

ABHOUD SYED M. LINGGA

ADVANCING BANGSAMORO ASPIRATIONS



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| Abhoud Syed M. Lingga

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First and foremost, we thank Professor Abhoud Syed M. Lingga for entrusting his invaluable work to us. His commitment to amplifying the voices of the Bangsamoro people through clear and accessible writing has been a guiding light in this project. We are honored to present his writings, which resonate deeply with the aspirations and hopes of the community.

Additionally, we extend our gratitude to Sarah Radam for her collaborative efforts in collecting and organizing the materials for this book. Her dedication and expertise have been instrumental in ensuring that this collection authentically represents the voices of the Bangsamoro community.

We would also like to express our sincere thanks to Sir Bobby Alonto for contributing the concluding remarks, which provided valuable insights into this collection. Our appreciation goes to Sir Naguib Sinarimbo for reviewing and helping to shape the flow of this book effectively.

We also acknowledge Misereor for their generous funding support, which made this publication possible. Their commitment to promoting peace and understanding in the region is commendable and greatly appreciated.

Together, we hope this book serves as a meaningful contribution to the ongoing dialogue around self-determination and peace in the Bangsamoro. Thank you to everyone involved in this endeavor.

The Editorial Committee of Advancing Bangsamoro Aspirations

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FOREWORDS

It is an honor to introduce Professor Abhoud Syed Lingga's comprehensive exploration of the Bangsamoro people's enduring struggle for self-determination. This work is a poignant testament to our collective journey, a decades-long fight for our identity, culture, and the right to govern our ancestral homeland.

The Moro Islamic Liberation Front (MILF) has always been guided by the principles of consensus, democratic leadership, and practical wisdom in our negotiations. These values underpinned the historic Comprehensive Agreement on the Bangsamoro (CAB) and have been vital not only in negotiating but also in implementing this agreement.

Consensus-building has allowed us to unify diverse perspectives and forge a collective vision for our future. Democratic leadership has ensured that our decisions reflect the will and aspirations of our people. Practical wisdom has enabled us to navigate complex political and legal challenges, leading to tangible outcomes. Together, these principles have proven to be effective tools for conflict resolution, culminating in the historic CAB.

The MILF has consistently strived to make informed decisions in every exploratory talk by thoroughly examining studies on the components of peace processes and their applications in diverse contexts. This process has helped us situate ourselves within a broader framework and accurately identify the needs of our people. Importantly, we have always listened to our people, ensuring their voices and experiences inform our strategies and negotiations.

This book aims to share the chronicles of our journey and provide a grounded context for peacemaking and peacebuilding endeavors. It offers a critical analysis from which future interventions can draw valuable lessons and strategies to advance their own peace efforts.

Furthermore, this work highlights the collaborative partnership between the MILF and the Government of the Philippines. Our joint efforts, rooted in cautious optimism and shared humanity, have laid the groundwork for self-determination for the Bangsamoro people. This partnership exemplifies what can be achieved when both sides commit to a common goal.

Professor Lingga's meticulously researched volume provides invaluable insights into the MILF's journey, demonstrating how these core principles have translated into tangible outcomes. This resource will undoubtedly enrich the discourse on conflict resolution and inspire future peacebuilders.

Approved


Mohagher Iqbal
Chairman of the Peace Implementing Panel
Moro Islamic Liberation Front



Chairman Mohagher Iqbal and Professor Abhoud Syed M. Lingga
at the MILF Peace Negotiating Panel. Source: Iona Jalijali

In a world yearning for peace and understanding, the voice of Dr. Abhoud Syed Lingga emerges as a beacon of hope, illuminating a path toward reconciliation and harmony in the conflict-ridden Bangsamoro region of the Philippines. A key figure in the Moro Islamic Liberation Front (MILF) peace panel, Dr. Lingga's unwavering commitment to justice and his profound understanding of the intricate dynamics of the conflict have been instrumental in advancing the peace process. Through his powerful words and tireless advocacy, he has amplified the voices of the marginalized and fostered a spirit of dialogue and understanding.

This collection of Dr. Lingga's writings is a testament to his lifelong dedication to peacebuilding in the Bangsamoro. His insightful analysis, profound reflections, and unwavering belief in the power of negotiation serve as a roadmap for navigating the complexities of conflict resolution. Drawing from his experiences on the MILF peace panel, Dr. Lingga offers a unique and invaluable perspective on the challenges and opportunities that lie ahead for the Bangsamoro people. Through his poignant narratives, he sheds light on the human cost of war while simultaneously offering a vision for a future where peace and prosperity prevail.

As you delve into the pages of this book, you will discover a wealth of knowledge and inspiration drawn from Dr. Lingga's extensive experience in conflict mediation and peacebuilding. His words resonate with wisdom and compassion, offering a unique perspective on the challenges and opportunities that lie ahead for the Bangsamoro people.

May this book serve as a catalyst for further dialogue, collaboration, and action, as we collectively strive to build a more peaceful and just world for all.



Dr. Emma Leslie

Founder and Senior Advisor

Centre for Peace and Conflict Studies



Professor Abhoud Syed M. Lingga and Dr. Emma Leslie

INTRODUCTION

The Bangsamoro people, with their unique identity and rich cultural heritage, have a long history of political independence, dating back to the establishment of sultanates in Mindanao and the Sulu archipelago. Despite centuries of resistance against foreign colonization and ongoing marginalization within the Philippine state, their struggle has persisted amidst modern political, economic, and social challenges. As a renowned Bangsamoro peace scholar and activist who dedicated his life to advocating for the Bangsamoro people's struggle for self-determination, Professor Abhoud Syed M. Lingga (Kaka Abhoud) provides a thorough analysis of the Bangsamoro's quest for their rights, the recent advancements in their self-governance, and the intricacies of negotiating lasting peace and autonomy in the Philippine political landscape.

Kaka Abhoud has a long history of involvement in the Moro liberation movement. In the 1970s, he was part of the Moro National Liberation Front (MNLF) Northern Mindanao Revolutionary Committee and Command. He later engaged in Islamic activism and co-founded the Institute of Bangsamoro Studies (IBS). He also played a role in the Moro Islamic Liberation Front (MILF) Peace Negotiating Panel, contributing to the Framework Agreement and the Comprehensive Agreement on the Bangsamoro (CAB). Now, he remains active in Bangsamoro cultural preservation efforts.

The articles and speeches authored by Kaka Abhoud over the years reflect his deep commitment to peace and justice. They also capture his determination to articulate the historical grievances of the Bangsamoro people from a local perspective, their pursuit of political autonomy, and the challenges faced within the Philippine nation-state.

As the Bangsamoro peace process progressed, Kaka Abhoud's writing also evolved. Initially, he focused on historical injustices and the Bangsamoro's right to self-determination. In his later articles, he provided more sophisticated analyses of political and legal frameworks and the role of international organizations, reflecting the changing dynamics of the peace process. His later articles emphasized innovative and inclusive approaches to peacebuilding and advocated for third-party involvement and community-based strategies.

In recent years, significant progress has been made following the historic signing of the Comprehensive Agreement on the Bangsamoro (CAB) in 2014. The Bangsamoro Organic Law (BOL) established the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) in 2018, marking a significant milestone in the Bangsamoro's pursuit of self-governance. This transition has led to the establishment of a transitional regional government with expanded powers and resources aimed at addressing historical injustices and promoting socio-economic development. The Bangsamoro Transition Authority (BTA) has played a crucial role in these efforts, laying the groundwork for a stable and prosperous region.

Published on the 10th anniversary of the signing of the CAB, this collection aims to present a unique narrative of the Bangsamoro journey, the legal and political frameworks involved, and the broader implications of their struggle for self-determination on both national and international stages. The purpose is to inspire continued dialogue, first to reflect on the lessons learned from significant challenges in the past years, and second on the ways forward to address the root causes of conflict, build trust, and tackle unsolved issues such as ancestral domain and clan disputes, unity amidst Sulu exclusion from BARMM, socio-economic inequality, and inclusivity.

Inside look

In “**Democratic Approach to Pursue the Bangsamoro People’s Right to Self-Determination**,” Kaka Abhoud emphasizes the Bangsamoro’s distinct identity and historical independence, advocating for a democratic approach to self-determination. He highlights the importance of peaceful and legal means, such as a United Nations-supervised referendum, to resolve the conflict.

In his “**Statement on the Right of Indigenous Peoples to Development**,” Kaka Abhoud discusses the inherent rights of indigenous peoples, including the Bangsamoro, to development. He underscores the necessity for policies that respect and promote their socio-economic, cultural, and political rights, in accordance with international human rights standards. In “**Referendum: A Political Option for Mindanao**,” he explores the feasibility of a referendum as a peaceful solution to the Bangsamoro issue. Through outlining the historical context of the Bangsamoro’s struggle he argues that a referendum could provide a legitimate and democratic avenue for achieving their political aspirations.

In “**Muslim Minority in the Philippines**,” Kaka Abhoud examines the socio-political status of the Muslim minority in the Philippines, highlighting the challenges they face, including discrimination and marginalization. He advocates for policies that ensure their rights and integration into the broader Filipino society. In his critique of existing peace process frameworks in “**Mindanao Peace Process: the Need for a New Formula**,” he calls for innovative and inclusive approaches that address the root causes of conflict. He underscores the importance of genuine dialogue and practical solutions that consider the Bangsamoro’s aspirations and grievances.

“**The Bangsamoro Seeks Peace through The United Nations**” is a discussion of the role of international organizations, particularly the United Nations, in supporting the Bangsamoro’s peace efforts. Kaka Abhoud emphasizes the need for greater international involvement and oversight to ensure a fair and just resolution to the conflict. The article “**Role of Third Parties in Mindanao Peace Process**” highlights the significance of third-party mediation in the peace process. Kaka Abhoud discusses the positive impact that neutral intermediaries can have in facilitating dialogue, building trust, and ensuring the implementation of agreements.

In “**Designing Bangsamoro Political Institution**,” Kaka Abhoud explores the necessary political institutions and governance structures for the Bangsamoro. The article provides recommendations for creating a political framework that respects their cultural and historical context while promoting effective governance.

“**Rethinking State Policies and Minority Rights: Getting the Mindanao Peace Process Moving**” advocates for a re-evaluation of state policies towards minority rights. Kaka Abhoud argues that acknowledging and addressing the unique needs and rights of the Bangsamoro is essential for advancing the peace process. “**Understanding the Bangsamoro Right to Self-Determination**” illustrates the significance of self-determination for the Bangsamoro, the legal and moral justifications, and the various forms it can take within the Philippine state framework.

“**The Bangsamoro under the Philippine Rule**” provides a historical overview of the Bangsamoro’s experiences under Philippine rule, detailing the systemic issues and conflicts that have arisen. Kaka Abhoud argues for substantial changes in governance to address these long-standing problems. “**Assertions of sovereignty and self-determination: The Philippine-Bangsamoro conflict**” analyzes the roots and dynamics of the conflict between the Philippine government and the Bangsamoro.

Kaka Abhoud offers insights into the historical, political, and socio-economic factors that have perpetuated the conflict and suggests pathways to peace.

In “**Policing for the Bangsamoro**,” Kaka Abhoud discusses the challenges of policing in the Bangsamoro region. He advocates for community-based policing strategies that are sensitive to local contexts and that promote trust and cooperation between the police and the Bangsamoro communities.

Despite the complexities and challenges facing the Bangsamoro peace process, Kaka Abhoud delivers a message of hope in the article “**Peace Is Always Possible**,” which illustrates his deep commitment to the belief that peace can be achieved through dialogue, mutual respect, and a genuine commitment to justice and equality. In “**Building the Bangsamoro Government**,” he reviews the Bangsamoro’s long-standing aspirations for self-determination, tracing the history of failed agreements. The article highlights how the 2014 Comprehensive Agreement on the Bangsamoro (CAB) aims to deliver the desired autonomy, though challenges remain in translating the agreement into law.

The concluding article, written by Robert Maulana Alonto, Bangsamoro Commissioner for the Preservation of Cultural Heritage, offers important insights into how the Bangsamoro peace process can ground itself in past lessons and struggles, and steer toward building a peaceful, prosperous, self-governing region that thrives on inclusivity and justice.

The Editorial Committee of Advancing Bangsamoro Aspirations



DEMOCRATIC APPROACH TO PURSUE THE BANGSAMORO PEOPLE'S RIGHT TO SELF-DETERMINATION

Geneva, Switzerland
17 July 2002

The Bangsamoro, as people with a distinct identity and common culture and a long history of political independence in the same territory they presently occupy, continuously assert their right to freedom and independence as an expression of their right to self-determination. The liberation fronts, convinced that there was no possibility of regaining independence under the Philippine nation-state system, chose armed struggle as a means of liberation, while the Bangsamoro civil society preferred to follow the peaceful and democratic tract.

Right of Self-determination

The right of self-determination is the collective right of peoples to determine their own future free of any outside interference or coercion. It includes the right to determine their political status and to freely pursue their economic, social, spiritual, and cultural development.

The United Nations International Covenant on Civil and Political Rights, as well as the International Covenant on Economic, Social and Cultural Rights, expressly provide that “All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.”

In the exercise of that right, the peoples have a wide latitude of choices. At one end, they can demand and pursue more political power within the nation-state, active participation in the decision-making and administration of government affairs, equitable redistribution of economic benefits, and appropriate ways of preserving and protecting their culture and way of life. On the other end, they also have the right to organize their own sovereign and independent government or reclaim their lost freedom and independence.

The Bangsamoro People

Bangsamoro is the collective identity of the Islamized people in Mindanao, in the islands of Basilan and Palawan, and the Sulu and Tawi-Tawi archipelago in the south of the Philippines. It consists of two words, bangsa and Moro. Bangsa is a Malay word with a political connotation which means nation, and Moro is the name given by the Spanish colonialists to the Muslim population of Mindanao, similar to the name they call the Muslims of North Africa who for centuries ruled the Iberian peninsula. Combining the two words, Bangsamoro means Moro nation.

The Bangsamoro liberation fronts fighting for independence popularized the use of the term. Today, Bangsamoro gains recognition as the national identity of the people who have a common culture and a long history of independence, occupying for centuries a definite territory in Mindanao, the islands of Basilan and Palawan, and the Sulu and Tawi-Tawi archipelago. Even the Republic of the Philippines, the country that presently colonizes the Bangsamoro homeland, recognizes Bangsamoro as the national identity of these people. 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.”

The Bangsamoro people consist of several ethno-linguistic groups, like the Iranun, Magindanaon, Maranao, Tao-Sug, Sama, Yakan, Jama Mapun, Ka’agan, Kalibugan, Sangil, Molbog, Palawani and Badjao. There are also among the Teduray, Manobo, Bla-an, Higaonon, Subanen, T’boli, and other indigenous people who identify themselves as Bangsamoro.

Bangsamoro Homeland

The traditional homeland of the Bangsamoro people consisted of the territories under the jurisdiction of their traditional governments. 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, Lanao del Sur (municipalities of Kapatagan, Balabagan, Malabang and Sultan Gumander), Lanao del Norte (municipality of Sultan Naga Dimaporo), 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, the interior areas of Sultan Kudarat, 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 and Palawan.

Although their territory was significantly reduced, the right of the Bangsamoro over their homeland remains. Their right over the territory that they call the Bangsamoro homeland is recognized by the Philippine government in the preamble of its agreement with the Moro Islamic Liberation Front, which states that the GRP and the MILF are “Determined to establish a peaceful environment and normal condition of life in the Bangsamoro homeland.”

History of Independence

The historical experience of the Bangsamoro people in statehood and governance started as early as the middle of the 15th century when Sultan Sharif ul-Hashim established the Sulu Sultanate. This was followed by the establishment of the Magindanaw Sultanate in the early part of the 16th century by Sharif Muhammad Kabungsuwan. The Sultanate of Buayan and the Pat a Pangampong ko Ranao (Confederation of the Four Lake-based Emirates) and other political subdivisions were organized later.

By the time the Spanish colonialists arrived in the Philippines, the Muslims of Mindanao, Sulu, and Tawi-Tawi archipelago and the islands of Basilan and Palawan had already established their own states and governments with diplomatic and trade relations with other countries, including China. Administrative and political systems based on the realities of the time existed in those states. In fact, it was through the existence of a well-organized administrative and political system that the Bangsamoro people managed to survive the military campaign against them by Western colonial powers for several centuries and preserve their identity as a political and social organization.

For centuries the Spanish colonial government attempted to conquer the Muslim states to subjugate their political existence and to add the territory to the Spanish colonies in the Philippine Islands but history tells us that it never succeeded. The Bangsamoro states with their organized maritime forces and armies succeeded in defending the Bangsamoro territories, thus preserving the continuity of their independence.

That is why it is being argued, based on the logic that you cannot sell something you do not possess, that the Bangsamoro territories are not part of what were ceded by Spain to the United States in the Treaty of Paris of 1898 because Spain had never exercised sovereignty over these areas.

The Bangsamoro resistance against attempts to subjugate their independence continued even when the US forces occupied some areas in Mindanao and Sulu. At this time, the resistance of the Bangsamoro 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 Bangsamoro showed defiance against the American occupation of

their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

Opposition to Annexation

When the United States government promised to grant independence to the Philippine Islands, the Bangsamoro leaders registered their strong objection to be part of the Philippine Republic. In the petition to the president of the United States dated June 9, 1921, the people of Sulu archipelago said that they would prefer to be part of the United States rather than to be included in an independent Philippine nation.

In the Declaration of Rights and Purposes, the Bangsamoro 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” in anticipation that in the event the US would decolonize its colonies and other non-self-governing territories the Bangsamoro homeland would be granted separate independence. Had it happened, the Bangsamoro 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 Bangsamoro territories, 50 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 50-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 was made, they would declare an independent constitutional sultanate to be known as the Moro Nation.

In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935, appealed to the United States government and the American people not to include Mindanao and Sulu in the grant of independence to the Filipinos.

Continuing Assertion for Independence

Even after their territories were made part of the Philippine Republic in 1946, the Bangsamoro people continued 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 protests against the usurpation of their sovereign right as a people. Those who joined the Philippine government used the new political system they were in to pursue the vision of regaining independence. Congressman Ombra Amilbangsa filed House Bill No. 5682 during the fourth session of the Fourth Congress that sought the granting and recognition of the independence of Sulu. As expected, the bill found its way into the archives of Congress since there were few Muslim members of Congress. Then, on May 1, 1968, the provincial governor of Cotabato, Datu Udtog Matalam, made a dramatic move. He issued the Mindanao Independence Movement (MIM) manifesto calling for the independence of Mindanao and Sulu to be known and referred to as the Republic of Mindanao and Sulu.

When it became evident that it would not be possible to regain independence within the framework of the Philippine nation-state system, the Moro National Liberation Front (MNLF) was organized to wage an armed struggle to regain independence. When the MNLF accepted autonomy within the framework of Philippine sovereignty, a faction of the MNLF separated and formed the Moro Islamic Liberation Front to continue the armed struggle for independence. The MILF is still fighting the government forces. In 2000, the Philippine government initiated war; thousands were killed, and hundreds of thousands were displaced.

The clamor for independence is not only among the liberation fronts but also among other sectors of the Bangsamoro society. The 1,070,697 delegates to the First Bangsamoro People's Consultative Assembly (BPCA) held on December 3-5, 1996 in Sultan Kudarat, Maguindanao were unanimous in calling for the re-establishment of the Bangsamoro state and government.

The hundreds of thousands of Bangsamoro who participated in the Rally for Peace and Justice held 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, issued a manifesto stating, "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."

Bangsamoro leaders headed by Sultan Abdul Aziz Guiwan Mastura Kudarat IV of the Sultanate of Magindanaw meeting in Cotabato City on January 28, 2001

expressed their strong desire to regain the Bangsamoro independence. The Declaration of Intent and Manifestation of Direct Political Act they issued states:

“As sovereign individuals, we believe that the Bangsamoro people’s political life, as matters stand, call for an OIC-sponsored or UN-supervised referendum in the interest of political justice to decide once and for all:

To remain as an autonomous region

To form a state of federated union

To become an independent state.”

The Second Bangsamoro People’s Consultative Assembly held on June 1-3, 2001 at the same place, this time attended by 2,627,345 delegates from all over the Bangsamoro homeland, including representatives of non-Muslim indigenous communities, unanimously declared that “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.”

Democratic Approach

For the last three decades, that right to self-determination has been pursued through armed struggle. The military suppression of that struggle by the Philippine government armed forces resulted in the off-and-on war that caused tens of thousands of death tolls, displacement of millions of people (hundreds of thousands are still in the neighboring Malaysian state of Sabah), and destruction of properties worth billions of dollars. In addition, military spending to wage the war has reached billions of dollars that would have been spent for basic infrastructures like farm-to-market roads, school buildings, hospitals, and other social services badly needed by the people.

The peace agreement between the Philippine government and the Moro National Liberation Front in 1996 did not solve the problem. Four years later, the government launched an all-out war. Many were killed from both sides, and thousands of families of the civilian population had to leave their homes. Until now, many of them are still in refugee camps.

Military solution will not put an end to the Bangsamoro struggle. The colonial government may succeed in suppressing one generation of fighters, but a new generation will succeed them.

It is against this backdrop that the Bangsamoro civil society proposes to the Philippine government and the Bangsamoro liberation fronts to explore peaceful and democratic alternatives to put an end to the cycle of violence. Both sides, and some other sectors, claim to speak on behalf of the Bangsamoro people, and most often, the voices come in conflicting notes. It is just proper that they be asked what they want. The decision whether to be free and independent or not has to be made by the Bangsamoro people themselves.

What is needed for a peaceful resolution of the conflict are the political commitments of both the Philippine government and the liberation fronts to allow the holding of a referendum after an agreed period of time for the Bangsamoro people to finally decide on whether they want independence or federated or autonomous relationship with the Republic of the Philippines. A referendum is a universally accepted peaceful means of settling political conflicts, and it has been successfully tried in many countries.

The referendum shall be held in areas where the Bangsamoro people presently occupy. This includes the provinces of Maguindanao, Lanao del Sur, Basilan, Sulu, and Tawi-Tawi, and the cities of Cotabato, Marawi, and Isabela. There are also towns in the provinces of Cotabato, Sultan Kudarat, South Cotabato, Sarangani, Davao del Sur, Davao Oriental, Lanao del Norte, Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay and Palawan that should be included, subject for discussion with the people in the areas. Territories that will vote for independence shall constitute the independent Bangsamoro state.

There is a need for the referendum to be supervised by the United Nations in order for the result to be acceptable to all parties. Common sense dictates that a party to a conflict, like the Philippine government, cannot be credible to conduct or supervise such political exercise. The UN is the best body to oversee the referendum to ensure that whatever will be the result will be respected by all parties and implemented. If there is a need, the UN can organize its force to disarm those who refuse to respect and implement the sovereign will of the Bangsamoro people. The best option that the Philippine government and the liberation fronts can take to resolve the war peacefully is to agree to a referendum. It will be an act of statesmanship on the part of the leadership of the government. The statesmanship

of leaders is not measured by how bloody and how long they can suppress people's right to self-determination but by how they see through that they enjoy this fundamental human right. History has never been kind to leaders who do not hesitate to use military might to suppress people's aspirations to be free. On the part of the liberation fronts, it will be an opportunity to show to the whole world that they truly represent the Bangsamoro people and their interests.



Formal Exploratory Talks between the Government of the Philippines (GPH) and Moro Islamic Liberation Front (MILF) Peace Negotiating Panel. Source: Iona Jalijali

STATEMENT ON THE RIGHT OF INDIGENOUS PEOPLES TO DEVELOPMENT

Plenary Session of the 20th Session of the
United Nations Working Group on Indigenous Populations
Palais des Nations.
Geneva, Switzerland
23 July 2002

Mr. Chairperson, I am speaking as Chairman of the Bangsamoro People's Consultative Assembly and on behalf of the Bangsamoro People of Mindanao in the south of the Philippines, who are colonized by the Philippine government for more than half a century from now. They are being denied their right to self-determination, in violation of Article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, despite the fact that they have a distinct identity and common culture, and have a long history of political independence that spans more than six centuries in the same territory they presently occupy.

The Bangsamoro People urgently need development, like other colonized and oppressed peoples of the world, for their territory remains economically undeveloped, and they suffer the highest poverty incidence. But experience tells us that the kind of development we want will not happen unless and until we enjoy the right to self-determination. The development paradigm and development thrusts and priorities being implemented in our territories not only deny us the kind of development we want but are also being used to deny us our right to self-determination. For example, in the name of development, the Philippine government encourages Filipino settlers to settle in the Bangsamoro territory that resulted in the minoritization of the Bangsamoro people in their own homeland. This situation is now being used as argument against our demand for self-determination since we only occupy twenty percent of our traditional homeland.

