

LAG Policy Forum

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Bangsamoro History and Quest for Future Status



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It feels good to come to this State University campus where market of ideas constantly flows better than in most public institutions. I was told to address your theme in 20 minutes. And so the rhetorical queries that I raised to myself was:

To whom should I address the Bangsamoro question as a national policy agenda when the use of 'Moro historicism' (i.e., historical memory) is evident in negotiation?

What am I going to speak about to bridge unity when the goal of exploiting 'Muslim disunity' (i.e. divide & rule) is at the core of the security approach carried over into negotiation?

Can anyone say that all Filipinos are one united people in terms of security interests with the Moro people when the Government negotiating panel is in a state of denial about their Bangsamoro identity?

While I do not wish to speak here as an academic because my audience is not the professional body of scholars, your peace research outfits at the UP Institute for Islamic Studies (UPIIS) and the Center for People Empowerment in Governance (CenPEG) may have been well served by co-sponsoring this forum.

We are aware that those willing to listen are the participants in this forum. Among them may follow a determinist view of history, in which behind all the influence of "culture war" in Leftist consciousness is a political agenda. Writers of Filipino national history as *culture* would have to follow deconstruction and misconstruction of the Philippine unitary state, which glossed over the Moros as a *people* in figuring out society. If we run this idea in reverse and put a collection of 'ethnies' in a simulator of *history*, the change in how "the Filipino people" are "represented" is consistent with an account of an imaginary referent. What Moro "stand for" figures out in politics, as in political life as "distinct domestic community" that has survived over time the harsh conditions of the simulator. No Archimedean point is necessary from which to write (inscribe) the Moro as a people and pass judgments on their past because as a historical event it can be tracked down.

From the outset, I would be remiss—if at this forum I failed to point out—that the precociousness of political culture has caused the delay in the resumption of the current MILF-GPH Exploratory Talks. What concerns the MILF Panel most is that the new GPH Panel has deliberately created what I call "the process deadlocks" – because, it serves their purpose to bracket the working Draft.

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Our fear is the inadequacy of the new GPH diplomatic team to move beyond “the talks about the talks” without delivering.

Government peace negotiators have proposed to introduce Terms of Reference to the negotiation process, instead. This is not doing the process to drive the substantive agenda. Their counterparts in the MILF side are disinclined to constrict their principal's lever of flexibility. To be sure, we want to preserve MILF's negotiation effectiveness by holding on to its free choice of means appropriate as a nonstate actor. MILF negotiators have always adhered to the primary requirements of procedure of informality and confidentiality developed in the Pact of Bogota. Because of the political sensitivity of facilitation (and mediation) *as a process*, as MILF peace negotiators, we have been reluctant to place on record even *post factum* ‘the nuances of procedure’ that both sides went through, except in general terms all the details.

With the reference to the GRP-MILF Tripoli Agreement on Peace of 2001 we have reached the Ancestral Domain phase of the negotiation and the good offices method itself operated to bring about the desired results. Our outlook towards peaceful settlement of dispute does not treat good offices method as adjunct to the peace process. Consistent with the Manila Accord on pacific settlement of disputes we take “negotiation” as the synonym of “diplomacy”. This means the task of facilitation on the substance of the peace talks is to cultivate creative thinking and to stimulate alternatives on the iterative function of the transition process with timeframe, sequence, and period. The tender procedure offers to deal with even with decolonization (East Timor, Malvinas, Western Sahara, and so on) and situations of armed conflict in Central America and the Arab and Muslim world. At times mediation has merged with tender of good offices facilitating dialogue to prevent hostilities, or reconciling and appeasing the feelings of resentment in the simplest and most direct manner in seeking acceptable solution.

