise for the first two “bets” is the *non-derogation of prior agreements* on the security and rehabilitation aspects. The Quevedo imperatives refer to: “consultation and dialogue, information and education, and building of a constituency supportive of the general goals and specific objectives as well as the processes and contents of peace negotiations.”

In these various ways, the ground is laid for a return to the ancestral domain aspect and other substantive matters of peace negotiation when this become more viable, even if in the next administration already. *The time for the MOA will come but then in another form.* Notwithstanding the dark war clouds on the horizon. ♦

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## Negotiating beyond the Constitution, not unconstitutional

*By Atty. Soliman M. Santos, Jr.*

The unsigned Government of the Republic of the Philippines (GRP)-Moro Islamic Liberation Front (MILF) Memorandum of Agreement on Ancestral Domain (MOA-AD) is being assailed now for being unconstitutional because some of its provisions admittedly go beyond the framework of the 1987 Philippine Constitution. We beg to disagree that this is necessarily unconstitutional. To seek constitutional change and reform (e.g. a shift to federalism) has not been usually treated as unconstitutional, except it seems when it has to do with the Moro question. In fact, it is even normal for peace processes, as shown by the experience of many countries, to seek and effect constitutional change and reform as needed for a negotiated political settlement.

A peace process may seek from the very start to eventually achieve constitutional reform, among other reforms, as is the case in the GRP-National Democratic Front (NDF) peace negotiations, per The Hague Joint Declaration of 1 September 1992. Or a peace process, esp. at the government end, may see the need for constitutional change only towards the later part of the process, when questions of implementation start to be grappled with. In the case of the GRP-MILF peace negotiations, it started in 1997 with the MILF's single talking point: "To solve the Bangsamoro problem." It was only 11 years later, in 2008, that the GRP side saw that the emerging ancestral domain aspect of a still to come "just, lasting and comprehensive solution to the Bangsamoro problem" would already entail changes in the existing legal, including constitutional, framework. And now, in the MOA-AD, the MILF in effect recognizes or acknowledges this "existing legal framework" albeit with a view to some key changes.

It is to the credit of the GRP side that it is now willing to effect constitutional change as needed as part for an overall solution to the Bangsamoro problem. After all, as a number of legal and scholarly studies have long pointed out, the Philippine Constitution 1935, 1973 and 1986 have all been part of the problem in so far these have framed the structural relationship between the Philippine state and the Bangsamoro people. This is a colonial-type structural relationship which does injustice (this word used by Cotabato Archbishop Orlando V. Quevedo) to the Bangsamoro identity, way of life and longing for self-rule. The framework and provisions of the 1986 Philippine Constitution, inc. its provisions for an Autonomous Region in Muslim Mindanao (ARMM), and its overarching application to the 1996 GRP-Moro National Liberation Front (MNLF) Final Peace Agreement (FPA), have been proven by 12 years of experience, to be inadequate in terms of effectively and qualitatively restructuring that relationship in a way that helps solve the problem. Thus, the effort in the GRP-MILF peace negotiations to frame a qualitatively better and higher degree of self-determination for the Bangsamoro people (not just the MILF) short of independence or secession (the last upper limit for the GRP). The MOA-AD is an important part of the process of this effort but it is not yet the Comprehensive Compact (final peace agreement).

These are peace negotiations, not surrender negotiations, between two sides which simply have different frameworks, if not world views. As the MILF and for that matter the NDF have often said, what point is there to these negotiations if their side will just accept the framework of the Philippine Constitution? This Constitution represents to them precisely the system that they are fighting to overthrow or separate from. It is the inherent character of peace negotiations of this sort to seek and find mutually acceptable common ground, usually somewhere in between



the respective minimum and maximum positions of the parties. In the MOA-AD, the MILF (like the MNLF before), has clearly come down from a maximum position of independence for the whole of Mindanao, Sulu and Palawan as the Bangsamoro homeland. This should help place the MOA-AD in perspective in terms of who is really giving and taking in the overall, inc. historical, scheme of things.