Genuine development cannot also happen under the state of militarization, colonization, and oppression as we presently experience, and I believe other Indigenous Peoples are also experiencing.

Mr. Chairperson, there will be no development without the right to self-determination. Thus, it is necessary to pursue the right to development within the purview of the right to self-determination of Indigenous Peoples. The kind of development that the Indigenous Peoples want will not happen if they do not enjoy the right to self-determination, which is a right of choice, the right to choose the desired kind of political status.

Mr. Chairperson, in view of those mentioned above, I would like to propose that the Working Group on Indigenous Peoples shall consider the following:

1. That the right to development shall be pursued within the framework of the right to self-determination, which is a fundamental human right.
2. That a standard shall be set for the nature of development for Indigenous Peoples.
3. That the Philippine government shall be urged to allow the holding of a referendum in the Bangsamoro territory under the supervision of the United Nations to give the Bangsamoro people the opportunity to determine their political status, for this is the only way that they can enjoy their right to development.

Thank you, Mr. Chairperson.



The Institute of Bangsamoro Studies (IBS) team carrying out a project on livelihood in North Cotabato. Source: Sarah Radam.

REFERENDUM: A POLITICAL OPTION FOR MINDANAO

Mindanao Tripeoples Caucus
Royal Hotel Mandaya, Davao City
10-12 September 2002

The Bangsamoro, as a people with a distinct identity and common culture and with a long history of political independence in the same territory they presently occupy, continuously assert their right to freedom and independence as an expression of their right to self-determination. For more than three decades, the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF) have waged an armed struggle against the Philippine government as a means to liberate the Bangsamoro people and their homeland from Philippine colonialism. The repressive reactions of the government have resulted in a series of wars that have caused the death of thousands, displacement of millions of people, and destruction of properties.

This paper explores the democratic track to find an alternative to war to address that deep-seated sentiment for freedom and independence.

Right to Self-Determination

The United Nations International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights expressly provide that “All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.”

In the exercise of that right, the people have a wide latitude of choices. At one end, they can demand and pursue more political power within the nation-state, active participation in the decision-making and administration of government affairs, equitable redistribution of economic benefits, and appropriate ways of preserving and protecting their culture and way of life. On the other end, they also have the right to organize their own sovereign and independent government or reclaim their lost freedom and independence.

In pursuing that right to self-determination, the Bangsamoro people are opting, as manifested both by the liberation movements and civil society, for the restoration of their freedom and independence that they have enjoyed for more than six centuries.

Long History of Independence

The historical experience of the Bangsamoro people in statehood and governance started as early as the middle of the 15th century when Sultan Sharif ul-Hashim established the Sulu Sultanate. This was followed by the establishment of the Magindanaw Sultanate in the early part of the 16th century by Sharif Muhammad Kabungsuwan. The Sultanate of Buayan and the Pat a Pangampong ko Ranao (Confederation of the Four Lake-based Emirates) and other political subdivisions were organized later.

By the time the Spanish colonialists arrived in the Philippines, the Muslims of Mindanao, Sulu, and Tawi-Tawi archipelago and the islands of Basilan and Palawan had already established their own states and governments with diplomatic and trade relations with other countries, including China. Administrative and political systems based on the realities of the time existed in those states. In fact, it was through the existence of the well-organized administrative and political systems that the Bangsamoro people managed to survive the military campaign against them by Western colonial powers for several centuries and preserve their identity as a political and social organization.

For centuries, the Spanish colonial government attempted to conquer the Muslim states and add the territory to the Spanish colonies in the Philippine Islands, but history tells us that it never succeeded. The Bangsamoro states, with their organized maritime forces and armies, succeeded in defending the Bangsamoro territories, thus preserving their independence.

That is why it is being argued, based on the logic that you cannot sell something you do not possess, that the Bangsamoro territories are not part of what were ceded by Spain to the United States in the Treaty of Paris of 1898 because Spain had never exercised sovereignty over these areas.

The Bangsamoro resistance continued even when the US forces occupied some areas in Mindanao and Sulu. Though the resistance was not as fierce as during the Moro-Spanish wars, group-organized guerrilla attacks against American forces and

installations reinforced what remained of the sultanates' military power. Even Bangsamoro individuals showed defiance against the American occupation of their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

Opposition to Annexation

When the United States government promised to grant independence to the Philippine Islands, the Bangsamoro leaders registered their strong objection to being part of the Philippine Republic. In a petition to the President of the United States dated June 9, 1921, the people of the Sulu archipelago said that they would prefer to be part of the United States rather than be included in an independent Philippine nation.

In the Declaration of Rights and Purposes, the Bangsamoro 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” in anticipation that in the event the US would decolonize its colonies and other non-self-governing territories the Bangsamoro homeland would be granted separate independence. Had it happened, the Bangsamoro people would have regained their independence by now under the UN declaration on decolonization. Their other proposal was that if independence to be granted would include the Bangsamoro territories, a plebiscite would be held in Mindanao, Sulu, and Palawan 50 years after the grant of independence to the Philippines to decide by vote whether the territory incorporated by the government of the Islands of Luzon and Visayas, would be a territory of the United States, or become independent. The 50-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 would be made, they would declare an independent constitutional sultanate to be known as the Moro Nation.

In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935, appealed to the United States government and the American people not to include Mindanao and Sulu in the grant of independence to the Filipinos.

Continuing Assertion for Independence

Even after their territories were made part of the Philippine Republic in 1946, the Bangsamoro people have continued 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 protests against the usurpation of their sovereign right as a people. Those who joined the Philippine government used the new political system to pursue the vision of regaining independence. Congressman Ombra Amilbansa filed House Bill No. 5682 during the fourth session of the Fourth Congress. The bill sought the granting and recognition of the independence of Sulu. As expected, the bill found its way into the archives 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. He issued the Mindanao Independence Movement (MIM) manifesto calling for the independence of Mindanao and Sulu to be known and referred to as the Republic of Mindanao and Sulu.

When it became evident that it would not be possible to regain independence within the framework of the Philippine nation-state system, the Moro National Liberation Front (MNLF) was organized to wage an armed struggle to regain independence. When the MNLF accepted autonomy within the framework of Philippine sovereignty, a faction of the MNLF separated and formed the Moro Islamic Liberation Front to continue the armed struggle for independence. The MILF is still fighting the government forces.

The clamor for independence is not only among the liberation fronts but also among other sectors of Bangsamoro society. The 1,070,697 delegates to the First Bangsamoro People's Consultative Assembly (BPCA), held on December 3-5, 1996, in Sultan Kudarat, Maguindanao, were unanimous in calling for the re-establishment of the Bangsamoro state and government.

The hundreds of thousands of Bangsamoro who participated in the Rally for Peace and Justice held 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, issued a manifesto stating, "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."

Bangsamoro leaders headed by Sultan Abdul Aziz Guiwan Mastura Kudarat IV of the Sultanate of Magindanaw meeting in Cotabato City on January 28, 2001 expressed their strong desire to regain the Bangsamoro independence. The Declaration of Intent and Manifestation of Direct Political Act they issued states:

“As sovereign individuals, we believe that the Bangsamoro people’s political life, as matters stand, call for an OIC-sponsored or UN-supervised referendum in the interest of political justice to decide once and for all:

To remain as an autonomous region

To form a state of federated union

To become an independent state.”

The Second Bangsamoro People’s Consultative Assembly held on June 1-3, 2001, at the same place, this time attended by 2,627,345 delegates from all over the Bangsamoro homeland, including representatives of non-Muslim indigenous communities, unanimously declared that “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.”

Repression

When the Bangsamoro revolutionary leaders went for armed struggle to pursue their right to freedom and independence, the Philippine government responded with repression. The military suppression of the legitimate struggle of the Bangsamoro people resulted in the off-and-on war that has caused tens of thousands of deaths, displacement of millions of people (hundreds of thousands are still in the neighboring Malaysian state of Sabah), and destruction of properties worth billions of dollars. In addition, military spending to wage the war has reached billions of dollars, a huge amount that would have been better spent on basic infrastructure like farm-to-market roads, school buildings, hospitals, and other social services badly needed by the people.

The military solution did not work and will not put an end to the Bangsamoro struggle. The colonial government may succeed in suppressing one generation of fighters, but a new generation will succeed them.

Even autonomy, which was a product of the negotiations between the MNLF and the government, fails to address the genuine desire of the Bangsamoro people for freedom and independence. Thus, the struggle continues.

Referendum

To address the political issue of the problem without resorting to war is to give the Bangsamoro people a chance to choose their political status with respect to their relation with the Philippine government through a referendum. They shall choose whether they want to remain part of the Philippines or to be free and independent. To accommodate other proposals, questions about whether to retain the existing autonomous relation or to be changed to a federated relationship with the Philippines can also be included.

Referendum would give the Bangsamoro people the opportunity to make the final decision on their political status, not just their leaders. It is the democratic and peaceful way of resolving political conflicts. It has been used in many countries, like Czechoslovakia, the Canadian province of Quebec, and East Timor. Countries that refuse to use this internationally accepted democratic mechanism suffer the consequences of war, like the former Yugoslavia, the Philippines, etc.

The proposed referendum shall be held in areas where the Bangsamoro people presently occupy. This includes the provinces of Maguindanao, Lanao del Sur, Basilan, Sulu, and Tawi-Tawi, and the cities of Cotabato, Marawi, and Isabela. There are also towns in the provinces of Cotabato, Sultan Kudarat, South Cotabato, Sarangani, Davao del Sur, Davao Oriental, Lanao del Norte, Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay and Palawan that should be included, subject for discussion with the people in the areas. Territories that will vote for independence shall constitute the independent Bangsamoro state.

The referendum has to be supervised by the United Nations in order that the result will be acceptable to all parties. Common sense dictates that a party to a conflict, like the Philippine government, would not have the credibility to conduct or supervise such a political exercise. The UN is the best body to oversee the referendum to ensure that whatever will be the result will be respected by all parties and implemented. If there are groups that would not respect the result of the referendum, the UN can organize its forces to disarm them.

If we have to avoid war, this is the best political option. The Philippine government and the Bangsamoro liberation fronts have to agree to a referendum if their leaders are indeed statesmen. Statesmanship of leaders is not measured by how much blood is shed and how long they can suppress the people's right to self-determination but by how they can ensure that their people enjoy this fundamental human right. History has never been kind to leaders who do not hesitate to use military might to suppress the people's aspiration to be free.



**GPH-MILF Formal Exploratory Talks held in Kuala Lumpur, Malaysia.
Source: Iona Jalijali**

MUSLIM MINORITY IN THE PHILIPPINES

**Southeast Asian Conflict Studies Network Conference 2004:
Issues and Challenges for Peace and
Conflict Resolution in Southeast Asia
Shangri-La Hotel, Penang, Malaysia
12-15 January 2004**

How 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 for their assertion of 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, p. 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 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 a minority in their homelands as a 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 own political institutions, administrative systems, 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 linked 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 a 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 ethnolinguistic groups: Iranun, Magindanaon, Maranao, Tao-Sug, 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, a 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 as 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 a 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).¹

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, 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 a result of the colonial policy of the Philippine government to reduce the Bangsamoro into a 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, the Bangsamoro people continuously asserted their rights over their homeland, which gained implied recognition by the government.²

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 were through the Muslims in Southeast Asia. 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 dunia Melayu, and they have a common religion and share many cultural practices with the Muslims in the region explains these 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 contact with Arab, Persian, and Indian Muslims was 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, p. 39-84), was an instance of the Islamization of the Malay world in Southeast Asia. By the end of the 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, p. 68). When Islam actually arrived in Mindanao and Sulu, it was 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 the conversion of a 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 the 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's 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 to most Malay states. Aside from the sultan, the other positions in the Sulu sultanate were the Datu

Bendahara, Datu Maharajah-Lela, Datu Juhan Pahlawan, Datu Muluk Bandarasa, Datu Sebalma, Datu Tumanggung, Datu Mamamsha, Datu Amir Bahar, Munnabil 'Alam and Datu Sawajahan. (Majul, 1999, p. 390-91) The sultan exercised the executive functions together with the abovementioned officeholders who composed the cabinet. The Ruma Bichara performed the 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 sultanate's movement towards centralization of powers and in the resistance against Spanish colonization.

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 a few were literate in Arabic, so Malay religious literature was more accessible to many.

After the Philippines gained its independence in 1946 and Mindanao and Sulu were made part of the new nation-state, the link with the Muslim world gradually shifted to the Middle East. This started with the admission of students from Mindanao to Al Azhar University in Cairo. The Arab petrodollars provided scholarships to many students studying in Middle Eastern 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 influenced 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 an 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, p. 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 the 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 a significant role in the signing of the 1976 Tripoli agreement between the Moro National Liberation Front (MNLF) and the Philippine government. Indonesia played an active role in the concluded negotiations between the government and the MNLF, and Malaysia is mediating in the ongoing peace talks between the government and the MNLF.

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’ statement (1977) 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 the 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 the judiciary.

There is no government policy that clearly discriminates against Muslims, but policies are formulated in response to popular demand. And since the majority of the population 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 the government, but they work against the interests of the Muslims. For example, in the name of development, Christians from the north were encouraged to settle in Mindanao, resulting in the minoritization of the Muslims in many parts of their traditional homeland.

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

We [Moros and Filipinos] are two different peoples adhering to different ideologies, having different cultures, and being 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 the majority. (Buendia, 2002, p. 9) Their experience in state formation and resistance against colonial rule is often cited as basis of their claim for separate nation and state. The Spanish colonial government attempted to conquer the sultanates to subjugate their political existence and 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 called the Moro wars, thus preserving the continuity of their independence. (1999, p. 121-372)

The Muslims' resistance against attempts to subjugate their independence continued even when the 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 Muslims showed defiance against the American occupation of their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

When the US government promised independence to the Filipinos, the Muslim leaders registered their strong objection to being part of the Republic of the Philippines. In the petition to the US President, the people of Sulu archipelago said that they would prefer to be part of the US rather than to be included in an independent Philippine nation. (Jubair, 1999, p. 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, pp. 298-03) in anticipation that in the event that the US 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 the Moro Nation.

Even after their territories were made part of the Philippine Republic in 1946, the Muslims continued 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, p. 304-05) As expected, the bill found its way to the archives 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 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, p. 306-07)

Independence Movement

Buendia (2002, p. 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’s objective then was for a separate state, but upon the prodding of the Organization of Islamic Conference, it signed the Tripoli Agreement on December 23, 1976, which binds it to accept autonomy within the framework of Philippine territory. Nur Misuari’s acceptance of autonomy triggered a debate within the MNLF that ultimately led to the separation of a faction known later as the Moro Islamic Liberation Front. The MILF vowed to pursue the original objective of the MNLF for a separate state, but this time only in areas where the Muslims are in the 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 the majority. Some are contiguous with the five provinces, while others are not.

The clamor for a 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 a 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 the re-establishment of the Bangsamoro state and government. (Bangsamoro People’s Consultative Assembly, 1996, p. 5-10) The declaration of the second assembly, attended by around two and a half million participants according to reports, states that “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, p. 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 of 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 the 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. However, 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’s 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 talks between the government and the MILF. So far, two significant agreements have been inked: agreements on the cessation of hostilities and agreements on the rehabilitation of refugees and the development of war-affected areas. The ongoing talks have yet to tackle the issue of 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, which is the law governing the creation and operations of the Autonomous Region in Muslim Mindanao (ARMM). In a plebiscite conducted on November 19, 1989, four 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 a 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 a government education program to accelerate the integration of Muslims into the body of politics, Mindanao State University was established in Marawi City. The university serves as an 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.

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 a 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% of that government casualties, 50% rebels, and 20% 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 every day.

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, p.12-13) report shows that "the 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 remains of their traditional homeland.

Their problematic relations with the national community, which oftentimes resulted in 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 for them to 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, but the core issue of the problem is their assertion of their right to self-determination.

The Bangsamoro have never lived in isolation from their brothers and sisters, either in Southeast Asia or in the Middle East. They always relate themselves to the Muslim world, and their ties with the 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.



Source: Iona Jalijali

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Footnotes

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.”



Source: Iona Jalijali

MINDANAO PEACE PROCESS: THE NEED FOR A NEW FORMULA

**Southeast Asian Conflict Studies Network Conference 2004:
Issues and Challenges for Peace and Conflict Resolution
in Southeast Asia
Shangri-La Hotel, Penang, Malaysia
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Voluminous agreements have been produced by more than three decades of negotiations between the Philippine Government and the Bangsamoro liberation fronts, as mediated by the Organization of Islamic Conference (OIC), Libya, Indonesia, and Malaysia. These agreements, however, did not end the bloody and costly war on Mindanao island.¹ This paper attempts to present what it views to be the failings of the mediation efforts to solve the problem that has been breeding violence in Mindanao and puts forward what it considers to be the new formula to correct the flaws in the past and ongoing peace processes.

The Problem and History

The core issue of the problem is the continuing assertion of the Bangsamoro people — or at least the people who believe they represent the Bangsamoro--for the restoration of their historical independence. Problems of land, mass poverty, neglect, underdevelopment, and other social inequities are problems that need the attention of the national government, but it is the issue of the political relationship of the Bangsamoro people with the government that needs serious and immediate attention. Aside from its historical roots, this political matter is perceived by certain quarters as the major cause of other social, economic, and religious problems (Lingga, 2000a).

This paper's view of history is as follows:

Before the arrival of the Spanish colonialists, the Bangsamoro was already in the process of state formation and governance. In the middle of the 15th century, Sultan Shariff ul-Hashim established the Sulu Sultanate, followed by the establishment of the Magindanaw Sultanate in the early part of the 16th century

by Shariff Muhammad Kabungsuwan. Their experience in state formation continued with the establishment of the Sultanate of Buayan, the *Pat a Pangampong ko Ranao* (Confederation of the Four Lake-based Emirates), and other political institutions. These states were already engaged in trade and diplomatic relations with other countries, including China. Administrative and political systems based on the realities of the time existed in those states. In fact, it was with the existence of this well-organized administrative and political system that the Bangsamoro people managed to survive the military campaigns against them by Western colonial powers for several centuries and preserve their identity as a political and social entity.

For centuries, the Spanish colonial government attempted to conquer the Muslim states and subjugate their political existence so as to add their territories to the Spanish colonies in the Philippine Islands. History, however, tells us that that plan never succeeded. These states, with their organized maritime and infantry forces, defended the Bangsamoro territories, thus preserving the continuity of their independence. That is why it is being argued, based on the logic that one cannot sell something he does not possess, that the Bangsamoro territories were not part - or should not have been part - of the territories ceded by Spain to the United States in the Treaty of Paris of 1898 because Spain had never exercised effective sovereignty over these areas.

The Bangsamoro resistance against attempts to subjugate their independence continued even when US forces occupied some areas of Mindanao and Sulu. Although, at this time, the resistance of the Bangsamoro governments was not as fierce as during the Moro-Spanish wars, the combined resistance of group-organized guerrilla attacks against American forces and installations and what remained of the sultans' military power compelled the US government to govern the Moro territories separately from other territories of the Philippine Islands. Even some individual Bangsamoro showed defiance against American occupation of their homeland by attacking American forces---or at least some Americans - in operations called *prang sabil* (martyrdom, or in Spanish *juramentado*).

When the US Government promised to grant independence to the Philippines, the Bangsamoro leaders registered their strong objection to be part of the Philippine Republic. In the petition to the US President dated June 9, 1921, the people of the Sulu archipelago said that they would prefer being part of the US rather than to be included in an independent Philippine nation. (Jubair, 1999) Bangsamoro leaders meeting in Zamboanga on February 1, 1924, proposed in their Declaration of

Rights and Purposes that the “Islands of Mindanao and Sulu, and the Island of Palawan be made an unorganized territory of the United States of America” in anticipation that in the event the US would decolonize its colonies and other non-self-governing territories the Bangsamoro homeland would be granted separate independence. Had that happened, the Bangsamoro would have regained by now their independence when the United Nations decided in favor of the decolonization of territories under the control of colonial powers.

Their other proposal was that if independence had to be granted to include the Bangsamoro territories, a plebiscite should be held in Mindanao, Sulu, and Palawan fifty years after Philippine independence to decide by vote whether the territory would be incorporated under the government of Luzon and the Visayas, remain a territory of the United States, or become independent. The proposed 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 would be made, they would declare an independent constitutional sultanate to be known as the Moro Nation (See Appendix D, Jubair 1999). In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935, appealed to the US Government and the American people not to include Mindanao and Sulu in the political entity to be organized for the Filipinos.

Even after their territories were made part of the Republic of the Philippines in 1946, the Bangsamoro people continued to assert their right to independence. Congressman Ombra Amilbansa filed House Bill No. 5682 during the fourth session of the Fourth Congress seeking the grant and recognition of the independence of Sulu. When the bill found its way in the archive of Congress the provincial governor of Cotabato, Datu Udtog Matalam, issued the Mindanao Independence Movement (MIM) manifesto on May 1, 1968 calling for the independence of Mindanao and Sulu.

When it became evident to the Bangsamoro leaders that it would not be possible to regain independence through political means because of lack of constitutional mechanism, the Moro National Liberation Front (MNLF) was organized to pursue the liberation of the Bangsamoro people and their homeland from the Philippine colonial rule through other means.

The repressive reactions of the government to a peaceful independence movement and the emergence of anti-Muslim militias that harassed Muslim communities

triggered the violent confrontations between the Bangsamoro forces and the Armed Forces of the Philippines (AFF) on Mindanao and outlying islands.

OIC Involvement

Immediately after the conflict flared up, the Organization of Islamic Conference (OIC) took interest in the resolution of the conflict. The Third Islamic Conference of Foreign Ministers (ICFM) held in Jeddah, Saudi Arabia from February 29 to March 4, 1972 took cognizance of the problem and decided “to seek the good offices of the Government of the Philippines to guarantee the safety and property of the Muslims” as citizens of the country. It authorized the OIC Secretary General to contact the Philippine government.

In its meeting the following year, the OIC decided to send to Mindanao a fact-finding delegation composed of the foreign ministers of Libya, Senegal, Somalia and Saudi Arabia. It also urged Indonesia and Malaysia to exert their good offices to help find solutions within the framework of the Association of Southeast Asian Nations (ASEAN).

In August 1973, Saudi Arabian Foreign Minister Omar Al-Shakaff, Libyan Foreign Minister Abdul Ati al-Obeidi, Somalian Foreign Minister Arteh Ghalib, and Senegal Ambassador to Egypt Moustapha Cisse visited the Muslim communities in Mindanao and in Sulu. Foreign Minister Al-Shakaff was in Manila again on March 9-13, 1974, to follow up on earlier efforts of the OIC delegation. President Ferdinand E. Marcos met President Suharto on May 29, 1974, in Menado, and among the issues tackled in the summit meeting of the two ASEAN leaders was the problem in Mindanao. During the Kuala Lumpur meeting on June 21-25, 1974, the OIC urged the government to find a peaceful solution to the conflict through negotiations with the MNLF.

Through the mediation efforts of the OIC, representatives of the Philippine government and the MNLF met in Jeddah, Saudi Arabia on January 18-19, 1975.² From thereon until the final peace agreement was signed on September 2, 1996 in Manila, the OIC, or its member states acting on behalf of the OIC, had been actively involved in the negotiations. The Quadripartite Committee, the membership of which was later increased to six and now eight, was organized and tasked to work on ways to resolve the conflict. The dependency of the Philippines on some member countries of the OIC for the supply of oil and, likewise, the dependency of the MNLF for support from Muslim countries were factors that worked for the start of the negotiations between the government and the MNLF.

As an incentive to settle their problem through negotiations, the OIC (1974) established the Filipino Muslim Welfare and Relief Agency for the purpose of extending welfare and relief aid directly to Muslims in Southern Philippines so as to ameliorate their conditions and enhance their social and economic well-being. The Islamic Solidarity Fund provided one million US dollars for the agency released to the government. There were also promises of more economic assistance once agreements were reached. After the Tripoli Agreement was signed, the OIC (1977) admitted the MNLF observer in the Islamic world body as an exceptional measure.

GRP-MNLF Negotiations

The Jeddah meeting in 1975 was the start of the formal negotiations between the government and the MNLF, but it did not progress initially because of serious disagreements on many issues. As an attempt to reconcile the differences, the OIC put forward a plan of action as a basis for the settlement of the problem. The plan of action was in accordance with Resolution 18 of the Fifth ICFM in Kuala Lumpur, which called for the establishment of an autonomous region for the Muslims, at the same time respecting the territorial integrity and sovereignty of the Philippines.