We note that in the Government-NDF peace talks both sides accepted the Hague Conventions. Needless to remind our counterparts, in the elaborate provisions of Part II of these Conventions, the instruments of mediation and good offices are treated largely as interchangeable procedures. To advance our own proposals aimed at mutually acceptable compromise solution, we have reframed the MOA-AD not as “a patchwork of provisions” but crafted the strands contextually morphed into the Draft of the revised comprehensive compact. Thus, by laying the MILF position (Draft proposal) on the table, now the GPH peace negotiators practically face a compelling rationale to enter into the joinder of issues mode at the negotiating table. There is no stealth factor here that calls for mind tricks or lawyer tactics since the process itself becomes the persuasion progression.

My claim that cultural variables can complicate the negotiating process must be seen against this backdrop. Cultural categories and their representative content can affect the communications between the negotiators. Even the substantive issues such as sovereignty-based assertions over territory and resource-based grievances need to be deconstructed, root and branch, being central to Bangsamoro struggle for self-determination. There is no semantic correspondence of ideas between ‘sovereignty infused with belligerency’ and the Islamic concept of jihad as the ultimate justification for defensive fighting. We know from historicism that comparison was what sensitized Christianity to cultural differences

giving rise to the analysis of interest. And thus, selfish *clash of interest* generated ideas like 'just war' and 'right of belligerency' which were not part of our Asian civilization.

I am convinced that UP law dean Marvic M.V.F. Leonen has grasped the full measure of the GPH position couched in policy statement: "The current peace talks address a domestic situation with international interest." Some commentators argue that a modernism which incorporates the right of belligerency in national sovereignty is not only dated but already bankrupt. Certain professions such as law, diplomacy, journalism and peace research carry enormous responsibility for keeping the public discourse free and open to *self-identity* and birthright from which the detection of differences can proceed. Obviously the opening-up process for an open presidency should turn the tables, when we recite the Qur'an: 'You have been created into nations and tribes so that you may know one another, (not despise each other)'. Normative concepts will vary yet even conducting foreign policy with a nonjudgmental approach needs formulaic statements.

This has a framing effect in the simulation of people's divisions in terms different from a fitter instrument of domination.

For the two Parties to identify common interests both Sides must accept the political future of the Bangsamoro people as will be determined free of any imposition, and exercised on the basis of the principle of consent. The Moro interest was (and still is) swallowed up by the more populous region in a demographic system of majority/minority relations. For what is at stake in the Bangsamoro people's armed struggle for which Muslims are willing to die? Many times perhaps I will have to explain the *mujahideen* of Moro ancestry are not the one's trapped in understanding the past for participating in the future.

So what does the future hold for us in the current Government-MILF peace talks? National self-determination is woven into our fabric from the transcendent affinity of native soil and blood derived from the Latin *natio*, meaning birth, race, or people. Many in civil society of Catholics or Christians or Indigenous peoples are not ready to risk what is at stake in reality. The Filipino prototypical community of ethnic groups has yet to be freed from the grip of the colonial state legacy of fear of deprivation of vested rights. Other nonstate players including the NDF are tale-bearers of an unfinished revolution from 1896 onwards. The loanword "revisionism" entered in "revisionist history" in the cultural sphere cultivating its particular norm. Yes, it is no surprise that the differences over Mindanao as countryside persist in the form of different histories remembered, different lessons learned.

After the Exploratory Talks in February, I learned that the GPH panel seeks to clarify this set of incongruities derived from the nature of the colonial system. State is a justificatory concept (political) hence contested in meaning on the question of Bangsamoro identity and status. Consider this: The vexed question of citizenship is not for distribution of political authority, but for distribution of legal rights, which is the crucial part of the French root word, *citoyen*. Abolition of privilege was thought to create the direct relationship between the citizen and the state. Notably in its conception, *citoyen* is

confined to legal and not to political rights, except in so far as it underwrites the legitimacy of a citizen's claim to vote "in the name of the people" and what bestows legitimacy upon authority.