But if the Philippine Constitution is the definitive framework of the GRP side, how can the GRP Peace Panel agree to provisions, such as those in the MOA-AD, which go beyond the existing constitutional framework and provisions? The quick simple answer is that it is because the Constitution itself allows for a process of amendments or revisions, as among its constitutional processes. To illustrate this, we cite two examples, one each, from the peace negotiations with the NDF and with the MNLF. First, in the GRP-NDF Breukelen Joint Statement of 14 June 1994, there is this paragraph: "The GRP Panel reaffirms its position that the GRP commitment to Constitutional processes... does not mean it will cite the GRP Constitution as a basis for rejecting what otherwise would be just and valid proposals fore reforms in society. If it is shown in fact that certain provisions of the GRP Constitution hinder the attainment of genuine reforms, the GRP Panel is willing to recommend to GRP authorities amendments thereto. In this context, it is clear that the GRP's adherence to constitutional processes does not constitute the imposition of the GRP Constitution as framework for the peace talks."

Second, there was this GRP position during its 1992-96 peace talks with the MNLF: "... that is not to say, however, that the Constitution is an inflexible and static document. It is a living constitution with built-in procedures for its amendments or revision, that will bring back to the people for approval such amendments or revision, to meet the needs and aspirations of the Filipino people.... Any agreement which runs counter to the provisions of the Constitution or goes beyond its framework, needs to go through the tedious process of amending or revising the constitution, through a proposal made by a constitutional convention called by Congress or a proposal made by Congress by itself acting as a constituent assembly or a proposal by people's initiative; and approval or ratification of the proposal by a majority of the votes cast in a plebiscite conducted throughout the Philippines." This was, however, not really tested then because the negotiated political settlement with the MNLF did not go beyond the framework of the Constitution – the implication is that it could have, albeit through a tedious process.

But the peace talks with the MILF is another matter, with much indications that the negotiated political settlement this time must go beyond the framework of the Constitution, if it is to be a real and lasting solution to the Bangsamoro problem. The GRP Peace Panel, as an extension of the President and Chief Executive, must be given the necessary leeway and support – political, moral, technical, legislative and judicial – to negotiate this difficult terrain of effectively resolving an armed conflict of four decades already this year, counting from the 1968 Jabidah Massacre.◆

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## Two Fundamental Postulates for Lasting Peace in Mindanao

*Archbishop Orlando B. Quevedo, OMI*

**A**fter the tragic fiasco regarding the Memorandum of Agreement on Ancestral Domain (MOA-AD), I presume as a matter of course that the Government of the Republic of the Philippines and the Moro Islamic Liberation Front are in contact with each other. As a contribution to any backdoor channeling, I address myself to both Moros and non-Moros, and those who claim to represent them.

The following, I believe, are the two fundamental bases for the forging of lasting peace in Mindanao. At the very beginning of any peace negotiation, there has to be a clear and explicit recognition, mutually accepted: (1) of the national sovereignty and territorial integrity of the Philippines as enshrined in the Philippine Constitution; (2) of the Moro aspiration for self-determination and its concrete realization in a manner in accord with the Philippine Constitution. It seems to me that these fundamental concepts are at least implicitly accepted by both groups.

I believe that the lack of clarity in the MOA-AD with regard to the above two-fold fundamental concepts, aggravated by lack of consultation and reinforced by anger, misinformation, misconceptions, biases, prejudices, and resistance to change, led to the present grave uncertainties regarding the peace process.

The first postulate is clear to non-Moros. The second is not. For most of us the recognition of Moro self-determination and the Bangsamoro Juridical entity in which it is exercised are tantamount to giving away parts of Philippine territory and establishing a Moro independent State. It does not matter if there are several examples in the world, where self-determination is recognized and implemented without necessarily establishing an independent State and dismembering a Republic. It does not matter if the rejected MOA-AD does not in any way express such establishment or dismembering. Great anger and violence have resulted from this situation.