In his earnest desire to bring back the government and the MNLF to the negotiating table, OIC Secretary General Dr. Karim Gaye, in May 1976, sought a meeting with President Marcos in Nairobi, Kenya during the latter's official trip to present the Manila Declaration for the Group of 77 to the United Nations Conference on Trade and Development. In that meeting, Dr. Gaye underscored the urgency of the resumption of the peace talks. President Marcos invited Dr. Gaye to visit Manila, and on August 22, 1976, the OIC Secretary General and the Quadripartite Commission, who were in Malacañang on a visit, convinced the President to resume the peace talks. It was also agreed upon that the First Lady, Imelda Romualdez Marcos, be invited to visit Libya. Libyan Foreign Minister Dr. Abdussalam Ali Treki issued the invitation, and then President Ferdinand E. Marcos sent his wife, whom he designated as his special envoy. The visit resulted in the establishment of diplomatic relations between the two countries and the agreement to resume the negotiations. The stalled talks resumed on December 15-23, 1976, in Tripoli, Libya, under the auspices of the OIC, with Libyan Foreign Minister Dr. Ali Treki presiding. The government and MNLF negotiating panels agreed on the establishment of an autonomous region for the Muslims covering thirteen provinces.³

The Tripoli Agreement embodied the general principles for autonomy and its institutional mechanism that would be established. The details were to be discussed later by a mixed committee composed of the representatives of the government and the MNLF. The mixed committee met in Tripoli in February 1977, but no agreement on details of the autonomy was reached. The highest level of intervention was sought to save the negotiation, which had to be terminated on March 3, 1977, the deadline provided for in the Tripoli Agreement. President Marcos and President Ghadaffi spoke together by telephone. Again, President Marcos sent his wife to Tripoli to meet President Ghadaffi and exchanges of cables between the two presidents followed.

The two presidents agreed that (1) a decision be issued by the President of the Philippines declaring autonomy in the thirteen provinces covered in the Tripoli Agreement; (2) a provisional government be formed with the participation of the MNLF and the inhabitants of the areas of autonomy; and (3) a referendum be held in the areas of autonomy concerning administrative arrangements.⁴ The Ghadaffi-Marcos agreement became the basis for the government to unilaterally implement the Tripoli Agreement, which was strongly objected to by the MNLF. The negotiations were at a stalemate until President Marcos was removed from power during the EDSA I revolution.

After President Corazon C. Aquino assumed the presidency in 1986, the government initiated the revival of the talks. The President sent Aquilino Q. Pimentel and her brother-in-law Agapito A. Aquino to Jeddah to meet MNLF chairman Nur Misuari. The meeting that took place at the OIC headquarters resulted in the signing of the Jeddah Accord on January 3-4, 1987. The two panels agreed to continue the discussion of the proposal for the grant of full autonomy (Jeddah Accord, 1987). It was also agreed upon that a joint commission, which would “discuss and draft the mechanism and details of the proposal for the grant of full autonomy” (Joint Statement of the MNLF and the Philippine Government Panels, 1987), would be created. To show her resolve to solve the problem, President Aquino, setting aside protocol and security concerns, flew to Jolo, Sulu, on September 5, 1986, to meet Nur Misuari.

The negotiations were again on track but both parties were not able to reconcile their different proposals. The commission that drafted the 1987 constitution provided for the organization of autonomous regions for Muslim Mindanao and the Cordillera. With this constitutional mandate, President Aquino proceeded to

establish the autonomous region known as the Autonomous Region for Muslim Mindanao (ARMM).

It was under the presidency of Fidel V. Ramos, a former military general who succeeded President Aquino, that the final agreement between the government and the MNLF was reached. On September 2, 1996, in Manila, Ambassador Manuel T. Yan, Nur Misuari, Ali Alatas and Dr. Hamid Al-Ghabid, representing the government, MNLF, the OIC Committee of Six, and the OIC Secretariat, respectively, affixed their signatures to the agreement, which was the full implementation of the Tripoli Agreement of 1976 and embodied the totality of all agreements, covenants and understanding between the government and the MNLF. Prior to the signing of the final agreement, three rounds of talks were held in Tripoli and Jakarta with the active mediation of Indonesia.

The 1996 Peace Agreement was to be implemented in two phases. During Phase 1, the Special Zone of Peace and Development (SZOPAD), the Southern Council for Peace and Development (SPCPD), and the Consultative Assembly were to be established, covering the provinces mentioned in the Tripoli Agreement. It was also during this transitional period that the integration of MNLF forces into the AFP and the police force would start. Full implementation of the agreement would be in Phase 2 after the Organic Act (RA 6734) of the ARMM would have been amended to include the provisions of the agreement.

The differences between the government and the MNLF did not end with the signing of the final agreement, because both parties could not agree on the how and to what extent would be the implementation of the accord. The MNLF, at least the Nur Misuari faction, continued to accuse the government of violation and non-implementation of some provisions of the peace agreement. On the other hand, the government maintained that it had faithfully implemented the accord.

The role of the OIC and Libya was helpful in bringing the government and the MNLF to the negotiation table, and Indonesia was instrumental in forging the final peace agreement. But in the implementation stage the OIC, Libya and Indonesia stayed at the background while the multi-donor agencies took the center stage.

GRP-MILF Peace Talks

After Misuari acceded to the wishes of the OIC to drop the Front's bid for independence and instead settle for autonomy, a faction led by Salamat Hashim broke away from the MNLF in 1977 and formed the Moro Islamic Liberation Front

(MILF) to continue the struggle to pursue or regain the Bangsamoro freedom and independence. The MILF organized its own political machinery and armed forces separate from the MNLF.

Although the MILF was as strong a force as the MNLF and was dominant in Bangsamoro areas in mainland Mindanao, the government confined the negotiations with the MNLF until the peace accord was signed in 1996. Peace overtures with the MILF were limited to informal contacts. This was so because the MNLF was the signatory to the Tripoli Agreement, which was the basis of the peace talks. Likewise, the OIC, under whose auspices the negotiations were carried out, recognized the MNLF as the representative organization of the Muslims in the South of the Philippines. On the other hand, the MILF did not want to complicate the GRP-MNLF peace talks. In a statement circulated by the MILF, Chairman Salamat Hashim said: "The MILF is maintaining a consistent policy towards the peace process. We will reject any attempt by the Philippine government to open separate negotiations with the MILF unless the GRP-MNLF talk is finally concluded." (Hashim, 1993).

When the Philippine government was sure that a final agreement with the MNLF would be reached, it contacted the MILF. The contact started when House Deputy Speaker for Mindanao, Simeon Datumanong, met the MILF Chairman at the latter's office in Camp Abubakar. Except for the statement that the meeting was an effort to search for a peaceful and political settlement of the Mindanao problem, the details of what had been discussed were not made available.

On August 3, 1996, former Executive Secretary Ruben Torres met MILF Vice Chairman for Political Affairs Ghazali Jaafar in Davao City, and in said meeting, Secretary Torres relayed the desire of the Philippine government to enter into formal negotiations with the MILF. Vice Chairman Jaafar and Secretary Torres met again on September 9-10 in Cagayan de Oro City. This time, the discussions were on issues concerning the cessation of hostilities and the creation of technical committees from both sides to draw the talking points and the guidelines of the proposed ceasefire. After exchanges of communications, the technical committees of both parties were organized.

The GRP and MILF technical committees met on January 7, 1997. This meeting marked the beginning of the official negotiations between the two parties.

Before the second meeting was convened, armed confrontations between the two protagonists erupted in Buldon, Maguindanao, from January 16 to 27, 1997, when the AFP attempted to intrude into what the MILF claimed as the perimeter defense of Camp Abubakar. To prevent the fighting from spilling over to other areas, the GRP-MILF Technical Committees on Cessation of Hostilities met on January 27 and signed the interim cessation of hostilities in Buldon. On June 17, 1997, the AFP launched massive military operations in the municipalities of Pagalungan and Sultan sa Barongis in Maguindanao and Pikit in Cotabato Province. Consequently, the MILF refused to return to the negotiation table until the situation in the area normalized.

The worsening situation prompted Vice Chairman Jaafar and Secretary Torres, with their respective parties, to meet in Cagayan de Oro City on July 17-18, 1997. At the end of that meeting, an agreement for a general cessation of hostilities was signed. The two parties agreed, among others, “To commit the armed forces of the GRP and MILF to a General Cessation of Hostilities.” On the same day, another agreement was signed, which provided that the Armed Forces of the Philippines would withdraw from Rajamuda in Pikit on July 23 and that the MILF would not reoccupy the area. Upon the request of the government, the second agreement was not released to the media.

Subsequent meetings of the GRP-MILF Technical Committees were focused on the cessation of hostilities. Agreements were mainly on the operational guidelines for the general cessation of hostilities, administrative procedures, monitoring mechanisms, and identification and acknowledgment of MILF positions/camps.

After the assumption of President Joseph E. Estrada to office, an agreement was signed on August 27, 1998, that reiterated the commitment of both parties to pursue the peace negotiations, to pledge to implement the joint agreements/arrangements previously signed and to protect and respect human rights. Both parties recognized that there would be lasting peace in Mindanao when there was mutual trust, justice, freedom, and tolerance for the identity, culture, and ways of life and aspirations of all the peoples of Mindanao.

On the identification and acknowledgment of MILF positions/camps, out of 46 major and satellite camps submitted by the MILF for recognition, only Camp Abubakar as-Sidique, Camp Bushra, Camp Darapanan, Camp Omar, Camp Badre, Camp Rajahmuda, and Camp Bilal were acknowledged. The other 39 camps were

scheduled for verification and acknowledgement before the end of December 1999, but they were overtaken by the all-out war.

After twenty months of negotiations at the technical committee level, the formal negotiation on the panel level was inaugurated on October 25, 1999, at the Da'wah Center, Crossing Simuay, Sultan Kudarat, Maguindanao. Then, on December 17, 1999, both peace panels met and agreed on the rules and procedures for the conduct of the formal peace talks. Substantive issues were tabled for discussion, but these were not tackled seriously because of reported ceasefire violations in Maguindanao, Cotabato, Sultan Kudarat, and Lanao del Norte provinces.

The peace panels met on April 27, 2000, in Cotabato City and, before midnight, signed an Aide Memoire enumerating what steps they would take to defuse the tensions. At dawn, however, the AFP launched an attack against Camp Abubakar, opening the Philippine Government-initiated all-out war against the MILF.

In response to the call of civil society to save the peace process, a meeting between the two peace panels took place on June 1, 2000, when the GRP representatives presented a political package as a government proposal to solve the problem. What was presented to the MILF was a draft of the amendments to the ARMM Organic Act, which, earlier, had been rejected by the MNLF. After the meeting of the Technical Committees on June 15, 2000, the MILF central committee decided to withdraw from the talks and disbanded its negotiating panel.

After President Gloria Macapagal-Arroyo assumed office, she sought the assistance of Malaysian Prime Minister Mahathir Mohammad and Indonesian President Abdurrahman Wahid to convince the MILF to go back to the negotiation table. Prime Minister Mahathir sent his top aides to talk to MILF chairman Salamat Hashim. After series of trips by the Malaysian emissaries to the Islamic Center in Camp Rajamuda, Salamat agreed to resume talks with the government and sent his top deputy, Al-Haj Murad Ebrahim, the MILF Vice Chairman for Military Affairs and Chief of Staff of the Bangsamoro Islamic Armed Forces (BIAF), to Kuala Lumpur to meet the Philippine Presidential Adviser on the Peace Process Eduardo Ermita. The meeting was kept so secret that even the Presidential Assistant for Mindanao Jesus Dureza, the chairman of the new Philippine peace panel, was not informed about it. On March 24, 2001, Murad and Ermita signed the agreement for the resumption of the talks.

The Murad-Ermita agreement provided for the resumption of the peace negotiations to “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.” It also provided a commitment “to honor, respect and implement all past agreements and other supplementary agreements signed by them.” Both parties agreed to undertake “relief and rehabilitation measures for evacuees and joint development projects in the conflict-affected areas.” The MILF and the GRP committed themselves “to negotiate with sincerity and mutual trust, justice and freedom, and respect for the identity, culture, and aspirations of all peoples of Mindanao.”

Following the Kuala Lumpur talks, the MILF declared the suspension of offensive military action (SOMA) against AFP forces on April 3, 2001, to reciprocate the government's declaration of suspension of offensive military operations (SOMO) against MILF forces. Satisfied that its conditions⁵ were met, the MILF central committee agreed to the resumption of the negotiations and reconstituted its negotiating panel.

Tripoli was chosen as the venue for the resumption of the negotiations. The meeting on June 19-22, 2001, resulted in the signing 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.

The agreement called for the discussion of three issues: 1) security (ceasefire), 2) rehabilitation and development of conflict-affected areas, and 3) ancestral domain. The agreement recognized the distinct identity of the Bangsamoro as a people occupying a definite territory, referred to in the document as the Bangsamoro homeland, and the inherent right of the Bangsamoro people over their ancestral domain. It also acknowledged the fundamental right of the Bangsamoro people to determine their future and political status, and that, therefore, the problem was political in nature that needed a comprehensive, just, and lasting political settlement through negotiations, and that negotiations and peaceful resolution of the conflict should involve consultations with the Bangsamoro people free of any imposition. The agreement allowed the evacuees to be awarded reparations for their properties lost or destroyed by reason of the conflict. While previous agreements did not mention the participation of the OIC, this time, the MILF and the GRP wanted that it acted as observers and monitor the implementation of all agreements, not just the ceasefire agreement.

The second round of the resumed talks in Kuala Lumpur focused on the implementing guidelines of the ceasefire. At the end of the meeting of the peace panels, agreement on the Implementing Guidelines for the Security Aspect of the GRP-MILF Tripoli Agreement of Peace of 2001 was signed on August 7, 2001 at Putrajaya, Malaysia.

The third round was supposed to tackle the issue of the rehabilitation of refugees and the development of conflict-affected areas, but the two panels could not agree on the details. To preclude the breakdown of the negotiations, the GRP panel presented the Manual of Instruction for the Coordinating Committees on the Cessation of Hostilities (CCCH) and Local Monitoring Teams (LMT) for consideration. The contents of the manual were culled from provisions of previous agreements. It was signed on October 18, 2001, at Mines Resort, Selangor, Malaysia.

Then, the talks were suspended. Malacañang announced that the negotiations would still continue through the back channel with Secretary Norberto Gonzales, the Presidential Assistant on Special Concerns, in charge of the part of the government. The talks resumed on May 7, 2002, at Putrajaya, Malaysia, after months of back-channel contacts. Instead of the Dureza panel representing the government, Secretary Norberto Gonzales and Secretary Eduardo Ermita were in Kuala Lumpur talking to the MILF. They signed the version of the agreement that Secretary Dureza had refused to sign.

The agreement reached by the two parties provided for the respect of human rights and observance of international humanitarian laws. It authorized the MILF to determine, lead and manage rehabilitation and development projects through a project-implementing body that it would organize. The agreement also provided that the GRP would provide reparations for properties lost in the conflict.

Ancestral domain was the third issue to be discussed, but the talks were not resumed after the May 7 meeting. The attack by government forces on MILF positions in Pikit and Pagalungan on February 11, 2003, at the time the Muslims were celebrating *‘id el adha* (feast of sacrifice), derailed the resumption of the negotiations. Three exploratory talks were held to put the negotiations back on track, but the talks remained suspended as of this writing (January 2004). The MILF insisted that the government should comply with its commitment made during the exploratory talks that government troops withdrew from the Boliok complex and criminal charges against MILF leaders be dropped.

The Problem Persists

The OIC mediation was fruitful in the sense that it was able to bring to a conclusion the peace talks between the Philippine government and the MNLF. “The GRP-MNLF peace agreement is a trophy the OIC proudly holds,” Vitug and Gloria (2000, p. 7) said. Following the signing of the 1996 Peace Accord, expectations were high that the people of Mindanao would enjoy lasting peace. However, subsequent violent clashes between government troops and Bangsamoro forces displaced more than a million civilians and destroyed their productive assets.

Government and MNLF clashes in Sulu and AFP pursuit of Abu Sayyaf dislocated close to 300,000 people as of April 2002 (World Bank, 2003, p. 13). The military confrontations between the AFP and MILF forces in the year 2000 displaced an estimated 932,000 people. The majority of them were Muslims. Oxfam estimates that 85 percent of those displaced were Muslims, 17 percent were Christians, and seven percent were non-Muslim indigenous people. (World Bank, 2003, p. 12-13). In February 2003, when government forces attacked MILF positions in Maguindanao and Cotabato Province, 393,039 people were displaced from their homes (Lingga, 2003). Although there is an existing ceasefire, sporadic clashes continue to happen from time to time. The latest was in the municipality of Datu Piang, Maguindanao, in December 2003.

The ARMM, which is supposed to translate into reality the political empowerment of the Bangsamoro people, is a near failure. “The value of the ARMM lies in giving recognition to a people's need for a distinct identity and in being a venue to govern themselves. But, given the dire conditions in the area – poverty, lack of basic services, unresponsive leadership – the experiment in autonomy is a near failure.” (Vitug & Gloria, 2000, p. 82) In 1998, a long-time journalist who had studied the problem in Mindanao closely, observed that “the Muslim autonomy has not taken off.” (Diaz, 1998, p. 144) It is in a state of paralysis.

The peace accord did not improve the living conditions of the Bangsamoro people. The area of the ARMM and other conflict-affected areas remains the poorest provinces in the country. In fact, the average income of people in conflict-affected areas declined after the 1996 peace agreement was signed. According to the World Bank (2003, p. 11), “Without exception, all the conflict-affected areas experienced a fall in average per capita incomes from 1977 to 2000.” The same report states that, with the exception of North Cotabato and Davao del Norte, “the incidence of people falling below the poverty line and depth of poverty in these provinces rose dramatically from 1977 to the year 2000.”⁶

Flaws

In the view of the MILF, the failure of signed agreements to end the violent conflict is caused by some flaws in how these agreements had been negotiated. The OIC, which actively mediated the peace talks between the government and the MNLF, committed errors in the appreciation of the problem. First, resolution no. 18/5-P of the 5th ICFM prescribed that the solution to the problem should be “within the framework of the national sovereignty and territorial integrity of the Philippines.” At the start of its mediation efforts, the OIC had already set its own reference for solving the problem. This was probably because the OIC was more interested in having a success story in conflict mediation rather than in addressing the fundamental issue of the problem. And it was handicapped by the fact that some of its member countries were having problems with their own minority populations asserting their right to self-determination.

The United States, which showed interest in helping resolve the conflict, is committing the same error. Assistant Secretary of State James A. Kelly, in his reply to the letter of Chairman Salamat Hashim, said that “the United States Government is committed to the territorial integrity of the Philippines.”⁷ He probably said so because the US wants to play safe so that it will not antagonize an ally. To play a constructive role in the peace process, the US Government assigned the United States Institute of Peace (USIP) to assist Malaysia in facilitating the talks between the Philippine Government and the MILF. Success in the Track II endeavors of USIP will contribute to a climate ripe for the US Government to get involved in the peace process.⁸ Malaysia, so far, has not imposed its way of solving the conflict in its facilitation of the peace talks, but once it follows the position of the OIC, its role in the peace process, in the MILF view, will become irrelevant.

The second flaw is in the understanding of the actors. The OIC was correct in the identification of the government as a party to the conflict, but there was inaccuracy in its appreciation of the role of the MNLF. It was overlooked that the MNLF was there to represent the Bangsamoro people, who are collectively the real stakeholders in Mindanao. There was nothing wrong with recognizing the MNLF as the sole and legitimate representative organization of the Muslims in the South of the Philippines, but when the OIC urged the MNLF to abandon the goal of independence, it forgot that the MNLF had its constituency to whom it was answerable.

The third flaw is the lack of participation of the Bangsamoro people in the peace process, particularly on matters of vital importance to them. The MNLF made the decision to abandon independence as a goal in favor of autonomy without popular consultation. The consequence of that was the people's lack of support for the peace agreement, as the people perceived it to be a product of betrayal of their cherished dream. As a consequence, there was a shift of support from the MNLF to the MILF, which vowed to pursue the goal of independence. Even the Abu Sayyaf, in spite of its terrorist activities, received some support from the masses of Basilan and Sulu.

The MILF will suffer the same consequence if it foregoes independence. The possibility that a new group will emerge to continue the struggle for independence is always there, for there is a strong sentiment in favor of asserting the right to freedom and independence among the Bangsamoro people. In recent history, after the capture of Kamlon, Congressman Amilbangsa filed his bill for the independence of Sulu in Congress. This was followed by the MIM when no attention was given to the Amilbangsa's bill. After the cooptation of the MIM, the MNLF emerged, but after it abandoned its bid for independence and accepted autonomy, a faction that later on evolved into the MILF seceded. Even the notorious Abu Sayyaf group came into being after the MNLF accepted autonomy.

Negotiations can be handled by a representative organization, like the MNLF or MILF, but any deviation from the people's political agenda has to be approved by them; otherwise, an accord would be produced with the majority of the people not identifying themselves with it. That is why in its declaration, the Bangsamoro People's Consultative Assembly (2001) gave the MILF conditional support and mandate in negotiating with the government. "[W]e are giving our full support and mandate to the MILF to represent us in ... (the) negotiations... provided, however, that the MILF does not deviate from our demand for complete independence.... Should the MILF choose to deviate, this support and mandate are deemed automatically rescinded and withdrawn."

New Formula

In the search for a solution to end the violent conflict, a new formula that would respond to the aspirations of the Bangsamoro people for freedom (Tripoli Agreement of Peace of 2001, par. A2) has to be considered. The government and the MILF must have open minds to search for new formulas that would be free of the straitjacket framework of the OIC. The government and the MILF should be

open to all options for a political relationship between the Philippine government and the Bangsamoro people. Issues like improving the existing autonomy, federal arrangement, free association with the Philippine Republic, and independence should be freely discussed and considered as options.

The government and the MILF should take this matter into consideration if discussions must reach a political settlement. Malaysia, which is facilitating the talks, and the US, which indicated interest in the negotiations, should understand that insistence on solving the conflict within the OIC framework will lead nowhere. It is understandable that third parties have to respect the principle of friendly relations and cooperation among states (UNGA Resolution 2625), but they also should not curtail a people's right to self-determination, including the right to have their own state and government. The norm of respect for the territorial integrity of a state applies to the relations of states with each other and does not restrict the right of a people, which has been forcefully incorporated into these states, to freedom and self-determination.

A new formula should ensure the participation of the Bangsamoro people in the peace process. Their non-participation would mean that they had no part in the peace agreement. As the real stakeholders, their collective voice should be the basis of the authority and the last word in the solution to the problem. The negotiations with the government could be done by a representative organization, like the MILF, but fundamental issues, like the political relationship with the national government, would have to be decided by the Bangsamoro people themselves. They should be the ones who should decide, through a referendum, the choice of political status, such as an expanded autonomy, a federal relationship, free association with the Philippines, or independence. A referendum on “yes” or “no” to a single option, like the previous referendum on acceptance or rejection of autonomy, would not be a good way of conducting consultation; it would be just a way of “rubber stamping” agreements.

A new formula should also consider the deployment of a third-party peacekeeping force that would be capable of enforcing the ceasefire on the ground. Declaration of ceasefire is necessary in starting the negotiations, and once it is declared it has to be sustained in order to implement whatever agreement is reached as a progressive way of resolving the problem.⁹

Following the signing of the 1976 Tripoli Agreement, a formal ceasefire agreement between the government forces and the MNLF was concluded on January 20, 1977.

A committee composed of the government, MNLF and the OIC quadripartite committee representatives was organized to oversee the implementation of the ceasefire. But towards the end of the year, the truce collapsed when government forces attacked MNLF strongholds and recognized bivouac areas (Jubair, 1999, p. 178-9). The government and the MILF twice signed formal ceasefire agreements, on July 18, 1997, after the start of the formal talks and on August 7, 2001, after the resumption of peace negotiations. The first agreement broke down when Camp Abubakar was attacked by government troops in the year 2000, and the second agreement was scuttled after the 2/11 attacks on MILF positions.

In all these ceasefire agreements, there have been provisions for monitoring their implementations, but these did not stop parties from violating the truce. As this author has indicated elsewhere, “Having just foreign monitoring teams will not work if there are no ground troops with the capacity to stop any violation of the ceasefire. The ground forces could be from the UN or the OIC. You need someone in the middle to enforce strictly the ceasefire. If not, you will continue to have this cycle of ceasefire and war, ceasefire and war, and bloodshed and deaths.”¹⁰

Conclusion

The experience in the Mindanao peace process has shown the importance of third-party involvement. It was the productive participation of the OIC that facilitated the negotiations between the government and the MNLF. When there was a stalemate after the first meeting in Jeddah in 1975, it was through Libya's effort that the talks were continued and broad principles on solving the problem was agreed upon. It was also through the mediation of Indonesia that the government and the MNLF reached a final agreement.