A major historical transition entails redefining the totality of relationships in writing for powerful abstraction of nationality, religion or class as elements of identity. Power negotiators must realize that the broad shapes of the eventual settlement for *Filipinization* reform of the Catholic North were not what the Muslim South have been fighting for the Bangsamoro. Whether it is the MNLF or the MILF on the forefront, they have expressed the historical argument with teleological dimensions. The Filipino ruling class still attempts to crush down their act of Islamic resistance movement and smash their Muslim identity. There is more about this, expressed by MILF chief negotiator Mohagher Iqbal, where "the former continue to be rulers and sole decision-makers, while the latter (serve) as mere second class citizens without any (real) role in national decision-making."

Truth to tell Moro people come back more resilient than before. The real differences in modernity for the Muslim community lay not in representation of numbers with emphasis on *liberty*, but on unjust deprivation of geographic Moro state rights representation. The one issue that would most pit the *justness of the original position* against pragmatism of Filipino immediate politics and nationhood is the starting point for demarcating the geographic areas of governance (once called Moro Province) that embrace Sulu and the Muslim provinces of Mindanao. Their democracy argument here runs aground into native title ownership and control of our ancestral homeland. Its paradox is to recognize that Mindanao Muslims have been on the 'losing side of the bargain' for their homeland for most of the past four centuries. Armed propaganda and agitation propaganda are essentially about reversing the denial of 'state rights' to the Muslim South. That is why Moro movement people look beyond immediate economic factors or dynamics of the political economy of armed conflict.

Movement people who know better organize reality into something that can be understood. The unacceptability of the North as the irreformable establishment fits a wider pattern of legitimate decolonization. The litigation of MOA-AD was a reality check to vindicate the right of the Bangsamoro to a permanent-status settlement. The unfairness of this Catholic country or Christian nation towards incorporating the Muslim original inhabitants without their plebiscitary consent has been recorded in the founding of their republic and analyzed repeatedly. Most present-day constitutional scholars and political class elites have been too trapped in the unitary state system of abstractions that leaves the least possibility of compromise in peace negotiation between the GPH and the MILF. Moro movement people are noticeably political; homegrown radicalism of their intelligentsias supported by the *mujahideen* take all this serious scrutiny as proof of the *irreformability* of the Filipino colonial legacy of presidential unitary state structure.

At its foundational base, the original form of the Philippine Islands nationhood is a child of the Spanish colonial possession. Nationalism as the servant of Filipino patriotic dynamic has but a residual connection to an American unincorporated territory and constitutional ideology. So far, a sense of belonging has failed to establish a parity of esteem and a political equality for all to sustain the migrant

veto of settlers over Moro earned or shared sovereign authority. Citizenship, as we clarified in our discussion, gives only a very limited role in government, even if it rests on the assumption that ordinary people will be moved to defend their interests or preferences and protest in mass. Our contemporary MILF argument has deep historical roots against an artificially constructed Mindanao “tri-people” disguised as over-causative protection of “a minority within a minority”. Never mind that the “Moro” appellation is an exogamous term; as far as we have accepted that practice of exogamy in nomenclature is true of the “Germanic people” as applied to modern-day Germany.

This is not to say that Islamic culture and Muslim logic are always correct or appropriate. Our consciousness of Filipino (s) and Moro (s) are held to be separated by the horizon of culture and experience that would propel the higher level of rationality or political realism, and powerful abstraction or ideological constructivism.

The challenge to the young Aquino’s presidency is to show its moment of seriousness of purpose. Well, it must demonstrate its readiness, more so than casual *serendipity* that its conscious task is to go for a political closure on remaining outstanding issues. There are those who believe in the democratic disempowerment of the Muslim movement, in particular the Moro Islamic Liberation Front (MILF). In other words, the Moro people and their representatives *can speak, but are not listened to*. President Aquino III must find the substitute to a negative situation power founded on ‘interdiction and law’ for a more positive, representational principle of obligation.