The non-Moro should begin with Moro history to understand Moro self-determination. It is undisputed that Islam was brought to the Philippines before the Spaniards came, even before there was such a name as "Philippines." It is undisputed that Muslim Sultanates exercised sovereignty and wielded political power over most of Mindanao, Tawi-Tawi and Sulu, a territory considerably larger than the present ARMM or the "expanded ARMM" that the MOA-AD envisions. It is undisputed that the demographic composition of the population and the subject of political authority in Mindanao were completely reversed from Moros to non-Moros within only the 50 years between 1920 to 1970, such that Moros became a minority in the large swath of territory over which they, through their Sultanates, once held sway.

We, therefore, need to accept the fact that the Moro aspiration for self-determination is based on indisputable recorded history; Our historical consciousness needs to go back to the times of the southern Sultanates and the religion they professed. There we see a people from the Malay race but with a distinct religion and political identity. They had been part of the indigenous peoples who had converted to Islam. We know that the term "Moro" came much later in their history, introduced by Spanish colonizers to refer derogatively to the people who had the same religion as the Moors that had conquered southern Spain. Through the Sultanates this distinct people from various indigenous tribes held political sway, sovereignty, if one may use the term, over a territory covering most of Mindanao and Sulu. Through the Sultans they



governed themselves. At documented periods and occasions, Moros expressed their aspiration for self-determination either by peaceful means or by armed interventions. This aspiration has endured through four centuries of relative peace and short periods of war. Restlessness for self-determination lies deep in the collective Moro subconscious. Like Rizal and the Filipino elite of their time, Moro scholars, intellectuals, writers, warriors and leaders kept this aspiration alive.

The desire for self-determination we recognize now as a fundamental right. It does not necessarily mean an independent State. It simply means as a common attribute of all peoples an option for self-government outside or within a national community. It is an option that is enduring, lying deep in the subconscious of the human community, part and parcel of that divine gift we call freedom, or self-determination. It does not die. It maybe dormant, it might be repressed, but sooner or later it will want to surface either in rebellion or in peaceful assertion. War will not defeat this fundamental human option. It cannot be killed. Without recognition and some form of implementation, peaceful co-existence is simply an artificial temporary veneer. That is the human condition, the condition of human communities with distinct cultures and identities, especially with a history of self-determination.

Recognizing that legitimate aspiration, we also need to recognize the realities that came during the American period of our history. Spain ceded the entire islands to the United States. It was the United States that eventually and effectively placed all the islands under its political power. Yet even the United States recognized the aspiration of the Moro people with the creation of a "Moro province." Historical records tell us that from time to time, Moro leaders would remind the ruling power of their right to self-determination, of not wanting to be under "Filipino" sovereignty.

But we cannot also escape the development of history. The historical reality is that the United States, followed by the Philippine government, exercised political power over all of the Philippines. And so we have the concepts of national sovereignty and territorial integrity enshrined in successive Constitutions. Even if one might not accept the Constitution, the reality of national sovereignty and territorial integrity predates the Constitution which simply came later to express or articulate the reality.

These then are the two-fold realities that are fundamental to any peace negotiation: the recognition of Moro self-determination and the acceptance of national sovereignty and territorial integrity.

These two concepts are not contradictory. They do not cancel each other out. One can exist with the other. It is the balancing and concrete implementing of these two fundamental postulates that is the central task of peace negotiating.

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*PCID acknowledges the assistance provided by Ms. Jasmine Ferrer, Mr. Francis Atalia and all the members of its staff in putting together this publication.*



Philippine Council for Islam and Democracy (PCID) is a non-partisan, non-governmental organization dedicated to the study of Islamic and democratic political thought and the search for a peaceful solution to the conflicts affecting the Muslim communities of Mindanao. It is the belief of the Council that genuine peace and development in Muslim Mindanao can only take place within the context of meaningful democracy.

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