In the beginning, there was no third-party involvement in the GRP-MILF talks, but after the collapse of the peace talks in the year 2000, the government had to seek the assistance of Malaysia and Indonesia to bring back the MILF to the negotiating table.

However, mediators should not bring their own agenda into the negotiations or impose a framework. If this happened, either the peace process would be scuttled, or the outcome would not solve the problem that triggered the violent conflict. When the OIC limited the exploration of alternative solutions within the sovereignty and territorial integrity of the Philippines, the result of this fundamental flaw in approaching the problem was a signed peace agreement that failed to solve the problem.

To avoid the same error, the ongoing peace process between the government and the MILF should consider exploring new formulas free from the restrictions imposed by the OIC. The participation of the Bangsamoro people is not only essential, but their collective will should be the basis of authority of their representative body and the last word in the settlement of the problem. The representative organization has to ensure that the Bangsamoro people are consulted on major decisions. To sustain the peace process and in order for incremental agreements to be implemented to build a climate of confidence, it is necessary to ensure that declared ceasefire holds. The presence of a third-party peacekeeping force is the better way to do it.

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Footnotes

¹ The consequences of war on Mindanao have been painful and costly. More than one hundred thousand people died, and a hundred thousand more were estimated injured. Millions were displaced from their homes, and several hundred thousand, including more than two hundred thousand Bangsamoro who sought refuge in the Malaysian state of Sabah, have not returned home.

For a period of 26 years, from 1970 to 1996, the government spent around 76 billion pesos in fighting the war. In 2000 alone, when the Armed Forces of the Philippines (AFP) attacked the controlled territories of the MILF, the government spent no less than six billion pesos. If this amount of money had been spent on education, health, and other social services, the lives of the people would certainly have been better than they are now.

On April 19, 2002, quoting “very preliminary” findings from a then ongoing World Bank study, former Presidential Assistant for Regional Development Paul Dominguez revealed before a forum organized by Kusog Mindanao on “The Costs of Mindanao Conflict and Their Implications on the Budget” that “the present value of the economic cost of a never-ending conflict would be at least US \$2 billion over the next ten years.” Dominguez told MindaNews the following day that the figure was purely the technical costs. “There are hidden costs that are still difficult to quantify. In addition to that, there are costs you cannot measure. This is just the economic cost, not the social cost.” (See Arguillas, 2003)

² Executive Secretary Alejandro Melchor headed the government panel with Admiral Romulo Espaldon, Ambassador Lininding Pangandaman, Col. Jose Almonte, and four others. Chairman Nur Misuari headed the MNLFF panel with Salamat Hashim, Abdulkaki Abubakar, Hamid Lukman and Abdulasad Asani.

³ The 13 provinces are Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Palawan, and all cities and villages situated in these provinces.

⁴ These were proposed by President Muammar Al-Ghadaffi in his letter to President Ferdinand E. Marcos on March 18, 1977 and approved by the latter in his reply on March 19, 1977.

⁵ The MILF conditions for the resumption of the talks are: that negotiations be held in a foreign country, all previous agreements be respected and implemented, and said negotiations be under the auspices of the OIC or mediated by an OIC member country. (Lingga, 2002d)

⁶ The El Nino phenomenon and decline in the prices of copra and rubber contributed to the worsening poverty.

⁷ Assistant Secretary of State James A. Kelly, upon instruction of President Bush and on behalf of the US Government, wrote a letter to MILF Chairman Salamat Hashim dated June 18, 2003, outlining the US Government policies with respect to the conflict in Mindanao. This letter was in reply to the second letter of Chairman Salamat to President Bush dated May 20, 2003. The first letter, dated January 20, 2003, was delivered to the US Embassy in Manila.

⁸ “The term Track II Diplomacy was coined in 1981 by Joseph Montville, referring to a broad range of unofficial contact and interaction aimed at resolving conflicts internationally between states. Montville, then a US diplomat, used the term in contrast to Track I diplomacy, which refers to diplomatic efforts to resolve conflicts through the official channels of government.” (Notter and McDonald, 1996)

⁹ “Ceasefires can be defined as follows: an agreement that organizes cessation of any kind of military activities at a precise time in a given place.” (Guinard, 2002, p. 33)

¹⁰ Abhoud Syed M Lingga, as quoted in an Agence France Presse report by P. Parameswaran, “International peacekeeping force proposed in the southern Philippines,” datelined Manila, March 17, 2003



Source: Iona Jalijali

THE BANGSAMORO SEEKS PEACE THROUGH THE UNITED NATIONS

**23rd Session of the United Nations Working Group
on Indigenous Populations
Palais des Nations, Geneva
18-22 July 2005**

Mr. Chairman:

The Bangsamoro People's Consultative Assembly welcomes this opportunity to address the 23rd Session of the UN Working Group on Indigenous Populations (WGIP) on the issue of indigenous peoples and conflict prevention and resolution.

The remarks made last year by His Excellency Secretary General Kofi Anan on the willingness of the United Nations to assist in the peaceful resolution of the problem in Mindanao - a problem involving the conflict between the Bangsamoro people of the island of Mindanao in south Philippines and the Government of the Republic of the Philippines - was indeed encouraging.

Although no concrete step has been taken so far, the remarks indicate the willingness of the United Nations to be part of conflict resolution involving indigenous peoples. Active participation of the UN should not only be welcomed, but should be encouraged to enhance the possibility of achieving the twin objectives of peace and justice in the ongoing peace process facilitated by the Government of Malaysia. For peace to be viable and sustainable, agreements between or among parties must not only be just but would put an end to any form of injustice.

UN involvement in conflict prevention and resolution affecting indigenous peoples should not be construed as an infringement on the sovereignty of the states but should be understood in the context of the UN's wider role in assisting states find solutions to problems affecting their populations, like problems on environment, sustainable development, and others.

Mr. Chairman, the Bangsamoro People's Consultative Assembly hereby recommends,

1. To request the Secretary General to concretize his remarks that the UN is willing to assist in the peaceful resolution of the conflict between the Philippine Government and the Bangsamoro people. Certainly, assistance coming from the UN will encourage the parties to pursue the path of a peaceful resolution of the conflict.
2. That the United Nations, through its appropriate agencies, shall take an active role in facilitating dialogues between the indigenous peoples and state institutions and authorities for peaceful resolution of conflicts affecting indigenous peoples; or the UN shall encourage third parties who are credible and acceptable to the indigenous peoples to play that role.

Thank you, Mr. Chairman.



Source: Iona Jalijali

ROLE OF THIRD PARTIES IN MINDANAO PEACE PROCESS

**International Conference on Peace Building in Asia Pacific:
The Role of Third Parties
Khon Kaen, Thailand
1-3 July 2006**

Introduction

The conflict in Mindanao between the Government of the Republic of the Philippines (GRP) and the Bangsamoro liberation fronts has been going on for more than three decades. Although it has been violent, most of the time, the protagonists are engaged in peace talks. Every time a shooting war between the protagonists erupts, which usually takes place in a short span of time, it is always followed by lengthy negotiations, though every time war breaks out, the consequences are painful, and the costs are tremendous.¹

Every time the GRP and the Bangsamoro liberation fronts talk peace, a third party is always involved. In the negotiations between the GRP and the Moro National Liberation Front (MNLF), the Organization of Islamic Conference (OIC) had been actively involved. In the ongoing talks between the GRP and the Moro Islamic Liberation Front (MILF), Malaysia is the facilitator. Lately, the United States has the interest in being actively involved in finding a peaceful solution to the Mindanao conflict. This paper attempts to find out the roles of these third parties in the peace process, specifically in the areas of peace-making and peacekeeping. The role of third parties in the peace-building phase can be the subject of a separate inquiry.

In this paper, the peace process denotes the efforts to settle the conflict in Mindanao through peaceful means. This specifically refers to the negotiations between the GRP and the MNLF and the ongoing peace talks between the GRP and the MILF, the two mainstream Bangsamoro liberation organizations.² The negotiations between the government and the MNLF started in January 1975 and lasted until September 1996. The peace talks with the MILF started after the conclusion of the GRP-MNLF negotiations and still going on as of this writing.³

Third-Party Intervention

Third-party intervention is the usual response to violent and persistent conflicts when parties involved are unable to manage their differences. More often in the past, this was used in intervening inter-state conflicts. Third-party intervention in intra-state conflicts was not welcomed because it was perceived by states as interference in their domestic affairs. This attitude is changing as, in recent years, major violent conflicts originated at the domestic level within the state rather than between states. These are conflicts “in the form of civil wars, armed insurrections, violent secessionist movements, and other domestic warfare.” (Harris & Reilly, 2003, p. 9)

Pacific interventions of third parties are in various forms. Fisher and Keashly developed a classification of primary methods of intervention and produced a six-fold typology. (Fisher, 2001, p. 10-11)

1. Conciliation – the third party provides an informal communication line between parties to identify the issues, lowering tension and encouraging direct interaction, usually in the form of negotiation.
2. Consultation – the third party facilitates creative problem-solving through communication and analysis.
3. Pure Mediation – the third party facilitates a negotiated settlement on substantive issues through the use of reasoning, persuasion, effective control of information, and the suggestion of alternatives.
4. Power Mediation – includes pure mediation and the use of leverage or coercion in the form of promised rewards or threatened punishments. It may also engage the third party as a monitor and guarantor of the agreement.
5. Arbitration – the third party “renders a binding judgement arrived through consideration of the individual merits of the opposing positions and then imposes a settlement which is deemed to be fair and just.”
6. Peacekeeping – the third party makes available military personnel to monitor a ceasefire or an agreement between disputants, and may also conduct humanitarian activities designed to restore normalcy.

The use of these forms of intervention will not necessarily result in the same outcome because they are planned to produce particular outputs. For example, mediation is designed to produce agreement while third-party consultation is not. This makes the assessment of third-party intervention complicated. Fisher (2001,

p. 21) suggests that the evaluation of effectiveness must first consider the differing objectives of the forms of interventions.

On the whole, the obvious indicator of success is the outcome with respect to the satisfactory resolution of the conflict. In terms of outcome, settlement, compliance with agreements and satisfaction of disputants are important considerations. (Fisher, 2001, p. 9) Other matters being taken into account include the pace of the settlement process, the cost of the course of action, and the savings from the costs of continuing conflict.

Background of Mindanao Conflict

The core issue of the problem in Mindanao is the continuing assertion of the Bangsamoro people for the restoration of their independence. Problems of land, mass poverty, neglect, underdevelopment, and other social inequities are serious problems that need the attention of the national government, but it is the issue of the political relationship of the Bangsamoro people with the government that needs serious and immediate attention because aside from its historical roots it is being perceived as the major cause of other social, economic and religious problems. (Lingga, 2005b)

Before the arrival of the Spanish colonialists, the Bangsamoro were already in the process of state formation and governance. In the middle of the 15th century, Sultan Shariff ul-Hashim established the Sulu Sultanate, followed by the establishment of the Magindanaw Sultanate in the early part of the 16th century by Shariff Muhammad Kabungsuwan. Their experience in state formation continued with the establishment of the Sultanate of Buayan, the Pat a Pangampong ko Ranao (Confederation of the Four Lake-based Emirates), and other political subdivisions. These states were already engaged in trade and diplomatic relations with other countries, including China. Administrative and political systems based on the realities of the time existed in those states. In fact, it was through the existence of the well-organized administrative and political systems that the Bangsamoro people managed to survive the military campaign against them by Western colonial powers for several centuries and preserve their identity as a political and social entity.

For centuries, the Spanish colonial government attempted to conquer the Muslim states to subjugate their political existence and to add the territory to the Spanish colonies in the Philippine Islands, but history tells us that it never succeeded. These states, with their organized maritime and infantry forces, succeeded in defending

the Bangsamoro territories, thus preserving the continuity of their independence. That is why it is being argued, based on the logic that you cannot sell something you do not possess, that the Bangsamoro territories are not part of what was ceded by Spain to the United States in the Treaty of Paris of 1898 because Spain had never exercise effective sovereignty over these areas.

The Bangsamoro resistance against attempts to subjugate their independence continued even when the US forces occupied some areas in Mindanao and Sulu. Although, at this time, the resistance of the Bangsamoro governments was not as fierce as during the Moro-Spanish wars, the combined resistance of group-organized guerrilla attacks against American forces and installations and what remained of the sultans' military power compelled the US government to govern the Moro territories separate from other territories of the Philippine Islands. Even individual Bangsamoro showed defiance against the American occupation of their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

When the United States Government promised to grant independence to the Philippines, the Bangsamoro leaders registered their strong objection to being part of the Philippine Republic. In the petition to the United States President on June 9, 1921, the people of the Sulu archipelago said that they would prefer to be part of the US rather than to be included in an independent Philippine nation. (See Appendix C, Jubair, 1999, p. 293-297) Bangsamoro leaders meeting in Zamboanga on February 1, 1924, proposed in their Declaration of Rights and Purposes that the “Islands of Mindanao and Sulu, and the Island of Palawan be made an unorganized territory of the United States of America” in anticipation that in the event the US would decolonize its colonies and other non-self-governing territories the Bangsamoro homeland would be granted separate independence. Had it happened, the Bangsamoro would have regained by now their independence when the United Nations decided in favor of the decolonization of territories under the control of colonial powers. Their other proposal was that if independence had to be granted, including the Bangsamoro 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 proposed 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 would be made, they would declare an independent constitutional sultanate to be known as Moro Nation. (See Appendix D, Jubiar, 1999, p. 298-303) In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935, appealed to the US Government and the American people not to include Mindanao and Sulu in the political entity to be organized for the Filipinos.

Even after their territories were made part of the Republic of the Philippines in 1946, the Bangsamoro people continued to assert their right to independence. Congressman Ombra Amilbansa filed House Bill No. 5682 during the fourth session of the Fourth Congress that sought the granting and recognition of the independence of Sulu. When the bill found its way to the archive of Congress, the then provincial governor of Cotabato, Datu Udtog Matalam, issued the Mindanao Independence Movement (MIM) manifesto on May 1, 1968, calling for the independence of Mindanao and Sulu.

When it became evident to the Bangsamoro leaders that it would not be possible to regain independence through political means because of lack of constitutional mechanism, the MNLF was organized to pursue the liberation of the Bangsamoro people and their homeland from the Philippine colonial rule through revolutionary means.

The repressive reactions of the government to a peaceful independence movement and the emergence of anti-Muslim militias that harassed Muslim communities triggered the violent confrontations between the Bangsamoro forces and the Armed Forces of the Philippines (AFP) in Mindanao.

Third Parties Involved

1. Immediately after the conflict flared up, OIC took an interest in the resolution of the conflict. The Third Islamic Conference of Foreign Ministers (ICFM) in Jeddah, Saudi Arabia, in 1972, took cognizant of the problem and decided “to seek the good offices of the Government of the Philippines to guarantee the safety and property of the Muslims” as citizens of the country. It authorized the OIC Secretary General to contact the Philippine government. From thereon, until the final peace agreement was signed on September 2, 1996, in Manila, the OIC had been actively involved in the negotiations between the GRP and the MNLF. The involvement of Libya and Indonesia had always been part of the OIC engagement. Although Libya was an active participant in negotiating the

1976 Tripoli Agreement, it officially acted as an OIC representative. Indonesia's involvement in crafting the 1996 Peace Accord was because it chaired the OIC Committee of the Eight.

2. OIC's interest in the peaceful settlement of the Mindanao conflict that involves the Muslim minority and predominantly Christian national government, as Wadi (1993) argues, was because part of its mandates as a pan-Islamic organization is to promote Islamic solidarity and peaceful settlement of disputes. As reflected in its various resolutions, the OIC is of the opinion that a peaceful settlement of the dispute will be in the best interest of the Muslims in South Philippines.

Malaysia's involvement in the Mindanao peace process started at the time when President Gloria Macapagal-Arroyo was consolidating her power after she assumed office in January 2001 when President Joseph Estrada was deposed by the EDSA II People Power Revolution. President Arroyo sought the assistance of Malaysian Prime Minister Mahathir Mohammad and Indonesian President Abdulrahman Wahid to convince the MILF to resume the stalled negotiations. The MILF withdrew from the talks it had with the government after government forces launched an all-out war against the secessionist movement in the year 2000. The formal negotiations between the GRP and the MILF started in January 1997 after the conclusion of the peace talks between the GRP and the MNLF.

Kuala Lumpur responded positively to Manila's request as peaceful and progressive neighbors will be in the interest of Malaysia's fast-developing economy. The Sipadan kidnapping by the Abu Sayyaf Group showed the capability of terrorists to cross borders and caused harmful effects on Malaysia's tourism industry. The State of Sabah has been host to hundreds of thousands of refugees from the South Philippines since the war broke out in 1971, and this has caused security problems for the state.

3. Despite the long historical relations between the United States and the Philippines, the former did not have an interest in the Mindanao conflict other than seeing it as a domestic problem. The post-9/11 developments made US policymakers realize the danger that Mindanao might become a sanctuary for terrorists.⁴ The US interest is to deny the "terrorists" the condition they can exploit. President Bush's remarks before the Philippine Congress on October 18, 2003, are clear on this: "As we fight the terrorists,

we're also determined to end conflicts that spread hopelessness and feed terror.” The US strategic objective is to prevent terrorist infrastructure from developing in the dense jungles of Mindanao.

Auspiciously, MILF Chairman Salamat Hashim wrote President Bush on January 20, 2003, explaining the MILF position and requesting US assistance in the peaceful resolution of the Mindanao conflict. President Arroyo made the same request during her visit to the US in May. On this basis, the State Department tasked the United States Institute of Peace (USIP) to play a facilitating role in the negotiations between the GRP and MILF without supplanting the role of Malaysia. (Martin, 2006)

Assessing Third Parties Involvement

Third parties have been helpful in bringing the GRP and the Bangsamoro liberation fronts to the negotiation table and keeping them in the course of negotiations even if situations, where talks reached stalemates and hostilities broke out, sometimes happened. It was the mediation efforts of the OIC that brought representatives of the GRP and the MNLF to a meeting in Jeddah on January 18-19, 1975, which ushered in the start of the formal talks between the two parties. The persistent endeavor of the OIC and the diplomatic efforts of Libya kept the negotiations going until a milestone agreement, the Tripoli Agreement of 1976, was reached on December 26, 1976. The 1976 Tripoli Agreement embodies the general principles for autonomy and the institutional mechanism that has to be established. The details were to be discussed later by a mixed committee composed of the representatives of the government and the MNLF. The succeeding discussions reached a deadlock, and it was Indonesia, acting under the auspices of the OIC being the chair of the Committee of the Six, and later changed to Committee of the Eight, that revived the stalled talks leading to the signing of the 1996 Peace Accord.

There was an attempt on the part of the GRP and MILF to do away with the third party when they started formal talks in 1997, but as the talks progressed, the GRP forces launched massive attacks against the MILF camps, including Camp Abubakar, in 2000 that led to the MILF withdrawal from the negotiations, and to the extent of disbanding its negotiating panel.

It was only after the GRP invited Malaysia to facilitate the negotiations that the MILF agreed to go back to the negotiation table. The shuttling diplomacy of Malaysia's representative broke the impasse. MILF chairman Salamat Hashim

agreed to resume talks with the government when assured by the Malaysian representative that the issue of sovereignty and territorial integrity of the Philippines and other constitutional issues will not be raised in the negotiations; at the same time, the MILF will not bring up the issue of Bangsamoro independence. He sent his top deputy, Al-Haj Murad Ebrahim, the MILF Vice Chairman for Military Affairs and Chief of Staff of the Bangsamoro Islamic Armed Forces (BIAF),⁵ to Kuala Lumpur to meet the Philippine Presidential Adviser on the Peace Process Eduardo Ermita. The meeting was kept secret that even the chairman of the new Philippine peace panel was not informed.

As the talks moved forward, the Armed Forces of the Philippines attacked the MILF positions in the Pagalungan-Pikit area on February 11, 2003, but despite that breach in the existing ceasefire, Malaysia was able to maintain a communication line open and later was able to bring them together to talk in a creative manner called exploratory talks.

For more than three years of negotiations without third-party participation, the GRP and the MILF had not discussed any substantive issue. Talks were just about the implementation of the ceasefire reached on July 18, 1997 in Cagayan de Oro City. With the facilitation of Malaysia after the resumption of talks in April 2000, the negotiations inched higher towards substantive issues on rehabilitation and development of conflict-affected areas and ancestral domain.

Organization of Islamic Conference

The OIC used mixed methods of intervention in the Mindanao conflict. Wadi (1993) categorized them as employment of good offices, mediation, inquiry and conciliation, and sanction. After the news on the situation of the Muslims in South Philippines reached the Arab world, the OIC meeting in Jeddah from February 29 to March 4, 1972, passed Resolution No. 12, which expressed “serious concern for the plight of the Muslims living in the Philippines, to seek the good offices of the Government of the Philippines to guarantee the safety and property of the Muslims ...” Wadi (1993, p. 174) said that his use of the term good office is for the purpose of making a point of contact between two parties—the GRP in one hand and the representative organization of the Muslims in South Philippines on the other.

In its meeting the following year, the OIC decided to send to Mindanao a fact-finding delegation composed of the foreign ministers of Libya, Senegal, Somalia, and Saudi Arabia. It also urged Indonesia and Malaysia to exert their good offices

to help find solutions within the framework of the Association of Southeast Asian Nations (ASEAN). In August 1973, Saudi Arabian Foreign Minister Omar Al-Shakaff, Libyan Foreign Minister Abdul Ati al-Obeidi, Somalian Foreign Minister Arteh Ghalib, and Senegal Ambassador to Egypt Moustapha Cisse visited the Muslim communities in Mindanao and Sulu. Foreign Minister Al-Shakaff was in Manila again on March 9-13, 1974, to follow up on earlier efforts of the OIC delegation. President Ferdinand E. Marcos met President Suharto on May 29, 1974 in Menado, and among the issues tackled in the summit meeting of the two ASEAN leaders was the problem in Mindanao.

The OIC started to assume mediation role after the Kuala Lumpur meeting on June 21-25, 1974. It also went to the extent of suggesting a framework for resolving the conflict, and that is through negotiation with the MNLF to arrive at political and peaceful solution within the sovereignty and territorial integrity of the GRP.

The OIC also used power mediation. During its meeting in Benghazi, Libya in 1973, the OIC created the Quadripartite Ministerial Committee with the mandate of looking into the conditions of the Muslims in South Philippines, a signal to the GRP that it was not taking the situation of the Muslims lightly.⁶ This was reinforced by the recognition of the MNLF as the sole legitimate representative organization of the Muslims in the Philippines and its acceptance as an observer in the OIC in 1977.

As incentives, the Islamic world body established in 1974 the Filipino Muslim Welfare and Relief Agency, the purpose of which was to extend welfare and relief aid directly to Muslims in Southern Philippines so as to ameliorate their conditions and enhance their social and economic well-being. The Islamic Solidarity Fund provided one million US dollars for the agency released to the government. There were also promises of more economic assistance once agreements were reached.

Peacekeeping was also undertaken by the OIC. To monitor the ceasefire forged by the GRP and MNLF in January 1977, the OIC sent a small contingent coming from the Quadripartite Ministerial Committee. Probably because the OIC had no troops on the ground, the monitoring team failed to prevent the resumption of hostilities in the later part of 1977, and ultimately, they all went home. When the GRP and MNLF renewed their ceasefire agreement, Indonesia sent a small contingent to monitor the truce, but they were scarcely visible.

As a grouping of Muslim states, carrying out its mediation tasks is a complex procedure. This was simplified by assigning the mission to a small grouping of countries. However, it is observed that results are assured if a member country is assigned to facilitate the negotiations. The GRP and the MNLF were able to agree on the terms of the 1976 Tripoli Agreement mainly through the diplomatic efforts of Libya.⁷ Indonesia's focused efforts were helpful to both the GRP and MNLF reached the 1996 Peace Accord.

The OIC mediation was fruitful in the sense that it was able to bring to a conclusion the peace talks between the Philippine government and the MNLF. "The GRP-MNLF peace agreement is a trophy the OIC proudly holds," Vitug and Gloria (2000, p. 7) commented. But the fruits of two decades of negotiations did not solve the Bangsamoro problem. This is the observation of the OIC Secretary General:

*"With regard to the Philippines, ten years have elapsed since the final peace agreement was signed by the Government of the Republic of the Philippines and the Moro National Liberation Front in 1996. Regrettably, this peace agreement did not bring real peace. Disagreement on the interpretations of some provisions of the agreement led to the resumption of hostilities."*⁸

The area of the Autonomous Region in Muslim Mindanao (ARMM) and other conflict-affected areas remain the poorest provinces in the country. In fact, the average income of people in conflict-affected areas declined after the 1996 peace agreement was signed. According to the World Bank (2003, p. 11), "without exception, all the conflict-affected areas experienced a fall in average per capita incomes from 1977 to 2000." The same report states that, with the exception of North Cotabato and Davao del Norte, "the incidence of people falling below the poverty line and depth of poverty in these provinces rose dramatically from 1977 to the year 2000."