- As it turns out, we have tried once before to reach a compromise with incremental approach on complex issue taking alternatives off the table to rank all proposals in a different sequence in the revolutionary tide. At the critical moment of crisis, the most troubling factor was not ‘indecisiveness’ but the ‘inclusiveness’ of Cory Aquino stated negatively, “Mindanao is not only for the Muslims”.
- As it happens, we have opted to address ourselves to the government of the people, and not the “government of politicians” who, in the first place, created the confusion during the litigation of the MOA-AD. At the decision process, by means of ‘manipulative popularism’ then in vogue, they were the principal cause of the Arroyo government’s dysfunctional negotiating behavior and culture of indecision.
- As it now recurs, we have experienced what happens when the logic of representation fails, in its application to insurgent movement, with reference to the 1996 FPA and the “small wins” outcome of its process. At the “iterative process” of divergence and convergence the Ramos government could not seek closure in a single act of ‘doables’ with the exercise of executive privilege.

At the current rate both OPPAP and GPH behave (in communication strategy) they will end up just another government team ‘micro-managing the conflict’ in Mindanao who cannot deliver the negotiated political settlement. Government chief negotiator Marvic Leonen appeared at the FOCAP two weeks ago. Yet I assume that Leonen has a mature understanding of the organizational dynamics

within an Islamic resistance movement. Our MILF negotiating panel took note of Leonen's hair-splitting response to a question about the 'representativeness of the MILF' with the Bangsamoro as referent, saying they recognize our Peace Panel as representative of the MILF only. More to the point, making shortcuts in negotiation does not convey the power of procedure that is a form of legitimate power.

Why? The answer has to do with bias journalism revolving around a cynical image of the Muslims rather than the discourse. During the MOA-AD litigation opinion editorials, journalists and members of media were concerned with effect and patchy presentation undertaken for domestic political advantage. There was often a simulation of the narrative fallacy. Who is the proper constituency to write 'the people' in order to lay out the path of imagination about Bangsamoro 'representation' symbolically signified?

This brings up the international dimensions of the use of situation power in peace talks. The basic architecture of the Government-MILF peace process reverses the war process. There is plenty of justification to weave the principle of leverage into a logical link for the IMT, the ICG, and the CP component of the infrastructures of the negotiation. If our understanding is correct, domesticating the Moro problem and therefore the discursive erasure of Bangsamoro identity cannot be politically represented by the "real" Filipino people without their own consent. As an interpretative community of judgment the European intention was always alteration; America only confirmed it as "the Moro problem" in error. Much more is at stake here not on individual interests but collective rights. The "default" option is a third party exercising good offices (as a peaceful means of resolving disputes) that normally seeks, first, to encourage the parties to the dispute to resume negotiations, and next, to provide them with a channel of communication. After all, the parties might still exercise the power of adaptation, and thereby make a distinct, new process.

Assessing the dynamics at the negotiating table—as far as we can determine—the new GPH negotiators framed "the Mindanao situation" by conducting an interrogating stance on the pretext of concern for "inclusiveness" of the MILF. By emphasizing "process" over substantive issues the GPH negotiating strategy is reduced to "outlawyering" the MILF, such as their resort back to Technical Working Groups. Legal gambits do not distract the MILF negotiators from the substantive issues.

At the outset, I said that the new GPH panel created the situation of process deadlocks. Whether we embark on the "hawkish" path like all-out war or turn "dovish" like no-war-no-peace (i.e. perpetual ceasefire) the direction is far from being even-handed basis of negotiation. I am afraid the Government side is being reductive to project the GPH-MILF Peace Talks into a direct negotiation using the function of Inquiry over differences of "opinion" on factual antecedents. It seems, rather, the Government in tandem with academic scholars as interlocutor and their legal advisers were engaged in 'modes of discovery' for their own comfort. So, in relation to this point, many in the MILF leadership find the methods of work of the new GPH panel – in search of an interrogatory comportment towards their adversary party, extended over to the third party facilitator.

Observers are entitled to wonder a little that the GPH Panel has proposed Terms of Reference (TOR) for the Negotiation. Some in MILF military wing will take this as 'a game of waiting out the adversary' in a battle of wills. How crucial this conviction starts from the conclusion that by revisiting the modalities of negotiations, we run the risk of a breakdown of the peace talks itself. The most instructive exempla: the U.S. attempts to negotiate with the Taliban but is stuck in modalities graphically described as "talks about the talks". In the meantime war is progressing because there is an enemy out there.