As far as success in the resolution of the problem, the OIC intervention in the Mindanao conflict was a failure. It deserves the accolade for brokering the agreements, but it was unsuccessful in making parties comply with the terms.

The time spent before settlement was attained is utterly long. If we reckon from the time the OIC took cognizance of the problem in 1972, around twenty four years were spent before final agreement was inked in 1996. When counting starts from 1975, the start of the formal negotiations is around twenty-one years. Judging from either calculation, it was indeed a lengthy negotiation.

The lesson learned from the OIC intervention is third parties should not be concerned only with reaching agreements; equally important is faithful compliance with the terms of the agreement. Salmi, Majul, and Tanham (1998, p.174) observe that in dealing with the problems of the Muslims in the Philippines, “the OIC did not spare funds, time, or effort to find a peaceful solution,” but surprisingly, no extra effort was made to ensure that the provisions of the agreements were complied, or at least the implementations are closely monitored.

After an agreement is signed, a road map of implementation has to be worked out. It is tedious work, but the parties have to do it to ensure success that whatever agreement is reached will solve the problem that fuelled the violent conflict. It will be useful if the conflicting parties, with the assistance of the third-party intervener, can come up with benchmarks in determining if agreements are implemented or not.

Malaysia

Malaysia's third-party involvement in the talks between the GRP and the MILF is mainly facilitation. Santos describes this role as follows:

“Malaysia’s facilitation, aside from being host, usually involved the following functions: go-between conveying positions of the parties; providing a conducive atmosphere and facilities; presence in the talks as ‘referee’ and to witness commitments and understandings; help bridge differences by shuttling between the parties; administration of the talks; and record and keep minutes, to detail what had actually been agreed upon.” (2005, p. 23-24)

While maintaining its facilitation role, Malaysia is at the same time doing mediation. This may not be obvious because of Malaysia's preference for “silent diplomacy.” Every time the GRP and MILF negotiating panels reached a point of disagreement that might lead to a stalemate, Malaysia has been helpful in suggesting alternatives. Malaysia's mediation works not much during meetings of the two negotiating panels but more at a time when the peace panels are not talking with each other. These are observed in the frequent visits of Malaysia's representatives to Manila and Camp Darapanan.⁹

Malaysia has been creative in handling the negotiations. When the GRP Panel would not sign the implementing guidelines on the humanitarian, rehabilitation, and development aspects of the GRP-MILF Tripoli Agreement on Peace of 2001, it used back-channel negotiations to break the impasse. After government forces

attacked the MILF positions on February 11, 2003, Malaysia invited the two parties to exploratory talks for the purpose of exploring new ideas on how the formal negotiations would resume. Instead of convening the resumption of formal negotiations, it is now using exploratory talks as the venue for discussions on substantive matters related to the ancestral domain. Obviously, the intention is that when formal talks resume, there is assurance that an agreement will be reached since contentious issues have already been ironed out during exploratory talks. It will also dispel the impression that the negotiations are bogged down when no agreement is reached since it is just exploratory in nature.

Another important role of Malaysia is leading and providing the biggest contingents in the International Monitoring Team (IMT) which is tasked to monitor the ceasefire and the implementation of other agreements. The smaller contingents come from Brunei and Libya.

How Malaysia performs its facilitative and mediation roles has been working well. Under its facilitation, the talks move towards discussions on substantive issues. There were agreements on the framework of the negotiations, ceasefire, and the rehabilitation and development of conflict-affected areas. The important achievement so far is the ceasefire is now in place and holding. This is significant because as talks on substantive issues go on, there is a need for relative peace on the ground. The presence of the IMT reduced significantly hostile encounters between government and MILF forces. But whether Malaysia can broker a deal that will put an end to the Mindanao conflict remains to be seen.

Around nine years have passed since the start of the GRP-MILF peace talks. Unless Malaysia can find creative ways of fast-tracking the negotiations, it might also take twenty or more years to arrive at a settlement.

As Malaysia's involvement in the peace process is welcomed by both sides, Philippine civil society and media are grumbling about what they perceive as stringent rules on confidentiality. While this may be normal in Malaysia but NGOs and media outlets in the Philippines find the strict rules on confidentiality unusual.

United States

Instead of the State Department or the US Embassy in Manila being engaged in the peace process, the task is given to USIP. The reason for this, according to Martin (2006), is "because it would be difficult for the USG (United States Government) or its official representatives to play a neutral role between a government with

which it has diplomatic relations (Manila) and a revolutionary organization like the MILF?”

This is true, but what the US overlooked is that third-party involvement in the peace process has always been at the official level. The introduction of Track II diplomacy is seen by many as downgrading the status of the peace process. When Libya and Indonesia were asked to mediate on behalf of the OIC, the foreign ministries of Libya and Indonesia were directly involved. At one time, President Qadhafy of Libya went to the extent of exchanging notes verbale with President Marcos to resolve certain issues. Malaysia's involvement is at the level of the Office of the Prime Minister.

The US Government's decision to get involved came at a time when Malaysia was already engaged in the peace process. The decision not to supplant Malaysia was indeed appropriate. Since Malaysia employs Track I diplomacy, its hesitant to work with Track II is understandable.

The expectation from the US, when it decided to get involved in the peace process, was that it would bring in a new formula to resolve the problem. Chairman Hashim wrote to President Bush to answer the points raised by Ambassador Ricciardone during his talk before the Foreign Correspondents Association of the Philippines (FOCAP) in January 2003 that the US Government wanted to know what the MILF wants or how the conflict would be resolved, and he looked forward to a US initiative. The expectation from President Bush's statement that the United States would provide diplomatic and financial support to the renewed peace process was more on official involvement rather than Track II initiatives. There was a \$32 million promised development aid once the agreement was signed, but this was not received well because a political formula on how to end the conflict was not clear.

The US commitment to the territorial integrity of the Philippines, and at the same time recognizing that the Bangsamoro people have serious legitimate grievances that must be addressed is a welcome policy initiative.¹⁰ It is seen by many as an opportunity to explore new formula. This was the first time the US made clear where it stands in relation to the Mindanao conflict, notwithstanding that the Philippines was a former colony and the US had a long historical engagement with the Bangsamoro people.

Insights

Involvement of a third party, as experience in Mindanao peace process demonstrates, is valuable to bring together conflicting parties to talk peace. When negotiations are at a stalemate, third-party intervention is useful to break the deadlock.

The role of the third party does not end at the signing of the settlement. It is important to see to it that every provision is implemented not just for compliance but with the spirit of addressing the causes of the problem in order to avoid a relapse into conflict and to build and consolidate sustainable peace. Equally important is a road map of implementation and benchmarks to guide parties to the agreement, third-party interveners, and funding institutions in the implementation phase.

Recommendations

The GRP and MNLF submitted conflicting reports on the implementation of the 1996 peace agreement. When the OIC convenes the tripartite meeting,¹¹ it will be useful if it will direct discussions towards coming up of implementation plan rather than allow the two parties hurl accusations against each other. To monitor compliance, it will be effectual to assign a member country to do it rather than assigning it to a collegial body like the Committee of the Eight.

Malaysia should continue its role of facilitating the GRP-MILF peace talks, as Secretary Albert noted, “Malaysia remains crucial to the search for peace in Southern Philippines,”¹² and should continue its engagement up to the post-conflict phase. It is imperative that Malaysia shall always remind the GRP and MILF of the importance of a roadmap and benchmarks in the implementation of whatever agreements are reached. Equally important is a monitoring group that shall keep an eye on compliance with the terms of agreements and see to it that they are implemented in accordance with the road map. How to fast-track the negotiations so it will not take as long as the GRP-MNLF talks is a valid concern that Malaysia, the GRP, and MILF should seriously consider.

The US should keep up its policy not to supplant Malaysia in its role in the GRP-MILF peace talks. Better still the United States Government shall raise to the level of the State Department its involvement in the peace process. By so doing, I guess Malaysia will be comfortable partnering with the US in the search for peace given that their dealings will be on government to government level. Likewise, the MILF

will feel confident that any agreement reached will be implemented, given the strong political influence of the US in the Philippine power structure. On the part of the GRP, involvement of the US in the peace process will certainly be welcomed. The USIP, with its rich experience in conflict management, will be indispensable in providing support to the State Department.

Many European countries have rich experience in assisting states that suffered from internal conflicts to rebuild their societies. The involvement of these countries, either unilaterally or through the European Union, in the peace process will certainly add to the chances of success in peace-building efforts, particularly in the post-conflict reconstruction phase. And Japan, which has been invited to join the IMT, at least in the civilian component, should give favorable consideration to the request because it can contribute so much to the success of the peace process.



GPH-MILF Formal Exploratory Talks facilitated by Malaysian facilitator the late Tengku Datuk Abdul Ghafar Mohamed in Kuala Lumpur. Source: Iona Jalijali

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Footnotes

¹ It is estimated that more than 100,000 people died, and hundreds of thousands more were injured. More than 2,000,000 Bangsamoro sought refuge in the Malaysian state of Sabah but have not yet returned home.

For a period of 26 years (1970-1996), the government spent around 76 billion pesos in fighting the Bangsamoro secessionist movement. In the year 2000 alone, when the Armed forces of the Philippines attacked the MILF strongholds, the government spent no less than six billion pesos.

Former Presidential Assistant for Regional Development Paul Dominguez, quoting “very preliminary” findings from a World Bank study, revealed that “the present value of the economic cost of a never-ending conflict would be at least US\$2 billion over the next ten years.”

² The MNLF was once a monolithic organization. In December 1997, a faction headed by Salamat Hashim broke off from the mainstream MNLF, and that faction evolved into what is now the MILF.

³ On December 1, 1993, Salamat Hashim issued this statement: “The MILF is maintaining a consistent policy towards the peace process. We will reject any attempt by the Philippine Government to open separate negotiations with the MILF unless the GRP-MNLF talk is finally concluded.”

⁴ Nichiporuk, Grammich, Rabasa, and DaVanza (2006) identify the US economic and security interests in maritime Southeast Asia, where Mindanao is strategically located, as follows: “First, the United States seeks to maintain open sea lanes through the region, especially through the Straits of Malacca, through which much Persian Gulf oil is shipped to East Asia. Second, the moderate Islam practiced in the region can help offset radical Islamist movements elsewhere. Third, Washington seeks to prevent terrorist infrastructure from developing in the dense jungles of the region. And fourth, the United States needs to build strong strategic relationships in the region to assure access for American air and naval forces.”

⁵ He succeeded Salamat as chairman of the MILF central committee after the latter’s death in July 2003.

⁶ The members were Saudi Arabia, Libya, Senegal and Somalia. Later, the membership was increased to six. Thus, the name was Committee of the Six. Now, there are eight members, and it is called the Committee of the Eight. The member countries are Saudi Arabia, Libya, Somalia, Senegal, Bangladesh, Indonesia, Malaysia and Brunei.

⁷ The use of power mediation by Libya was vividly described by Rodil (2000, p. 36-37) in his account of one incident during the official trip of the First Lady, Mrs. Imelda Romualdez Marcos, to Libya in 1976. Very revealing also how Libya used power mediation is

found in the official impressions of the GRP Panel of what transpired during the December 1976 negotiations in Tripoli, Libya. (Rodil 2000: 45-49)

⁸. Opening speech of OIC Secretary General Prof. Ekmeleddin Ihsanoglu during the 33rd Session of Foreign Ministers at Baku, Azerbaijan on June 19-21, 2006. See <http://www.luwaran.com/modules.php?name=News&file=article&sid=210>

⁹. One of the major MILF camps where MILF leaders receive visitors.

¹⁰. In reply to the second letter of Chairman Salamat Hashim to President Bush dated May 30, 2003, Assistant Secretary of State James A. Kelly, on behalf of the United States Government and upon the instruction of President Bush, wrote to Chairman Hashim. In that letter Secretary Kelly outlined the US policy on the Mindanao conflict.

¹¹. Meeting of the three signatories to the 1996 peace agreement – the OIC, GRP, and MNLF.

¹². Lecture by the Hon. Delia Domingo Albert, Secretary of Foreign Affairs, for the Third University of the Philippines Public Lecture on the Philippine Presidency and Administration, UP Faculty Center Conference Hall, February 23, 2004.



Photo taken during an assembly in the MILF's Camp Darapanan, Sultan Kudarat, Maguindanao. Source: Emma Leslie



DESIGNING BANGSAMORO POLITICAL INSTITUTION

Cotabato City, Philippines
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Summary

This study aims to find out the requirements for designing an effective Bangsamoro political institution. Identifying these requisites is a pressing need to attain peace and development in Mindanao. Qualitative methods of data collection and analysis, including focus group discussions and key informant interviews, were used for the study. The findings provide the basis for Bangsamoro leaders in laying the foundation of strong and viable governance. They are also useful to those who have an interest in extending assistance as it will give them an idea of where to focus their efforts.

Every conflict-affected country or area has its own particular needs to sustain peace and reconstruct society, but there are common issues, like security, justice and reconciliation, social and economic well-being, and governance and participation, that have to be addressed to ensure success. In the Bangsamoro homeland, though it is necessary to address the four issues at the same time, particular attention shall be given to the issue of governance being an integral part of the search for peace in Mindanao.

The important factor in the success of a Bangsamoro political institution is the level of political support it can have from the people. The political support it can generate will depend more on the sense of ownership the Bangsamoro people have of the governing institution. That sense of ownership will be realized if the political institution will be built on a political arrangement that the Bangsamoro people understand as the realization of their right to self-determination. If not independence, at least an arrangement wherein the Bangsamoro can exercise the internal aspect of self-determination while the central government exercises the external aspect will be a viable alternative. Wide participation in drafting the organic charter and provisions for representation will also generate a sense of ownership.

In governance, it is necessary that both the legislative and executive are strong, and the political institution has full control in the allocation and disbursement of funds so that the legislative can exercise its budgetary authority.

The governing institution, to be successful, must practice good governance, and able to eradicate corruption. A merit-based civil service is also desired. In promoting good governance and to fight corruption, it is worthwhile to consider harnessing Islamic values.

In designing a Bangsamoro political institution, it is no longer feasible to revive the traditional system. The most that can be done is give the *datu* some symbolic role.

An elected leadership, who is highly qualified, in a clean and honest election will have the support of the people in pushing for reforms. But elections, as being practiced now, have never been clean and honest and caused many negative effects on the Bangsamoro society.

Elections are an important feature of democracy as they create opportunities for the electorate to choose periodically their leaders, who manage public affairs on their behalf. Instead of doing away with elections, it is suggested that reforms shall be undertaken in the electoral process, particularly in areas of administration and management of elections, building political parties, and civil society involvement – the three important pillars to have clean and honest elections.

Introduction

After the outbreak of the violent conflict in 1972 between the forces of the government and the Bangsamoro liberation fronts, the Philippine government created political institutions intended as answers to the Bangsamoro demand for self-government. However, these institutions not only failed to fulfill the demand for self-governance but miserably failed to improve the social well-being of the Bangsamoro people.

On July 7, 1975 by virtue of Presidential Decree No. 742 the Office of the Regional Commissioner (ORC) for Regions 9 (Sulu, Tawi-Tawi, Basilan, Zamboanga del Norte and Zamboanga del Sur) and 12 (Lanao del Norte, Lanao del Sur, North Cotabato, Maguindanao, and Sultan Kudarat) were created by then President Ferdinand E. Marcos. This was the “beginning of the formation of autonomous regions within the national framework,” according to Majul (1985).

On March 25, 1977, President Marcos, by virtue of Proclamation No. 1628, declared autonomy in thirteen provinces in Mindanao. This was the government's response to the terms of the agreement signed in Tripoli, Libya, between the government and the Moro National Liberation Front (MNLF) on December 23, 1976. The Tripoli Agreement, as it was popularly known, provided for the creation of an autonomous region for the Muslims in the Southern Philippines. Following the proclamation, a plebiscite was conducted to determine which of the thirteen provinces mentioned in the Tripoli Agreement would join the autonomous region, and only ten provinces, the areas comprising Regions 9 and 12, opted to be part of the autonomous region. President Marcos retained the original arrangement of having two autonomous regions wherein the Muslim population became part of two regions instead of having one autonomous unit. The exercise was objected to by the MNLF and campaigned to discredit the government's political arrangements.

From administrative autonomy, Regions 9 and 12 evolved into political autonomy in 1979 when Batas Pambansa Blg. 20 and Presidential Decree 1618 granted the regions powers to exercise executive and legislative powers.

Under the administration of President Corazon C. Aquino, changes were made in consonance with the provision of the new constitution that provided for the creation of autonomous regions in Muslim Mindanao and the Cordillera. An autonomous region was established for the Muslim population in Mindanao, but this time, only four provinces constituted the autonomous unit. The Autonomous Region in Muslim Mindanao (ARMM), established in 1989 by virtue of Republic Act No. 6734, enjoyed more powers compared with the defunct Regions 9 and 12. Despite its enhanced powers, the legitimacy of the ARMM was questioned by the MNLF and its sympathizers because it was established without its concurrence.

On September 2, 1996, the government and the MNLF reached the final agreement on the implementation of the 1976 Tripoli Agreement. The MNLF agreed on the ARMM as the version of autonomy envisioned in the Tripoli Agreement with the proviso that its charter would be amended to accommodate provisions of the agreement that were not found in Republic Act 6734. Congress, on February 1, 2001, passed Republic Act No. 9054 that amended Republic Act 6734.

For around three decades, the national government attempted to set up political institutions in Muslim areas to address the grievances of the Bangsamoro, but the performance of the former regions 9 and 12, and now the ARMM, was not encouraging. A resident of Cotabato City observed that "thirty years into the

movement, the Muslim Autonomy has not taken off." A member of the ARMM regional assembly admitted that "the ARMM is still struggling. It has not yet taken off towards real development."

The autonomous region as a political institution that would give expression to the Bangsamoro political aspiration was a disappointment. The observation of Vitug and Gloria (2000) is indeed revealing:

"The value of the ARMM lies in giving recognition to a people's need for a distinct identity and in being a venue to govern themselves. But, given the dire conditions in the area – poverty, lack of basic services, unresponsive leadership – the experiment in autonomy is a near failure."

The creation of the autonomous government did not end the violent conflicts in Mindanao. The ARMM, as an institution, was "unable to solve the Mindanao problem," according to a researcher. It failed even to prevent the recurrence of violence between the government forces and the MNLF, notwithstanding the fact that both parties reached a final agreement in 1996. These clashes resulted in the displacement of innocent civilians. The military confrontations between the AFP and the Moro Islamic Liberation Front (MILF) forces in the year 2000 displaced an estimated 932,000 people. Government and MNLF clashes in Sulu and Armed Forces of the Philippines (AFP) pursuit against Abu Sayyaf in 2002 dislocated close to 300,000 people. In February 2003, when government forces attacked MILF positions in Maguindanao and North Cotabato Province, 393,039 people were displaced from their homes.

The social well-being of the population around autonomy has not improved for the last three decades. Poverty incidence in the ARMM was the highest in the country. In 2000, poverty incidence in the ARMM was 66 percent while the national average was 33.7 percent, and it worsened compared with the 1997 poverty incidence which was 57.3 percent. The incidence of families below the per capita food/subsistence threshold was also highest in the ARMM, at 33.5 percent in 2000, while the national average was 16.7 percent. Life expectancy for women was 59.3 years and 55.5 years for men.

With this sad situation in Bangsamoro communities, the question of how Bangsamoro political institution shall be designed so that it will result in effective governance free from corruption and providing development and social services to the Bangsamoro was investigated.

The study sought answers to the requirements for designing an effective Bangsamoro political institution. Identifying these requisites is a pressing need to attain peace and development in Mindanao, for the previous attempts to build political institutions for the Bangsamoro were failures. The problem in Mindanao is basically political, with attendant economic, social, and cultural dimensions, so the findings of this inquiry could provide the basis for Bangsamoro leaders in laying the foundation of strong and viable governance. This will also be useful to those who have an interest in extending assistance, as it will give them an idea of where to focus their efforts.

Qualitative methods of data collection and analysis, including focus group discussions and key informant interviews, were used for the study. Focused group discussions were held in the provinces of Sulu, Shariff Kabunsuan, Lanao del Sur, North Cotabato, and the cities of Cotabato, Marawi and Iligan. Sixty-one respondents from all sectors of the Bangsamoro communities were interviewed, and they provided insights on the issues covered by the study.

This work should be seen as a living document that will need to respond to the constantly changing realities in Mindanao, and that will need to be expanded to include other themes beyond the scope of this study. In particular, issues on improving the level of security in the Bangsamoro homeland, providing justice and making those who perpetuate injustice accountable, making the Bangsamoro entity economically viable and, over time, self-reliant, and making it capable of improving the social well-being of the Bangsamoro people also need to be looked at.

Essential Tasks

Sustaining peace and stability in post-conflict societies has become one of the defining challenges of our time. The signing of peace accords alone does not necessarily translate to peace, although it is necessary to have one before reconstruction can begin. The post-conflict reconstruction has to address fundamental issues necessary to sustain peace.

Several studies suggest that other than the terms and conditions of peace agreements, several issues, even if they are not covered under the agreement, must be investigated to stabilize and reconstruct conflict-affected areas. The working group organized by the State Department's Office for Reconstruction and Stabilization identified five sectors that must be addressed: security, governance and participation, humanitarian assistance and social well-being, economic stabilization and infrastructure, and justice and reconciliation.

The Rand Palestinian State Study Team (2005) put forward that for the proposed Palestinian State to achieve success, it has to succeed in addressing the four fundamental challenges: security, good governance and political legitimacy, economic viability, and social well-being.

In measuring progress of reconstruction in Afghanistan, the Center for Strategic and International Studies (CSIS) assessed the advancement in areas of security, governance and participation, justice and accountability, economic conditions, and social services and infrastructure. (2002)

Every conflict-affected country or area has its own needs to sustain peace and reconstruct society, but there are common issues that have to be addressed to ensure success. These common issue areas, as suggested by the joint study of CSIS and the Association of the United States Army (AUSA), include security, justice and reconciliation, social and economic well-being, and governance and participation.

Security addresses "all aspects of public safety, in particular establishment of a safe and secure environment and development of legitimate and stable security institutions." It encompasses collective and individual security.

Justice and reconciliation tackle "the need for an impartial and accountable legal system and for dealing with past abuses; in particular, creation of effective law enforcement, an open judicial system, fair laws, humane corrections systems, and formal and informal mechanisms for resolving grievances arising from conflict."

Social and economic well-being deals with "fundamental social and economic needs; in particular provision of emergency relief, restoration of essential services to the population, laying the foundation for a viable economy, and initiation of an inclusive, sustainable development program."

Governance and participation address "the need for legitimate, effective political and administrative institutions and participatory processes; in particular, establishing a representative... structure, strengthening public sector management and administration, and ensuring active and open participation of civil society in the formulation of government and its policies." (Association of the U.S. Army and Center for Strategic and International Studies, 2002)

In the Bangsamoro homeland, while it is necessary to undertake at the same time the four necessary tasks for post-conflict reconstruction, particular attention shall

be given to the issue of governance being an integral part of the search for a political solution to the Mindanao problem.

The Bangsamoro sense of ownership of the political institution and good governance can have some bearing on the issues of security, justice, and social and economic well-being. The way officials are elected is a cross-cutting issue as it influences the legitimacy of the government in the eyes of the Bangsamoro and affects the exercise of governance.

Although there are questions whether the present autonomous set-up is adequate to address the grievances and political aspirations of the Bangsamoro, the absence of good governance in the ARMM has instigated failures in security and delivery of services to the region's constituents.

Although the 1996 GRP-MNLF peace accord and Republic Act 9054 provided for the establishment of a regional police force and Shari'ah courts, six years after Republic Act 9054 took effect the ARMM Regional Legislative Assembly was not able to enact regional laws that would govern the regional police force and the Shari'ah courts.

The exercise of fiscal autonomy is contingent upon the putting in place of adequate internal control in the region. Until the ARMM can have an effective internal control mechanism, the national government will continue to exercise supervisory functions over the region's fiscal transactions. Good governance is a prerequisite for ARMM to enjoy fiscal autonomy.

The failure of the government to control corruption did not only mean losing much-needed money to finance development and providing social services to the people but also losing opportunities to source funds. If slippage in the implementation of development projects is big, the quality of performance of the project will certainly be affected.

There is no doubt that the grants and subsidies coming from the national government are inadequate, but had ARMM practiced good governance, this can be used as leverage in sourcing funds from Philippine official development assistance (ODA) partners and other funding agencies. Financial institutions are hesitant to extend loans and grants to a government with no adequate system of control.

The success of a Bangsamoro political institution will depend, in large part, on whether the Bangsamoro people have a sense of ownership of the institution and is characterized by good governance. Ownership does not necessarily mean control or participation in decision-making. Ownership “at times bears more psychological than political import”.

Sense of ownership and good governance are synergistic. The greater sense of ownership of a governing institution by the people, the more likely good governance will be practiced; the greater the practice of good governance, the more likely the people will feel they own the institution.

The election process is important as it has an effect on the legitimacy of the elected officials, and, to some extent, the government as a whole. A flawed election process that would allow the election of incompetents in rigged elections would certainly derail any effort to exercise good governance.

Ownership

The important factor in the success of a Bangsamoro political institution is the level of political support it has from the people. The political support it can generate will depend more on the sense of ownership the Bangsamoro people have of the governing institution.

Political Institution as Expression of Self-Determination

For a political institution to generate wide political support from the Bangsamoro, it has to be accepted as an expression of their self-determination. This is understandable since their struggle has been founded on their claim to self-determination.

Both the MNLF and MILF are asserting the Bangsamoro sovereign right over a territory that the Philippine government is exercising sovereign power and considers it part of its national territory. The foundation of the Philippine assertion is that these territories were part of what the United States granted when independence was proclaimed on July 4, 1946. On the other hand, the Bangsamoro contend that the incorporation of their territory into the Philippines was, without their plebiscitary consent, a blatant violation of their human rights since people have the right to determine their political status.

Before the arrival of the Spanish colonialists, the Bangsamoro were already in the process of state formation, while Luzon and the Visayas were still in the barangay stage of political development. The Bangsamoro had their own government and engaged in trade and diplomatic relations with other countries. They had developed well-organized administrative and political systems, and strong maritime and infantry forces that defended the Bangsamoro territories from Western colonial intrusion, preserving the continuity of their independence.

During the American occupation, the Bangsamoro homeland was administered separately from the Philippines. When the US later decided to grant independence to the Philippines, Bangsamoro leaders asked the United States not to include the Bangsamoro territories in the would-be Philippine Republic. Even when their territories were made part of the Philippines in 1946, the Bangsamoro people continued to assert their right to independence.

Other than their historical experience in state formation, the Bangsamoro liberation movements and people's movements cite the discrimination and oppression experienced by the Bangsamoro under the Philippine government as justifications for their claim for independence. Often alluded to are the biases and prejudices of the majority population towards the Bangsamoro, the minoritization of the Bangsamoro in their own homeland due to government policies, government neglect, and the failure of the government to protect the persons and properties of the Bangsamoro people.

Undoubtedly, an independent Bangsamoro state will be welcomed by the Bangsamoro and will be assured of their political support, for it will be a higher expression of their right to self-determination. But as of now the Philippine government seems not prepared to grant the Bangsamoro their desired independence.

The present autonomous set-up is not seen as a representation of their right to self-determination. The ARMM is being perceived as "a form of political accommodation that was meant to appease a restive Moro population, rather than a well-thought-out autonomy project."

The problem with the ARMM, like the regional governments of regions 9 and 12 before it, is that from the beginning, it had been objected to by the MNLF. The unilateral action of the central government to push for their creation was seen as an imposition rather than the exercise of the right to self-determination. The dismal

performance of the ARMM in delivering services to its constituents reinforces the impression that it was "destined to fail right from the start."

The recent government position opens a window of opportunity to resolve the conflict through the framework of self-determination. Secretary Silvestre C. Afable, Jr., chairman of the Government Peace Negotiating Panel, in the talks with the MILF, in his letter, dated November 9, 2006, to Mohagher Iqbal, Chairman of the MILF Peace Negotiating Panel, offered to explore with the MILF "the grant of self-determination and self-rule to the Bangsamoro people based on an Organic Charter to be drafted by representatives of the Bangsamoro people." In Tokyo in May 2007, he reiterated the Philippine government's position: "On the negotiating table, we have offered a political settlement based on self-determination that strives to unify the Bangsamoro people rather than divide them, for them to finally live in a homeland rather than a rented territory paid for in blood and suffering. We are crossing bridges of understanding that others have never ventured to do in the past."

What is good with this framework is it allows the Bangsamoro to determine their political status in a referendum to be conducted after a certain period. It addresses the core issue in the assertion of the right to self-determination, which is the determination of the political status of peoples who hold that right.

The exercise of the right to self-determination does not automatically translate to independence, although it is one of the many possible outcomes when people exercise their right to choose their political status. Self-determination is open to many political arrangements.

For a governing institution to have wide political support, it must be built on a political arrangement that Bangsamoro understands as the realization of their right to self-determination. Short of independence, an arrangement whereby the Bangsamoro can exercise the internal aspect of self-determination while the central government exercises the external aspect is a sensible proposition to explore.

Another Name

Autonomy refers to self-governance. Political arrangement, short of independence, falls within the ambit of the concept of autonomy.

When used in the context of the Mindanao conflict, autonomy becomes a "tired phrase" for reasons that it had been opposed by the liberation fronts for years, and

the autonomy project of the government failed to bring peace and development in the area of autonomy.

As its own way of implementing the provision of the 1976 Tripoli Agreement that autonomy would be established for Muslims in Southern Philippines, the national government created the autonomous governments in regions 9 and 12, and then the ARMM. Since this was opposed by the MNLF, the campaign against the unilateral action of the central government discredited autonomy as a solution to the problem. Even after the MNLF accepted the ARMM in 1996, the MILF continued to doubt autonomy.

To avoid the baggage of negative perception towards autonomy as a term, a governing institution must keep away from the name autonomy. A new name must be conceptualized. Some sort of political repackaging is necessary. Free association or any other term that implies power sharing between the central government and the regional government will be helpful.

Drafting of Organic Charter

The drafting of an organic charter of a Bangsamoro political institution will be an opportunity to generate wide political support from the Bangsamoro if done without interference from the central government and will be participatory.

In one of the exploratory talks between the GRP and MILF peace panels in 2005, it was agreed that a constitutional commission shall be established to write the organic charter of the Bangsamoro juridical entity. This was affirmed by Secretary Afable in his above-mentioned letter to Mr. Iqbal.

In 1988, before the establishment of the ARMM the Regional Consultative Commission (RCC) was created to draft the ARMM Organic Act. The Muslim commissioners complained of the interference of national officials in their work drafting the organic charter, and they said that they "did not have a free hand charting the proceedings of the RCC."

The drafting of an organic charter of a political institution must be free from outside interference and should involve all sectors of the Bangsamoro society to generate their sense of ownership. The selection process for membership to a body that will draft the organic charter should ensure equitable representation from all ethno-linguistic groups, including indigenous people and all sectors of the Bangsamoro society.

Representation

The Bangsamoro constitute thirteen ethno-linguistic groups, with the Magindanaons, Meranaos, and Tausug dominant in number. Aside from these thirteen groups, it is possible that a future Bangsamoro political entity may include other indigenous people. In the present autonomous set-up, the Teduray community is part of the ARMM area.

The geographic configuration of the Bangsamoro homeland is highly dispersed though contiguous. This makes access to center of political power difficult for many who live in the islands and remote areas.

A system of representation in the legislative branch and the bureaucracy for every ethno-linguistic group, including indigenous people, is necessary for designing a governing institution to generate wide political support. Preference has to be given to representation by ethnic groups because they are more cohesive and generally live in contiguous areas. Their representation in the bureaucracy is also necessary to ensure the delivery of services to them.

Governance

To be successful, a governing institution will need to balance the powers of the executive and legislative branches and be characterized by good governance, including a commitment to eradicate corruption.

Distribution of Power: Executive and Legislative

In democratic institutions, the executive and the legislative branches of government are separate and co-equal. Powers are clearly defined to ensure checks and balances. The executive power is vested in the head of the executive department, who acts as the chief executive. The legislative branch has the power to legislate and allocate funds. Abuse of power in the executive branch can be checked by the legislative by invoking its oversight function. The legislative may conduct an investigation in aid of legislation and then may pass legislation needed to correct the abuse.

In the case of ARMM, the weakness of the Regional Legislative Assembly is not in the structure but in the capacity of the members of the RLA to exercise in full the functions of the Assembly. Probably, this is because political parties where they belong do not have platform of government that they have to push in the Assembly. This is the weakness of not having a strong and democratically oriented

Bangsamoro political party. When they assume office, they carry no agenda with them.

Another reason is their power to allocate funds is limited. It is not in the law, but the money that they have the power to distribute is too small. The budget of the ARMM is provided by the national government, and what they can only allocate are the internally generated revenues and the public works fund. This creates an imbalance in the exercise of power. While the legislative allocates a smaller amount of money, the executive disburses a large amount from national allocation. This can be corrected by the national government providing a lump sum amount to be allocated in the ARMM annual budget that RLA has to enact, but this is contingent upon ARMM showing good governance performance.

The capability of the assemblymen and their staff to draft bills has something to do with the weakness of the RLA. The tasks of legislation are not just the deliberations during sessions, but the big jobs are doing the research and consultation with the constituents.

To ensure checks and balances in a political institution it is imperative that each branch is strong. Weakness in any branch may not only disrupt the structure but might even paralyze governance. It is also important that the political institution has full control in the allocation and disbursement of funds, so that the legislative branch can exercise its budgetary authority. A legislative body with no real budgetary authority lacks real power.

To strengthen the legislative branch, it may be useful to consider the following:

- Strengthen legislative oversight functions.
- Institutionalize training for legislatures on lawmaking, representation, oversight, budget, and negotiations.
- Improve physical infrastructures – buildings, libraries, information systems, and office equipment.
- Establish program to provide skilled legislative staff.

Good Governance

Good governance is a “process wherein public resources and problems are managed effectively, efficiently, and in response to critical needs of society.” In the World Bank definition, good governance “is epitomized by predictable, open and enlightened policy-making, a bureaucracy imbued with professional ethos acting in

furtherance of the public good, the rule of law, transparent processes, and a strong civil society participating in public affairs.” (World Bank, 2003)

Good governance has eight characteristics. They are participatory, consensus oriented, equitable and inclusive, follows the rule of law, accountable, transparent, responsive, and effective and efficient.

Participation - Participation is a process in which the people are actively involved in decision making, and in planning and implementing development projects. It could be direct or through legitimate intermediate institutions or representatives.

Consensus-oriented – There are many stakeholders in each society and there are also different views. Good governance requires that these different interests reach a broad consensus on what is in the best interest of society and how to achieve them.

Equity and inclusiveness – This means members of society feel that they have a stake in it and do not feel excluded from the mainstream of society.

Rule of law – There are fair legal frameworks that are enforced impartially by an independent judiciary and an impartial and incorruptible police force.

Accountability – This means that government institutions are accountable to the public and those affected by their decisions or actions.

Transparency – Relevant information is accessible to those who have an interest in it, and decisions made and their enforcement follow rules and regulations.

Responsiveness – This means that government institutions respond to the needs of people within a reasonable timeframe.

Effectiveness and efficiency – This means that results achieved meet the needs of the people on time with the best use of resources.

The challenge to a Bangsamoro political entity is how to achieve good governance. It is an ideal and difficult to achieve in its totality. However, to ensure its success a Bangsamoro governing institution shall take action towards its realization.

It will certainly help if the governing institution will consider the following:

- Install a mechanism that will ensure all Bangsamoro ethnic groups, as well as the indigenous tribes and the marginalized sectors, are represented in the legislative and executive and in the planning and implementation of development programs.
- Other than the legislative body, which is a lawmaking body, a consultative assembly composed of representatives of all ethnic groups, sectors of women, youth, business, labor, farmers, fisher folks, the religious, and marginalized shall be created. The main function of a consultative assembly is to harmonize divergent views and interests of the groups and sectors and come out with a national consensus. It shall function as an advisory body to both the executive and legislative.
- Ensure the existence of an independent judiciary and an effective prosecutorial system.
- Establish a security system with the capacity to take strong and decisive action against criminals and lawless elements. A strong security force is necessary to give protection to individuals and groups who raise issues against government officials.
- Require all public institutions and agencies to make accessible information to those who have an interest in it. They should contain relevant, reliable, and comprehensible information. Budgets and annual reports shall be made available to the public.
- Require all government offices to render public account on the management of public revenue, effectiveness of internal control, effectiveness and efficiency of public policy, and discharge of public duties.
- Ensure harmony of policy and implementation and determine the relevance of policy to the achievement of goals.
- Ensure that policy responds to societal needs, and that public tasks are accepted by the people. Adopt participatory policy evaluation.
- Adopt e-governance not only for efficiency but also to make information more accessible to the people.
- Promote Islamic values on good governance, particularly among Muslim public officials.
- Encourage civil society to monitor and report to proper authority abuse of authority by public officials. They shall be provided with adequate security.
- Create capacities to manage budget and develop plans to manage revenues.
- Develop and implement plans for revenue generation, management and collection, taxation, banking, and financial services.

Preventing Corruption

Corruption in government is the misuse of governmental powers by government officials for illegitimate private gain. Corruption weakens democracy and good governance because it subverts formal procedures. It grinds down the institutional capacity of government as systems are disregarded and resources are appropriated for private gain. Corruption also undermines economic development as resources are siphoned off and it generates inefficiency in public servants' performance.

The different types of corruption in government are bribery, graft, patronage, nepotism, cronyism, embezzlement, and kickbacks.

The problem of corruption in the Philippines is enormous. Many resources were lost to corruption. “The Office of the Ombudsman estimates that roughly US\$48 billion were lost to corruption by the Philippine government over the last twenty years”, and the “Commission on Audit estimates corruption to cost about Php2 billion or US\$44.5 million each year.” The World Bank (2003) “roughly placed at 20 percent of the annual budget the amount being lost to corruption.”

In the ARMM, there are pervasive disallowances of cash advances, and the normal procurement process is always disregarded. Employees contributions and loan repayments were not remitted to the Government Service Insurance System. The perceived influence of government officials and their bodyguards intimidated auditors to serve notices of disallowance to them.

Preventing corruption is a serious problem that a Bangsamoro governing institution must face up to, for it is pervasive in the Philippines and in the ARMM area. It must meet the challenge because corruption undermines good governance and erodes public trust and confidence in government.

The following suggestions might be able to minimize, if not eradicate, corruption under a Bangsamoro governing institution:

- Strengthen the investigative and prosecutorial capacities of offices assigned to investigate corruption.
- Enforce anti-corruption laws, including the removal of corrupt officials.
- Prosecute violators and enforce standards.
- Adopt measures and systems that promote fiscal transparency.
- Adopt appropriate transparent procedures for government procurement.
- Provide adequate security to auditors, whistle-blowers, and witnesses.

- Empower civil society to monitor government programs.
- Encourage public discussion of the issue of corruption.
- Undertake public awareness campaigns.
- Promote Islamic values that are against corruption.

Meritocracy

Meritocracy is a system wherein appointments are made and responsibilities are given based on demonstrated ability and talent. The meritocratic system is productive and puts an end to nepotism and cronyism.

To assure the delivery of services and the efficiency and effectiveness of government service, the governing institution must ensure openness and equity in hiring to give chances to individuals of the highest level of competence and integrity to enter the bureaucracy. A merit-based civil service is desired in a governing institution.

To promote meritocracy, it will be useful to observe the following:

- Entrance to government service and promotion shall be through a competitive process.
- Hiring and promotion shall be transparent.
- There shall be periodic performance appraisals.
- Development of a system to provide oversight of discretionary decisions relative to hiring and promotion.
- Development of a system for compensation adequate to sustain appropriate livelihood.

Islamic Values

Promotion of good governance and prevention of corrupt practices are not only structural issue but also attitudinal. The attitude of people has a great influence on their actions. For example, many Bangsamoro see the Philippine government as gobirnu a saruang a tao (foreign government) and this influences their lack of concern for good governance and indifference towards issues of corruption.

As Muslims, the great influence on Bangsamoro attitudes is Islamic values. Fortunately, Islam is rich in values of good governance and against corruption. What is to be done is for a Bangsamoro political institution to harness these values to promote good governance in the fight against corruption. This can be done

easily if people have a sense of ownership of the institution. Once people accept the legitimacy of the government and are able to understand that the promotion of good governance is not only a political obligation but religious as well, they will not only work for its realization but will certainly protect whatever gains are being achieved.

Traditional Leadership

The Sultanate is a political system where leadership is reserved for a certain class of people. The ruling class is called the datu. For centuries the Bangsamoro were ruled by them.

At the beginning of the twentieth century, when American forces started occupying Bangsamoro territories, the political power of the sultanate began to decline. Gradually, the sultanate was replaced by the democratic system of governance introduced by the Americans. Consequently, the power of the datu also declined.

Today, the datu lost their political power. Those who still possess power are those who managed to occupy elective or appointive positions in government or those who became affluent. The poor and uneducated datu, even if by blood they are at the upper strata, are now at the margin of power. Those who occupy political positions are smart enough to use their government positions and their being datu to wield power for themselves. They are probably the datu whom Glang blamed for the deplorable socio-economic conditions afflicting the Muslims.

However, the datu still has an influence particularly in rural areas. That is why, in many cases, they were effective in resolving conflicts. In Sulu, the traditional leaders have significant role in the election of provincial officials.

The bad side of the system is that it is authoritarian in nature. Although in the past and in the present, there were datu who were benevolent to their followers and open to consultation, but there were also accounts relating to extreme abuse of power.

For a Bangsamoro governing institution, it is no longer feasible to revive the traditional system of governance. It will certainly meet opposition from Bangsamoro, who advocate democracy, and those who are uncomfortable with monarchical and authoritarian systems. What can probably be done is to give them some symbolic role in governance, provided there are safeguards that even the

symbolic authority will not be abused. Even this role can be problematic because of the recent proliferation of small sultanates and the many claimants to the throne.

Elections

Credible elections are not only necessary for the legitimacy of elected officials but essential for people to trust and have confidence in the political institution.

However, many respondents were against elections. This was understandable because elections have been the trigger to many violent conflicts. Studies show that politics is the number one cause of rido. In Sulu, Kahalan (1999) observed that "closed relatives and supporters even resort to violence, e.g., killing one's kin, just to show their loyalty to their respective political parties."

Among the Meranaos, Poingan noticed that elections undermined the unity of families and, to some extent, the Meranaos. Elections also encouraged the proliferation of arms and private armies. Patino and Velasco (2004) noted that:

"Politicians usually hire goons and build up private armies not only for their protection but also for intimidation of opponents. According to military reports in 2001, some 100 private armies were behind about 80% of election-related violence. A special military task force estimates that these private armies are responsible for 68 of the 98 deaths recorded in the 2001 elections."

There is no doubt of the damaging effects of elections to the Bangsamoro society, but doing away with this democratic process might even create more problems. It might establish a situation that leaders will perpetuate themselves in power.

Elections are an important feature of democracy as they create opportunities for the electorate to choose periodically their leaders, who manage public affairs on their behalf.

Instead of doing away with elections, it is suggested that the electoral process be reformed, particularly in areas of administration and management of elections, building political parties, and civil society involvement – the three important pillars of clean and honest elections.

Often the ones being blamed for election anomalies are those who administer the elections, but equally responsible are the political parties. The candidates or their

supporters, who are also party members, are the ones who commit fraud. The indifference of civil society in the electoral exercise emboldened the cheaters more.

Elections Management

- There shall be a separate electoral management body for the Bangsamoro political entity. This body, free from the bureaucratic red tape of the national Commission on Elections (COMELEC), may be able to adapt the management of elections with the cultural milieu of the area to do away with election-related problems. This body can adopt a simplified system of adjudicating election protests to avoid the slow and costly process prevailing today.

The idea will be relevant if it will be part of the whole effort to reform the electoral system for Bangsamoro. To stand alone without reforms in other areas may not be able to attain the desired result.

- The electoral system shall be computerized. Computerization minimizes human interventions from the casting to the reporting of votes. The opportunity for tampering is reduced since there is no time from the casting of the vote to the tallying of the result. With the speed of computers, results will be known hours after the closing of precincts. When systems are in place, electronic voting shall follow to provide greater access of voters to exercise their right of suffrage.
- Voter's lists shall be voided, and new registration of voters conducted. The voters' lists in the ARMM are full of multiple registrants. This is admitted by the COMELEC, but it failed to purge the voter's lists of multiple and under-age registrants. Even those who died, their names still appear on the voter's lists. In many elections, the COMELEC failed to inform voters who were reassigned to vote in different precincts, resulting in disenfranchisement of many of them. Requiring old voters to register again must be done in conjunction with the computerization of the election process.
- Establish an independent body to pursue prosecution of election-related offenses. This body is like the Ombudsman but focuses on violations of election laws. This is necessary because political leaders and bureaucrats may not have an interest in prosecuting offenders for political reasons. Punishment of offenders serves as a deterrence to violation of election laws.

Political Parties

- Encourage the organization and strengthening of Bangsamoro political parties. This is essential in promoting democratic values and good governance.

In past elections, there were provinces and municipalities in the ARMM where there was only one candidate for every elective position, which denied the electorate the right to choose because practically they had no choice. Had there been strong political party system, that situation would not happen.

As of now, there are five Muslim political parties registered with the COMELEC. None of these parties had won in ARMM elections. Mahid Mutilan, the founder and president of the Ompia Party, was the vice gubernatorial candidate of Lakas in 2001. He did not run under the banner of his own party. Only the Ompia Party and Ummah Party are active in Lanao del Sur politics. Muslim Reform Party, People's Consultative Party, and the Islamic Party of the Philippines (IPP) had not participated in the past elections.

- Train Bangsamoro on how to organize political parties, build grassroots party membership, advance party internal unity, and engage in electoral campaigns. Aside from existing political parties, which need to be capacitated, there is also needed to organize new political parties.
- Support political parties to strengthen internal democracy. This is necessary to avoid the domination of political parties by clans. When internal democracy within parties is weak, nominations are usually dictated by clan interest.
- Capacitate Bangsamoro political parties to develop a political identity. This must be done because existing parties have no clear platform of government.
- Capacitate political parties to generate funding. Qualified party members have a better chance of nominating and winning the elections if their parties can provide financial support. Because parties lack enough financial resources, the practice is those who have the financial resources are given preference to be nominated by the party to stand in elections, which promotes the entrenchment of rich families in politics.
- Establish a political party code of conduct, including respect for human rights.
- Develop leadership skills and encourage candidacies of marginalized groups.

Civil Society

- Encourage and support the organization of networks of Bangsamoro civil society groups that can undertake programs on voter education and serve as a watchdog during voting, counting, canvassing, and reporting of votes.
- Civil society should be provided with adequate security for their active participation, depending on the security situation.

Conclusion

To be successful, a Bangsamoro political institution will need to illustrate good governance.

The most important element for promoting good governance is the Bangsamoro feeling of ownership of the institution to have their support and for them to protect whatever gains will be achieved. The institution must be perceived as the expression of their self-determination, which will largely depend upon the result of the ongoing negotiations between the government and the MILF. Support will be enhanced if there are mechanisms for representations of all ethnic groups and sectors and wide participation in the drafting of the charter.

The qualifications and legitimacy of the political leadership are likewise essential. An elected leadership, who is highly qualified, in a clean and honest election will have the support of the people in pushing for reforms.

The great challenge to practice good governance is corruption, for it undermines efficiency and effectiveness and erodes people's trust and confidence in government. Success in eradicating corruption, or at least minimizing it, will bolster the legitimacy of the governing institution, not to mention its effects on the economy and the support of the international community it can generate.

The overriding concern is how the Bangsamoro governing institution shall be able to manage security. Without a secure environment, it will be extremely difficult to practice good governance when people in charge of conducting audits and monitoring government projects are harassed. There will be no clean and honest election when voters are intimidated, and election watchdogs are harassed.

Building a Bangsamoro political institution that practices good governance with democratically elected leadership is achievable given the support of the people.

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RETHINKING STATE POLICIES AND MINORITY RIGHTS: GETTING THE MINDANAO PEACE PROCESS MOVING

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This paper argues that to resolve the problem of the Philippine government with the Muslim minority in the South, there is a need for new political thinking because the problem is sovereignty-based. The Bangsamoro representative organizations, like the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF), assert sovereign rights over a territory that the government is exercising sovereign power and consider part of its national territory. The political arrangement that can accommodate these contrasting positions is what this paper attempts to explore.