This has legitimacy effect fostering the impression of a metaphor for a "charade of consultation" in the policy decisions.

The contentious issues of process have kept the conflict not constructive enough for collective problem-solving. There is supposed to be a progressive dimension to our need to project matters into a forward moving comprehensive compact. For negotiations over homegrown ethno-nationalist conflict include its political content, its representations in images, narratives of origin, and patterns of behavior (traditions) constituting the Bangsamoro political dilemmas in modernity. Public discourse requires a higher rationality, because it is a mode of communication in which we recognize ideological framing of the Bangsamoro Question. This returns analysis to the content component of the concept of legitimacy, as we think about engagement of enemies (like the UK process of dialogue with IRA or Sudan with SPLA), that lead to breakthrough peace talks and political settlement of conflict.

This appears troubling to the 1976 Tripoli agreement and the 1996 Jakarta accord. The revised MILF Draft envisages power and wealth sharing structured on the balancing of the principle of RSD and consent. On the question of status, over time these issues involve common understandings that legitimacy should not be confused with justice. Workable arrangements break the concept of legitimacy into acceptance and content, representing to achieve transformations. The paramount reality of the early 21st Century is concerned with results than with methods or procedural process.

I prefer to take the negotiator's approach through the prism of an interlocutor for the Islamic resistance group (MILF), with a *diplomatic* subculture of dyadic interaction and triangulation with third party facilitation. As in the field, what is evident is a *security* subculture shaping the Government's negotiating stance. We find it hard to compete in public spaces where opinion makers are embedded with 'securocrats' (my own loan-word) and the political class of Imperial Manila continuing to engage in a form of 'manipulative corruption' in the same vein as 'manipulative popularism' governance. At the dynamic process of the negotiating table with third party facilitation, this has conformity effect predictably with the spoilers encouraging people to misrepresent their views.

Here I conclude my argument with the duty to remind ourselves about this responsibility. When speech is linked to action, it is one of the attributes of a hypocrite that, a person says 'that which he or she does not do'. Part of being a good follower of Islam is to adhere to the patterns of religious commitment in both the evidence and in the expression of religion, as the very essence of *Muslim* identity. Now the essential benefit of governance by Muslim rulers is that they direct the Muslims

toward Islam in obedience to God's command. Once this point is taken it does not sound odd to ask, so what are we negotiating or not negotiating about with ultimate outcome? How will the common *tao* in the streets and urban ghettos or countryside folks get an idea of what we are talking about?

First, social media has kept pace with modern communication and the freedom of expression must be used at its correct time and place, and so must action. This has bearing on basic attitudes towards the MILF as partners in negotiation in an environment of social upheaval in the Arab and Muslim world and identity as democratic citizens.

Second, academic scholarship and serious journalism do not engage in cynicism, even if people are skeptical, or when their own metaphysical thoughts link abstract ideas to bodily and viewable discrepant experiences. The use of Muslim history in negotiation and Moro generic 'bangsa' as a polity demonstrates political precociousness of the MILF leadership.

I have presented serious arguments in what may provoke a process of erosion of the meaning of a particular metaphorical framing of the Moro Question by non-Moro. For we now have the analytical tools to justify that both political process and diplomatic strategy must drive the substantive agenda to achieve a negotiated settlement and not just an afterthought of military strategy.

Thank you.

The views and opinions expressed in the policy paper belong to the writers. IAG as a platform for policy debates continues to publish articles and analyses from various authors to create more "tables" in our common search for genuine autonomy and governance.

Shaping Public Policy for Peace and Good Governance

The Institute for Autonomy and Governance (IAG) is an independent and non-partisan think tank founded in 2001 to generate ideas on making autonomy an effective vehicle for peace and development in the Southern Philippines. IAG is an institutional partner of the Konrad Adenauer Stiftung in the Philippines.

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