Minority Communities

Nowadays we find minority communities within the borders of many countries including the Philippines. These minority communities can be classified broadly into three major categories.

The minority migrant populations are one 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 of equal rights with the dominant majority and equal access to social services and economic opportunities.

Another category is the indigenous peoples who became a minority in their homelands as a 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'.

Peoples who were incorporated into the new nation-states after the departure of the colonial powers are one more category. Before colonization, these peoples had their own political institutions, administrative systems, 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 homeland of these peoples was 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 linked 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 a system of life in accordance with their world view, culture, religion, and social norms.

The Bangsamoro

The Bangsamoro are people who have advanced experience in state formation and a long history of independence before the coming of colonial powers. They were incorporated into the new Philippine nation-state after the American colonial power decided to grant independence to the Philippines Islands.

The Bangsamoro are the Muslim populations who traditionally inhabited Mindanao, the islands of Basilan and Palawan, and the Sulu and Tawi-Tawi archipelago in the South of the Philippines. 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 as 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 name Bangsamoro has found a place in official documents of the Organization of Islamic Conference (OIC) and agreements between the Government of the Republic of the Philippines (GRP) and MILF.

The Bangsamoro people consist of thirteen Muslim ethno-linguistics groups: Iranun, Magindanaon, Meranao, Tao-Sug, Sama, Yakan, Jama Mapun, Ka'agan,

Kalibugan, Sangil, Molbog, Palawani and Badjao. The indigenous peoples of Mindanao, who were once a protectorate of the sultanates, are also considered Bangsamoro, though the adoption of this identity on their part is a matter of free choice.

The traditional homeland of the Bangsamoro people consisted of the territories under the jurisdiction of their governments before the formation 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 the present-day Shariff Kabunsuan province, some parts of 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, who ruled Sibugay, an autonomous region under the Magindanaw Sultanate, exercised jurisdiction over Zamboanga del Norte, Zamboanga Sibugay, Zamboanga City, and some parts of Zamboanga del Sur. The Rajah of Buayan ruled North Cotabato, the upper valley of Maguindanao, 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 policies and programs of the Philippine government that encourage Filipino settlers from the north to settle in the Bangsamoro traditional homeland, the Bangsamoro are now confined in the provinces of Tawi-Tawi, Sulu, Basilan, Lanao del Sur, Maguindanao and Shariff Kabunsuan, 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, the Bangsamoro people continuously asserted their rights over their homeland, which gained implied recognition from the government.

The historical experience of the Bangsamoro people in statehood and governance started as early as the middle of the 15th century when Sultan Shariff ul-Hashim established the Sulu Sultanate. This was followed by the establishment of the Magindanaw Sultanate in the early part of the 16th century by Shariff Muhammad Kabungsuwan. The Sultanate of Buayan and the Pat a Pangampong ko Ranao

(confederation of the four lake-based emirates) and later other political subdivisions were organized.

By the time the Spanish colonialists arrived in the Philippines, the Muslims of Mindanao, Sulu, and Tawi-Tawi archipelago and the islands of Basilan and Palawan had already established their own states and governments with diplomatic and trade relations with other countries, including China. Administrative and political systems based on the realities of the time existed in those states. In fact, it was the existence of the well-organized administrative and political systems that the Bangsamoro people managed to survive the military campaign against them by Western colonial powers for several centuries and preserved their identity as a political and social organization.

For centuries, the Spanish colonial government attempted to conquer the Muslim states to add their territories to the Spanish colonies in the Philippine Islands, but history tells us that it never succeeded. The Bangsamoro sultanates, with their organized maritime forces and armies, succeeded in defending the Bangsamoro territories, thus preserving their independence.

That is why it is being argued, based on the logic that you cannot sell something you do not possess, that the Bangsamoro territories are not part of what were ceded by Spain to the United States in the Treaty of Paris of 1898 because Spain had never exercised sovereignty over these areas.

The Bangsamoro resistance continued even when American forces occupied some areas in Mindanao and Sulu. Though the resistance was not as fierce as during the Moro-Spanish wars, group-organized guerrilla attacks against American forces and installations reinforced what remained of the sultanates' military power. Even Bangsamoro individuals showed defiance against the American occupation of their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

When the United States government promised to grant independence to the Philippine Islands, the Bangsamoro leaders registered their strong objection to being part of the Philippine republic. In a petition to the President of the United States dated June 9, 1921, the people of Sulu archipelago said that they would prefer to be part of the United States rather than be included in an independent Philippine nation.

In the Declaration of Rights and Purposes, the Bangsamoro 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” in anticipation that in the event the US would decolonize its colonies and other non-self-governing territories the Bangsamoro homeland would be granted separate independence. Had it happened, the Bangsamoro people would have regained by now their independence under the UN declaration on decolonization. Their other proposal was that if independence to be granted would include the Bangsamoro territories, a plebiscite would be held in Mindanao, Sulu, and Palawan fifty years after the grant of independence to the Philippines to decide by vote whether the territory incorporated by the government of the Islands of Luzon and Visayas, would be a territory of the United States, or become independent. The fifty-year period ended in 1996, the same year the Moro National Liberation Front (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 would be made, they would declare an independent constitutional sultanate to be known as the Moro Nation.

In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935, appealed to the United States government and the American people not to include Mindanao and Sulu in the grant of independence to the Filipinos.

Under the Philippine Republic

In 1946, the Bangsamoro became part of the new political entity called the Republic of the Philippines. Their incorporation into the new state was not welcomed because they continuously considered themselves a separate nation. The Bangsamoro claim that they belong to a separate nation by virtue of their distinct identity is articulated by Muhammad al-Hasan in these words:

We [Moros and Filipinos] are two different peoples adhering to different ideologies, having different cultures, and being 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.

Under the Republic of the Philippines, the Bangsamoro complain that they suffer discrimination and oppression. Some of these complaints are cited below.

1. Christian majority are biased against Muslims, as shown by studies. These prejudices lead to the exclusion of the Bangsamoro from jobs, education, housing, and business opportunities. These are evident in the personal experiences of Muslims on how they were shut out of jobs, housing, and study opportunities, as recounted in the Philippine Human Development Report. (Philippine Human Development Network, 2005)

The PHDR 2005 study reveals that a considerable percentage (33 percent to 39 percent) of Filipinos are biased against Muslims. Exclusion from job opportunities is very high, given that 46 percent of the Christian population would choose Christian male workers and 40 percent Christian female domestic helpers. Only 4 percent will choose a Muslim male worker, and 7 percent will choose a Muslim female domestic helper. The majority of Christians cannot even accept Muslims as neighbors, as the study shows that in Metro Manila, 57 percent opt for residences with higher rent but far from a Muslim community.

2. Because of government policies and programs, the Bangsamoro lost big portions of their lands and became a minority in their own homeland.

The Philippine government opened the whole of Mindanao to resettlement and corporate investments. So, in 1903, the Philippine Commission declared null and void all land grants made by traditional leaders like sultans, datus, and tribal leaders if done without government consent. Through the years, the government implemented public land laws that were discriminatory to the Bangsamoro and other Indigenous Peoples of Mindanao and favorable to Filipino settlers and corporations. The introduction of public land laws, which were based on the Regalian doctrine, "became an opportunity for the colonized north-Filipino elites to own or lease substantial landholdings as well as a chance for the 'legal' or systematic land-grabbing of traditional lands" of the Muslims.

The discrimination against Muslims and indigenous peoples in land ownership is evident in the following table, which shows the number of hectares people and corporations may own under the Philippine public land laws.

HECTARES ALLOWED			
Year	For Homesteader	For Non-Christian (Moros and Wild Tribes)	For Corporation
1903	16 has	(no provision)	1,024
1919	24 has	10 has	1,024
1936	16 has	4 has	1,024

In 1954, the National Resettlement and Rehabilitation Administration (NARRA) was established. Under this program, from 1954 through 1958, close to 23,400 Christian Filipino families were resettled in Cotabato.

The consequence of the state policies on land ownership and encouragement of Christian settlers to settle in Mindanao is the minoritization of the Bangsamoro in their traditional homeland. The lands that remain in the Bangsamoro are those located in the Autonomous Region of Muslim Mindanao (ARMM) and small areas in other provinces.

3. The government failed to deliver basic services and needed development to Bangsamoro communities. In the ARMM, which comprises provinces where the Bangsamoro are majority, poverty incidence was the highest in the country. In 2000, poverty incidence in the ARMM was 66 percent while the national average was 33.7 percent, and it worsened compared with the 1997 poverty incidence, which was 57.3 percent. The incidence of families below the per capita food/subsistence threshold was also highest in the ARMM, at 33.5 percent in 2000, while the national average was 16.7 percent. Life expectancy for women was 59.3 years and 55.5 years for men.

4. The government also failed to protect the persons and properties of the Bangsamoro people. There were reported massacres of Muslims and the destruction of their properties, but the government failed not only to give them protection but also to give them justice. No serious investigations were conducted, and no one was held responsible for many of these incidents of human rights violations. For example, the incidents cited below, which are just a few of the many incidents of human rights violations against the Bangsamoro people, happened three decades ago, but no investigation was done, and no one was held responsible.
 - On March 17, 1968, Muslim military trainees were reported missing in their training camp on Corregidor Island.
 - On December 21, 1970, three Muslims were killed, and 147 houses were burned in the barrios of Ahan, Limpugo, and Montid in the municipality of Datu Piang, Cotabato.
 - On January 19, 1971, seventy-three Muslims were killed in the municipality of Alamada, Cotabato.
 - On June 19, 1971, seventy Muslims were killed and 17 were wounded at a mosque in barrio Manili, Carmen, Cotabato.
 - From April 6, 1971 to July 22, Muslim houses were burned.
 - 55 houses in Carmen, Cotabato
 - 18 houses in Pikit, Cotabato
 - 25 houses in Kidapawan, Cotabato
 - 22 houses in Buldon, Cotabato
 - 52 houses in Wao, Lanao del Sur
 - On September 8, 1971, ten Muslims were killed in the municipality of Sapad, Lanao del Norte.
 - On October 24, 1971, sixty-six Muslims were killed in Magsaysay, Lanao del Norte.

Continuing assertion for independence

The Bangsamoro consider the annexation of their homeland as illegal and immoral since it was done without their plebiscitary consent. On this basis and with their sad situation under the Philippines, the Bangsamoro people continue to assert their right to independence. Their assertions manifest in many forms.

The armed resistance of Kamlon, Jikiri, and Tawan-Tawan were protests against the usurpation of their sovereign right as a people. Those who joined the Philippine government used the new political system to pursue the vision of regaining

independence. Congressman Ombra Amilbangsa, for example, filed House Bill No. 5682 during the fourth session of the Fourth Congress. The bill sought the granting and recognition of the independence of Sulu. As expected, the bill found its way into the archives 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 when he issued the Mindanao Independence Movement (MIM) manifesto calling for the independence of Mindanao and Sulu to be known and referred to as the Republic of Mindanao and Sulu.

When it became evident that it would not be possible to regain independence within the framework of the Philippine nation-state system, the MNLF was organized to wage an armed struggle to regain independence. When the MNLF accepted autonomy within the framework of Philippine sovereignty, a faction of the MNLF separated and formed the MILF to continue the armed struggle for independence. The MILF is still fighting the government forces.

The clamor for independence is not only among the liberation fronts but also among other sectors of the Bangsamoro society. The delegates to the First Bangsamoro People's Consultative Assembly (BPCA) held on December 3-5, 1996 in Sultan Kudarat, Maguindanao were unanimous in calling for reestablishment of the Bangsamoro state and government.

The hundreds of thousands of Bangsamoro who participated in the Rally for Peace and Justice held 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 issued a manifesto stating, "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."

Bangsamoro leaders headed by Sultan Abdul Aziz Guiwan Mastura Kudarat IV of the Sultanate of Magindanaw meeting in Cotabato City on January 28, 2001 expressed their strong desire to regain the Bangsamoro independence. The Declaration of Intent and Manifestation of Direct Political Act they issued states: "As sovereign individuals, we believe that the Bangsamoro people's political life, as matters stand, call for an OIC-sponsored or UN-supervised referendum in the interest of political justice to decide once and for all," whether to remain part of

the Philippines as an autonomous region or to form a state of federated union, or to become an independent state.

The Second BPCA held on June 1-3, 2001 attended by delegates from all over the Bangsamoro homeland, including representatives of non-Muslim indigenous communities, unanimously declared that “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.”

Government Responses

The government's position in responding to the grievances of the Bangsamoro people has always been on the premise that they are Filipino citizens, including those fighting the government, and that any solution to resolve the conflict has to be within the sovereignty and territorial integrity of the Philippines.

To reinforce these policies, the government takes on three elemental approaches to its conflict with the Bangsamoro people.

1. To deflect the underlying political issues of the conflict, the 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 have always focused on the development of Mindanao.

Earlier, the Philippine government pursued vigorously its national integration program. The Commission on National Integration (CNI) was established as "charged with carrying out within ten years a broad range of programs designed to attend to the economic and educational phase of cultural minority problems." In June 1955, Congress passed a law establishing the Mindanao State University to promote a government education program to accelerate the integration of Muslims into the body of politics. In 1961, the Mindanao Development Authority (MDA) was also established to hasten the economic development of Mindanao.

After the conflict flared up into armed confrontation between the government and MNLF forces in the early 1970s, the government created a Presidential Task Force for the Reconstruction and Development, the purpose of which was "to pool all government resources from its economic development, financial, welfare, and health agencies as well as

military units" in order to assess the damage caused by the conflict, to prepare an integrated plan for full reconstruction and rehabilitation of Mindanao, and restore peace and order.

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 a mandate to operate in accordance with Islamic banking principles, was also established.

2. The government, invoking its sovereign right to maintain territorial integrity, unleashed its military might against the Bangsamoro. The military campaign has been very costly. Based on the revelations of former Congressman Eduardo Ermita, MindaNews (2003) reported the following:

In a privileged 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 percent of that government casualties, 50 percent rebels, and 20 percent 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 every day.

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.

A government think tank reported that “The toll on human lives and property was heavy on both sides. Independent estimates came out with these numbers: 50,000 deaths, 2 million refugees, 200,000 houses burned, 535 mosques and 200 schools demolished, and 35 cities and towns destroyed.”

The World Bank's assessment of the direct economic costs of the conflict is \$2–3 billion, and the human and social toll since the 1970s has been heavy. The World Bank report shows an estimated 120,000 deaths and uncounted numbers of wounded and disabled, and more than two million people were displaced. In the year 2000, when government troops attacked

the MILF camps, around 932,000 civilians were displaced from their homes. The World Bank report shows that "The 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. (World Bank, 2003)

3. In negotiating peace with the MNLF, the government, with the prodding of the OIC, agreed to the establishment of autonomy for the Muslims in Southern Philippines but insisted that it would be within the realm of the sovereignty and territorial integrity of the Philippines. That is why the government panel negotiating with the MNLF asserted vehemently on the inclusion of the provision in the Tripoli Agreement of 1976 that the establishment of autonomy in the Southern Philippines is within "the realm of the sovereignty and territorial integrity of the Republic of the Philippines," and that implementation of the entire agreement is contingent on constitutional processes.

The bottleneck (as of this writing, June 2008) in the ongoing negotiations between the GRP and the MILF is primarily because of the attempts of the government to reverse its recognition of the right of the Bangsamoro people to self-determination by introducing in its draft of the proposed agreement on ancestral domain that implementation of any agreement shall be subject to constitutional processes. There is also an attempt on the part of the government to alter its recognition of the Bangsamoro self-determination that the exercise of that right shall be within the context of Philippine sovereignty and territorial integrity. The proposed modifications, if adopted, will water down the substance of Bangsamoro's self-determination and will not resolve the problem.

Government acknowledgement of the Bangsamoro right to self-determination is contained in one of the provisions of the Tripoli Agreement of Peace of 2001 between the GRP and the MILF, which states that "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." (Emphasis supplied) This was affirmed by Secretary Silvestre C. Afable, Jr., Chairman of the Government Peace Negotiating Panel in the talks with the MILF, in his letter to Mohagher Iqbal, Chairman of the MILF Peace Negotiating Panel, dated November 9, 2006, which

stated that the GRP would like to explore with the MILF "the grant of self-determination and self-rule to the Bangsamoro people based on an Organic Charter to be drafted by representatives of the Bangsamoro people." In Tokyo in May 2007, he again reiterated the Philippine government's position: "On the negotiating table, we have offered a political settlement based on self-determination that strives to unify the Bangsamoro people rather than divide them, for them to finally live in a homeland rather than a rented territory paid for in blood and suffering. We are crossing bridges of understanding that others have never ventured to do in the past."

Rethinking State Policies

Undeniably, the problem confronting the government in its relations with the Bangsamoro people is rooted in the latter's continuing assertion of their right to self-determination. The quest for self-determination is what propelled most conflicts in the world today. Harris and Reilly observed that "Between 1989 and 1996 [...], 95 of the 101 armed conflicts identified around the world were such internal conflicts. Most of these conflicts were propelled, at least in part, by quests for self-determination."

Since its independence, the government has been confronted with this problem and has tried various ways of addressing it, but the conflict has lingered on taking different forms at various stages of history. Probably, the reason why all the previous attempts failed was because they did not address the root cause of the problem. So, the government has to adopt new political thinking in addressing the problem of its relationship with the Bangsamoro people.

The UNESCO experts suggested that "the peaceful implementation of the right to self-determination in its broad sense is a key contribution to the prevention and resolution of conflicts, especially those which involve contending interests of existing states and peoples, including indigenous peoples, and minority communities." (Van Walt van Praag & Seroo, 1998)

The self-determination approach has been used in other countries facing similar problems in addressing their conflicts with their minority populations. In Southern Sudan, for example, under the 1997 Peace Agreement, the central government agreed that the people of Southern Sudan shall determine their political aspirations and pursue their economic, social, and cultural development through a referendum to be held before the end of the interim period. The national government of Papua New Guinea promised, under the 2001 Bougainville Peace Agreement, that it would

move amendments to the national constitution to guarantee a referendum on Bougainville's future political status.

Allowing people to enjoy the right to self-determination does not automatically result in the separation of the claimed territory from the parent state, as feared by the government, although this may be one of the possible outcomes. The referendum on Puerto Rico's political status was held in 1967, but 60% of the voters preferred continued commonwealth status. Leaders of the province of Nivis wanted to separate from the federation of St. Kitts and Nivis, but the citizens of the province voted to stay with the federation. Although not binding, the two referenda in Quebec illustrated that a referendum does not inevitably translate to separation. On the contrary, denying people the opportunity to exercise this right or failing to make the mechanism available to exercise the right to self-determination will make the peaceful resolution of armed conflicts more difficult.

Recommendation

To keep the GRP-MILF negotiations moving towards their conclusion and resolve the problem, it is recommended that government shall abide by its commitments under the 2001 Tripoli Agreement of Peace and the consensus points agreed by the GRP and MILF peace panels. It is also important on the part of the government that it shall honor the assurance given by Secretary Afable to the MILF to resolve the conflict within the self-determination framework. Constitutional and institutional barriers should not be made an excuse to renege on these commitments. Any attempt on the part of the government to undo all these commitments will only embolden the Bangsamoro people to pursue secession.

The best guarantee that the government can have that the Bangsamoro people will not secede from the Philippines is when they are given the opportunity to exercise their fundamental right to determine their political status, and their welfare and security are guaranteed. Our experience with the 1976 Tripoli Agreement and 1996 peace accord is instructive that watering down the expression of their right to self-determination will not stop the Bangsamoro in their quest for freedom and justice.



Launch events for the book “Peace is for Everyone” hosted by the Institute of Bangsamoro Studies (IBS) and Centre for Peace and Conflict Studies (CPCS) in 2016 in Cotabato and Marawi City

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UNDERSTANDING THE BANGSAMORO RIGHT TO SELF-DETERMINATION

**Moro Reader: History and Contemporary Struggles of
the Bangsamoro People
August 2008**

Self-Determination as a Right

The right to self-determination is the right of people everywhere to freely determine their political status and pursue their economic, social, and cultural development. For this right to be fully effective, the realization of the political, economic, social, and cultural sovereignty of peoples is vital.

Self-determination is a continuing process where people continue to make choices to achieve their security and fulfill their human needs. The right of peoples to self-determination is enshrined in many United Nations (UN) instruments, among which are:

- Article 55 of the United Nations charter, which provides that the world body shall create "conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples..."
- General Assembly resolution 1514 (XV) of December 14, 1960, which states that "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."
- Article 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and repeated in Article 1 of the International Covenant on Civil and Political Rights (ICCPR), which makes this statement: "All peoples have the right of self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development."

On the other hand, there are UN instruments that uphold the principle of territorial integrity of existing states. Whether people who claim the right to self-determination and are living within the boundary of existing states are prohibited from carving an independent state of their own is not clear in the UN resolutions.

Article 2 (4) of the UN charter provides, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state..." This provision clearly applies only between states. It prohibits member states from using force to threaten the political independence and territorial integrity of any state.

United Nations General Assembly Resolution No. 2625 (Declaration of Principles Concerning Friendly Relations among States) advised that the right of self-determination shall not be construed as -

"[A]uthorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples [...] and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or color."

However, this UN resolution reiterating the territorial integrity of states is made contingent on the government being representative of the whole people and non-discriminatory.

There is substantial debate as to the scope of "a government representing the whole people." Hannun, for example, is for the "limited requirement of non-discrimination only on the grounds of race, creed or color." But Buchheit "sees it simply as a component of a larger theory based on the premise that oppression legitimizes secession." (Musgrave, 1997, p. 188)

Other commentators, like Musgrave, interpreted Resolution No. 2625 as implying that "international law permits secession as a legal remedy in certain circumstances." (Musgrave, 1997, p. 209) He also contends that secession is also permissible "by virtue of the 'oppression theory' when part of a population suffers gross oppression: in these circumstances, secession is permitted primarily to prevent the abuse of human rights." In Allen Buchanan's remedial right theory of secession, separation would be acceptable if there are systematic violations of human rights or unjust annexation of territories. (Buchanan, 2003)

There are attempts to resolve the conflict between demands for self-determination and the principle of the territorial integrity of states. Hannun puts forward the idea of autonomy as a “less-than-sovereign self-determination.” However, Musgrave says:

"Some jurists contend that autonomy is not a principle of international law but a matter which falls within the domestic jurisdiction of a state." He opines that "autonomy within an independent state cannot be part of self-determination for the purposes of international law." (Musgrave, 1997, p. 208)

Essentially, the right to self-determination is the right of a people to choose their political status and decide on their economic, social, and cultural development. That right includes the right of a people who hold the right to self-determination to choose, through a democratic and participatory manner, to form their own separate state if that is essential to the expression of their right to self-determination. The right to secede, although not being encouraged, is not prohibited, particularly in a situation where the minority suffers systematic violations of human rights and gross oppression.

Holders of the Right of Self-determination

The holders of the right to self-determination, according to the Report of the International Conference of Experts organized by UNESCO on November 21-27, 1998, are a people (a group of individual human beings) who have some or all of the following common features:

(1) common historical tradition; (2) racial or ethnic identity; (3) cultural homogeneity; (4) linguistic unity; (5) religious or ideological affinity; (6) territorial connection; and (7) common economic life. (Van Walt van Praag & Seroo, 1998)

Additionally, the UNESCO experts stated that “the group as a whole must have the will to be identified as a people or the consciousness of being a people.” The people, according to the experts, must be of a certain number, which need not be large but must be more than “a mere association of individuals within a state.” The existence of “institutions or other means of expressing its common characteristics and will for identity” is also important. (Van Walt van Praag & Seroo, 1998)

Bangsamoro Right to Self-determination

The Bangsamoro thus qualify as people who hold the right of self-determination. They have a common historical tradition and religious affinity and share many cultural practices. The Bangsamoro occupy contiguous territory (maritime societies are connected by the sea) with rich natural resources.

Identity and Homeland

The Muslims in the Philippines consist of thirteen ethno-linguistic groups: Iranun, Magindanaon, Maranao, Tao-Sug, 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, a 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 as 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 name Bangsamoro has found a 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).¹

The traditional homeland of the Bangsamoro people consisted of 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 Shariff Kabunsuan province, some parts of 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, 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 separated the domains of Magindanaw and Buayan.

As the result of the colonial policy of the Philippine government to reduce the Bangsamoro into a 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, Maguindanao and Shariff Kabunsuan, 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, the Bangsamoro people continuously asserted their rights over their homeland, which gained implied recognition from the government.²

History of Independence

The historical experience of the Bangsamoro people in statehood and governance started as early as the middle of the 15th century when Sultan Shariff ul-Hashim established the Sulu Sultanate. This was followed by the establishment of the Magindanaw Sultanate in the early part of the 16th century by Shariff Muhammad Kabungsuwan. The Sultanate of Buayan and the Pat a Pangampong ko Ranao (Confederation of the Four Lake-based Emirates) and later other political subdivisions were also organized.

By the time the Spanish colonialists arrived in the Philippines, the Muslims of Mindanao, Sulu, and Tawi-Tawi archipelago and the islands of Basilan and Palawan had already established their own states and governments with diplomatic and trade relations with other countries, including China. Administrative and political systems based on the realities of the time existed in those states. In fact, it was through these well-organized administrative and political systems that the Bangsamoro people managed to survive the military campaign against them by Western colonial powers for several centuries and preserve their identity as a political and social organization.

For centuries, the Spanish colonial government attempted to conquer the Muslim states and add these territories to the Spanish colonies in the Philippine Islands, but history tells us that it never succeeded. The Bangsamoro sultanates, with their

organized maritime forces and armies, succeeded in defending the Bangsamoro territories, thus preserving their independence.

That is why it is being argued, based on the logic that you cannot sell something you do not possess, that the Bangsamoro territories are not part of what were ceded by Spain to the United States in the Treaty of Paris of 1898 because Spain had never exercised sovereignty over these areas.

The Bangsamoro resistance continued even when the US forces had occupied some areas in Mindanao and Sulu. Though the resistance was not as fierce as during the Moro-Spanish wars, group-organized guerrilla attacks against American forces and installations reinforced what remained of the sultanates' military power. Even Bangsamoro individuals showed defiance against the American occupation of their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

When the United States government promised to grant independence to the Philippine Islands, the Bangsamoro leaders registered their strong objection to being part of the Philippine Republic. In a petition to the US president on June 9, 1921, the people of the Sulu archipelago said that they would prefer to be part of the United States rather than be included in an independent Philippine nation.

In the Declaration of Rights and Purposes, the Bangsamoro leaders, in a 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" in anticipation that in the event the US would decolonize its colonies and other non-self-governing territories the Bangsamoro homeland would be granted separate independence. Had it happened, the Bangsamoro people would have regained by now their independence under the UN declaration on decolonization. Their other proposal was that if independence to be granted would include the Bangsamoro territories, a plebiscite would be held in Mindanao, Sulu, and Palawan fifty years after the grant of independence to the Philippines to decide by vote whether the territory incorporated by the government of the Islands of Luzon and Visayas, would be a territory of the United States, or become independent. The fifty-year period ended in 1996, the same year the Moro National Liberation Front (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 would be made, they

would declare an independent constitutional sultanate to be known as the Moro Nation.

In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935, appealed to the United States government and the American people not to include Mindanao and Sulu in the grant of independence to the Filipinos.

Continuing Assertion for Independence

Even after their territories were made part of the Philippine Republic in 1946, the Bangsamoro people have continued 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 was a protest against the usurpation of their sovereign right as a people. Those who joined the Philippine government used the new political system 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. The bill sought the granting and recognition of the independence of Sulu. As expected, the bill found its way into the archives 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. He issued the Mindanao Independence Movement (MIM) manifesto calling for the independence of Mindanao and Sulu to be known and referred to as the Republic of Mindanao and Sulu.

When it became evident that it would not be possible to regain independence within the framework of the Philippine nation-state system, the Moro National Liberation Front (MNLF) was organized to wage an armed struggle to regain independence. When the MNLF accepted autonomy within the framework of Philippine sovereignty, a faction of the MNLF separated and formed the Moro Islamic Liberation Front (MILF) to continue the armed struggle for independence. The MILF is still fighting the government forces.

The clamor for independence is not only among the liberation fronts but also among other sectors of the Bangsamoro society. The delegates to the First Bangsamoro People's Consultative Assembly (BPCA) held on December 3-5, 1996, in Sultan Kudarat, Maguindanao, were unanimous in calling for the re-establishment of the Bangsamoro state and government.³

The hundreds of thousands of Bangsamoro who participated in the Rally for Peace and Justice held 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 issued a manifesto stating, "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."⁴

Bangsamoro leaders headed by Sultan Abdul Aziz Guiwan Mastura Kudarat IV of the Sultanate of Magindanaw, meeting in Cotabato City on January 28, 2001, likewise expressed their strong desire to regain the Bangsamoro independence. The Declaration of Intent and Manifestation of Direct Political Act that they issued states: "As sovereign individuals, we believe that the Bangsamoro people's political life, as matters stand, call for an OIC-sponsored or UN-supervised referendum in the interest of political justice to decide once and for all,"⁵ whether to remain part of the Philippines as an autonomous region or to form a state of federated union; or to become an independent state.

The Second Bangsamoro People's Consultative Assembly held on June 1-3, 2001, at the same place, attended by delegates from all over the Bangsamoro homeland,⁶ including representatives of non-Muslim indigenous communities, unanimously declared that "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."

GRP recognizes Bangsamoro Self-determination

Whether the Bangsamoro people are entitled to self-determination or not is no longer debatable, for the Government of the Republic of the Philippines (GRP) recognizes that. This was clear in one of the provisions of the Tripoli Agreement of Peace of 2001 between the GRP and the MILF, which states that "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."
(Underscoring supplied)

The recognition of the Bangsamoro right to self-determination was affirmed by Secretary Silvestre C. Afable, Jr., Chairman of the Government Peace Negotiating Panel in the talks with the MILF, in his letter to Mohagher Iqbal, Chairman of the MILF Peace Negotiating Panel, on November 9, 2006, which stated that the GRP would like to explore with the MILF in the next round of talks, "the grant of self-determination and self-rule to the Bangsamoro people based on an Organic Charter to be drafted by representatives of the Bangsamoro people." In Tokyo in May 2007, he again reiterated the Philippine government's position: "On the negotiating table, we have offered a political settlement based on self-determination that strives to unify the Bangsamoro people rather than divide them, for them to finally live in a homeland rather than a rented territory paid for in blood and suffering. We are crossing bridges of understanding that others have never ventured to do in the past." (Albinales, 2007)

Grievances

Under the Republic of the Philippines, the Bangsamoro complain that they suffer discrimination and oppression. Some of these complaints are cited below.

1. Christian majority are biased against Muslims, as shown by studies.⁷ These prejudices lead to the exclusion of the Bangsamoro from jobs, education, housing, and business opportunities. These are evident in the personal experiences of Muslims on how they were shut out of jobs, housing, and study opportunities, as recounted in the Philippine Human Development Report (PHDR 2005).

The PHDR 2005 study reveals that a considerable percentage (33 percent to 39 percent) of Filipinos are biased against Muslims. Exclusion from job opportunities is very high, given that 46 percent of the Christian population would choose Christian male workers and 40 percent Christian female domestic helpers. Only 4 percent will choose a Muslim male worker, and 7 percent will choose a Muslim female domestic helper. The majority of Christians cannot even accept Muslims as neighbors, as the study shows that in Metro Manila, 57 percent opt for residences with higher rent but far from a Muslim community.

2. Because of government policies and programs, the Bangsamoro lost big portions of their lands and became a minority in their own homeland. (Rodil, 1994) The Philippine government opened the whole of Mindanao to resettlement and corporate investments. So, in 1903, the Philippine

Commission declared null and void all land grants made by traditional leaders like sultans, datus, and tribal leaders if done without government consent. Through the years, the government implemented public land laws that are discriminatory to the Bangsamoro and other Indigenous Peoples of Mindanao and favorable to Filipino settlers and corporations. (Rodil, 2007) The introduction of public land laws, which were based on the Regalian doctrine, “became an opportunity for the colonized north-Filipino elites to own or lease substantial landholdings as well as a chance for the 'legal' or systematic land grabbing of traditional lands” of the Muslims. (Fianza, 2004, p. 5)

The discrimination against Muslims and indigenous peoples in land ownership is evident in the following table, which shows the number of hectares people and corporations may own under the Philippine public land laws. (Rodil, 2007)

HECTARES ALLOWED			
Year	For Homesteader	For Non-Christian (Moros and Wild Tribes)	For Corporation
1903	16 has	(no provision)	1,024
1919	24 has	10 has	1,024
1936	16 has	4 has	1,024

In 1954, the National Resettlement and Rehabilitation Administration (NARRA) was established. Under this program, from 1954 through 1958, close to 23,400 Christian Filipino families were resettled in Cotabato. (Mastura, 1984)

The consequence of the state policies on land ownership and encouragement of Christian settlers to settle in Mindanao is the minoritization of the Bangsamoro in their traditional homeland. The lands that remain in the Bangsamoro are those located in the Autonomous Region of Muslim Mindanao (ARMM) and small areas in other provinces.

3. The government failed to deliver basic services and needed development to Bangsamoro communities. In the ARMM, which comprises provinces where the Bangsamoro are majority, poverty incidence is the highest in the country. In 2000, poverty incidence in the ARMM was 66 percent while the national average was 33.7 percent, and it worsened compared with the 1997 poverty incidence, which was 57.3 percent.⁸ Incidence of families below the per capita food/subsistence threshold was also highest in the ARMM, with 33.5 percent in 2000, while the national average was 16.7 percent.⁹ Life expectancy for women was 59.3 years and 55.5 years for men. (World Bank, 2003)

 4. The government also failed to protect the persons and properties of the Bangsamoro people. There were reported massacres of Muslims and the destruction of their properties, but the government failed not only to give them protection but also to give them justice. No serious investigations were conducted, and no one was held responsible for many of these incidents of human rights violations. For example, the incidents cited below, which are just a few of the many incidents of human rights violations against the Bangsamoro people, happened three decades ago, but no investigation was done, and no one was held responsible. (Werble, 1996)
 - On March 17, 1968, Muslim military trainees were reported missing in their training camp in Corregidor Island.
 - On December 21, 1970, three Muslims were killed, and 147 houses were burned in the barrios of Ahan, Limpugo, and Montid in the municipality of Datu Piang, Cotabato.
 - On January 19, 1971, 73 Muslims were killed in the municipality of Alamada, Cotabato.
 - On June 19, 1971, 70 Muslims were killed and 17 were wounded at a mosque in barrio Manili, Carmen, Cotabato.
 - From April 6, 1971 to July 22, Muslim houses were burned:
 - 55 houses in Carmen, Cotabato
 - 18 houses in Pikit, Cotabato
 - 25 houses in Kidapawan, Cotabato
 - 22 houses in Buldon, Cotabato
 - 52 houses in Wao, Lanao del Sur
- On September 8, 1971, ten Muslims were killed in the municipality of Sapad, Lanao del Norte.

- On October 24, 1971, 66 Muslims were killed in Magsaysay, Lanao del Norte.

Determination of Bangsamoro Political Status

The core issue in the right to self-determination is the determination of a people's political status. How is the political status of a people determined? The UNESCO experts were of the opinion that a people should be able to achieve self-determination through a fully participatory and democratic process. The experts said: "Self-determination is achieved by fully participatory democratic processes among the people who are seeking the realization of self-determination, including referenda where appropriate." (Van Walt van Praag & Seroo, 1998)

To determine the wishes of the Bangsamoro people as to their political status, referendum has to be resorted to. The above-cited letter from Secretary Afable stated further that the Bangsamoro people shall decide on their political status in a referendum to be held after a certain period. To avert the worry of some that the referendum may turn into an all-out, winner-take-all contest, the range of choices should include all possible political arrangements, such as independence, autonomy, free association, consociational arrangement, federal arrangement, and other power-sharing arrangements.

For a referendum to be participatory and democratic, it should be preceded by lengthy political debate and dialogue within the given communities to ensure that citizens are aware of what the options are, are fully informed about their implications, and are as ready as possible to vote in a referendum. In Southern Sudan, the referendum will take place after the interim period of six years. To cite an example, the referendum on Bougainville's future political status would be held not earlier than 10 years but not later than 15 years after the signing of the agreement.

In the case of the Bangsamoro, I agree with the recommendations of the Bangsamoro People's Consultative Assembly (BPCA) and the Mindanao People's Peace Movement (MPPM) that the referendum shall be held not earlier than five years but not more than ten years after a decision is made to give enough time for people to understand the pros and the cons of every proposition, and to provide the Philippine government time to demonstrate to the Bangsamoro people once again that they will be in better condition if they remain part of the Philippines. Considering the bad experiences we always had in Philippine elections, the referendum will be credible if supervised by a third party from the international

community. The third party can be the United Nations, European Union, Organization of Islamic Conference (OIC), or joint efforts of the Association of Southeast Asian Nations (ASEAN) and other multilateral groupings.

Before holding a referendum, the issue of territory has to be resolved through negotiations because the area where the referendum will be conducted has to be definite. Likewise, the mechanism on how to conduct the exercise to ensure that it will be democratic and participatory has to be agreed upon by the Philippine government and the representative organization of the Bangsamoro people.

Independence as an expression of self-determination

If the Bangsamoro people choose independence as an expression of their right to self-determination, an independent Bangsamoro state shall be founded on the principles of freedom, democracy, equality of all men and women, respect to religious and political beliefs, and adherence to universal human rights. Among other principles, an independent Bangsamoro government has to observe the following:

1. The system of government to be adopted shall be determined by the Bangsamoro people themselves. A provisional government shall see to the drafting of a constitution and its adoption. The constitution shall include a bill of human rights and freedom and recognition of the right of people comprising the Bangsamoro entity to self-governance.
2. Residents of the territory at the time of independence shall be the citizens of the Bangsamoro state. They shall enjoy equal rights, privileges, and obligations. They will have rights to suffrage, ownership of property, practice of their religious beliefs, and participation in public affairs. Residents who would prefer to remain citizens of the Philippines after independence can choose whether to remain as permanent resident aliens or move to Philippine territory with the right to bring with them all their properties. They can sell their immovable properties to private individuals or opt for government compensation.
3. The Bangsamoro government shall assume the obligations and enjoy the rights arising out of international conventions to which the Philippines is a signatory, in accordance with the rules of international law. Multilateral and bilateral agreements signed by the Philippines that directly apply to the territories of the Bangsamoro state shall be honored.

4. Through treaties, the independent Bangsamoro state can have a special relationship with the Philippines, like, for example, on development of shared resources, exploitation of resources to benefit from economy of scale, flow of goods and services, movements of their citizens, regional security, and other concerns.
5. Laws passed by the Congress of the Philippines that specifically apply to the territory of the Bangsamoro state at the time of independence shall remain in force until amended or repealed by the Bangsamoro legislative body.
Pensions payable to retirees shall continue to be paid by the Bangsamoro government according to the same terms and conditions. Permits, franchises, and authorizations that have been issued shall remain in force until their expiry.
6. The Bangsamoro Government shall conclude agreements with the Philippines on matters relating to the apportionment of properties and debts of the Philippines.

Options for Christians and Indigenous Peoples of Mindanao

Although the whole of Mindanao, Sulu – Tawi-Tawi archipelago, the islands of Basilan and Palawan are the traditional homeland of the Bangsamoro people, the demographic reality is that the greater portions of these territories are occupied by the Indigenous People and the Filipino settler communities. Being pragmatic, the Bangsamoro people are claiming only areas where they remain the majority.

The Bangsamoro respect the right of Indigenous People to free choice.¹⁰ If they choose to join the Bangsamoro state, they will be welcomed; if they opt to form their separate independent state, it has to be respected.

In the same vein, if the Filipino settlers in Mindanao decide to secede from the Philippines and establish their own state, peaceful and democratic efforts to achieve that have to be recognized.

Having three independent states in Mindanao – for the Bangsamoro, the Indigenous People, and the Christian settler communities – may be better because each can address the specific and unique needs of their citizenry. Although they may be independent of each other, the three states can cooperate on areas of common concern and matters of mutual benefits, like the development of shared

resources, the flow of goods and services, movements of their citizens, and in the fields of international relations, trade, and regional security.

If the other two communities prefer to remain part of the Philippines, then that decision has to be respected.

Conclusion

The Mindanao problem is rooted in the Bangsamoro's aspiration for self-determination. The implementation of this fundamental right of peoples to determine their political status through a democratic and participatory mechanism will open the opportunity to resolve the ongoing conflict between the Philippine government and the Bangsamoro people.

As a signatory to United Nations instruments on the right to self-determination, the Philippines has the obligation to uphold, respect, and promote this right. Constitutional and institutional barriers should not be the excuse for denying the Bangsamoro people this right. Sudan, for example, has amended its constitution to give way to a referendum in the South, and Papua New Guinea has promised "to move amendments to the National Constitution to guarantee a referendum on Bougainville's future political status" when it signed the Bougainville Peace Agreement in 2001.



Source: CPCS

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Footnotes

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."

³ The first assembly was "said to have been attended by more than one million Bangsamoro people from all over Mindanao." See Patricio P. Diaz, *Understanding Mindanao Conflict*. Davao City: MindaNews Publications, 2003, p. 41. The assembly report stated that attendance was 1,070,697 delegates (see Summary Proceedings. Bangsamoro People's Consultative Assembly, Da'wah Center, Sultan Kudarat, Maguindanao, 3-5 December 1996, p. 7).

⁴ Copy of the document is available in the collections of the author.

⁵ Copy of the document is available in the collections of the author.

⁶ According to Diaz, the second assembly "said to have a bigger attendance". The assembly report said that attendance was 2,627,345 (see Declaration of the Second Bangsamoro People's Consultative Assembly, Simuay, Sultan Kudarat, Maguindanao, June 1-3, 2001.)

⁷ Christian prejudices against Muslims were revealing in the study conducted by the Filipinas Foundation, *Philippine Majority-Minority Relations and Ethnic Attitudes*. Makati, Rizal, 1975, and in the Philippine Development Network, *Philippine Human Development Report 2005* (PHDR 2005).

⁸. <http://www.census.gov.ph/data/sectordata/2000/ie00p02f.htm>

⁹. <http://www.census.gov.ph/data/sectordata/2000/ie00p06f.htm>

¹⁰. The GRP and MILF Technical Working Groups arrived at a consensus during the 7th Exploratory Talks on April 18-20, 2005 affirming “the rights of non-Islam professing indigenous tribes to free choice.”



The IBS staff with Murad Ebrahim, MILF Chairman, after facilitating a meeting at Camp Darapanan. Source: Sarah Radam.

THE BANGSAMORO UNDER THE PHILIPPINE RULE

Challenges to Human Security in Complex Situations: The Case of Conflict in the Southern Philippines 2010

Minority Communities

Nowadays, we find minority communities within the borders of many countries, including the Philippines. These minority communities can be classified broadly into three major categories. (Che Man, 1990, p.1)

Minority migrant populations are one 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 and equal rights with the dominant majority, and equal access to social services and economic opportunities.

Another category is the indigenous peoples who became a minority in their homelands as a 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)

People who were incorporated into the new nation-states after the departure of the colonial powers are one more category. Before colonization, these peoples had their own political institutions, administrative systems, 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 homeland of these peoples was 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 linked 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 a system of life in accordance with their world view, culture, religion, and social norms.

The Bangsamoro

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 belong to the third category. They are collectively called 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 as 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 name Bangsamoro has found a place in official documents of the Organization of Islamic Conference (OIC) (2001) and agreements between the Government of the Republic of the Philippines (GRP) and the MILF.¹

The Bangsamoro people consist of thirteen Muslim ethno-linguistic groups: Iranun, Magindanaon, Maranao, Tao-Sug, Sama, Yakan, Jama Mapun, Ka'agan, Kalibugan, Sangil, Molbog, Palawani, and Badjao. The indigenous peoples of Mindanao, who were once protectorate groups of the sultanates, are also considered Bangsamoro, though the adoption of this identity on their part is a matter of free choice.

The traditional homeland of the Bangsamoro people consisted of the territories under the jurisdiction of their governments before the formation 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 parts of 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, who ruled Sibugay, an autonomous region under the Magindanaw Sultanate, exercised jurisdiction over Zamboanga del Norte, Zamboanga Sibugay, Zamboanga City, and some parts 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 separated the domains of Magindanaw and Buayan.

As the result of the colonial policies and programs of the Philippine government that encouraged Filipino settlers from the north to settle in the Bangsamoro 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.

The historical experience of the Bangsamoro people in statehood and governance started as early as the middle of the 15th century when Sultan Shariff ul-Hashim established the Sulu Sultanate. This was followed by the establishment of the Magindanaw Sultanate in the early part of the 16th century by Shariff Muhammad Kabungsuwan. The Sultanate of Buayan and the Pat a Pangampong ko Ranao (confederation of the four lake-based emirates) and other political subdivisions were organized later.

By the time the Spanish colonialists arrived in the Philippines, the Muslims of Mindanao, Sulu, and Tawi-Tawi archipelago and the islands of Basilan and Palawan had already established their own states and governments with diplomatic and trade relations with other countries, including China. Administrative and political systems based on the realities of the time existed in those states. In fact, it was through the existence of the well-organized administrative and political systems that the Bangsamoro people managed to survive the military campaign against them by Western colonial powers for several centuries and preserve their identity as a political and social organization.

For centuries the Spanish colonial government attempted to conquer the Muslim states to add their territories to the Spanish colonies in the Philippine Islands but history tells us that it never succeeded. The Bangsamoro sultanates, with their organized maritime forces and armies, succeeded in defending the Bangsamoro territories, thus preserving their independence.

The Bangsamoro resistance continued even when American forces occupied some areas in Mindanao and Sulu. Though the resistance was not as fierce as during the Moro-Spanish wars, guerrilla attacks against American forces and installations reinforced what remained of the sultanates' military power. Even Bangsamoro individuals showed defiance against the American occupation of their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

When the United States government promised to grant independence to the Philippine Islands, the Bangsamoro leaders registered their strong objection to being part of the Philippine Republic. In a petition to the President of the United States dated June 9, 1921, the people of the Sulu archipelago said that they would prefer to be part of the United States rather than be included in an independent Philippine nation.² (Jubair, 1999)

In the Declaration of Rights and Purposes, the Bangsamoro 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.”³ (Jubair, 1999, p. 298-303) In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935 appealed to the United States government and the American people not to include Mindanao and Sulu in the grant of independence to the Filipinos.

Under the Philippine Republic Despite their objections, in 1946, the Bangsamoro became part of the new political entity called the Republic of the Philippines. Their incorporation into the new state was not welcomed for they continuously consider themselves a separate nation. The Bangsamoro claim that they belong to a separate nation by virtue of their distinct identity is articulated by Muhammad al-Hasan in these words:

We [Moros and Filipinos] are two different peoples adhering to different ideologies, having different cultures, and being 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. (Gowing, 1978)

Under the Republic of the Philippines, the Bangsamoro complain that they suffer discrimination and oppression. Some of these complaints are:

1. The Christian majority is biased against Muslims, as shown by studies.⁴ These prejudices lead to the exclusion of the Bangsamoro from jobs, education, housing, and business opportunities. These are evident in the personal experiences of Muslims on how they were shut out of jobs, housing, and study opportunities, as recounted in the Philippine Human Development Report (PHDR 2005).

The PHDR 2005 survey revealed that a considerable percentage (33 percent to 39 percent) of Filipinos are biased against Muslims. Exclusion from job opportunities is very high, given that 46 percent of the Christian population would choose a Christian male worker and 40 percent a Christian female domestic helper. Only 4 percent would choose a Muslim male worker, and 7 percent would choose a Muslim female domestic helper. The majority of Christians cannot even accept Muslims as neighbors, as the survey showed that in Metro Manila, 57 percent opt for residences with higher rent but far from a Muslim community.

The earlier study by the Filipinas Foundation (1975) showed that Muslim Filipinos were the least likeable group, and 54% of those who responded to the question describing Muslims had unfavorable comments. Muslim Filipinos were described as “treacherous” and “killers.”

In the study among youth in Mindanao, the “majority (91%) of the Christians showed stronger biases and prejudices against the Muslims than

the Muslims had for Christians.” In terms of acceptance, the study reveals that: “More than 90 percent of the Muslim youth respondents were more willing to accept Christians as associates or to work, live together, while the majority (87%) of the Christians are not.” (Alfaras, 2004)

2. Due to government policies and programs, the Bangsamoro lost large portions of their lands and became a minority in their own homeland. (Rodil, 1994)

The Philippine government opened the whole of Mindanao to resettlement and corporate investments. In 1903, the Philippine Commission declared null and void all land grants made by traditional leaders like sultans, datus, and tribal leaders if done without government consent. Through the years, the government implemented public land laws that were discriminatory to the Bangsamoro and other indigenous people of Mindanao and favorable to Filipino settlers and corporations. (Rodil, 2007) The introduction of public land laws, which were based on the Regalian doctrine, “became an opportunity for the colonized north-Filipino elites to own or lease substantial landholdings as well as a chance for the ‘legal’ or systematic land-grabbing of traditional lands” of the Muslims. (Fianza, 2004, p.5)

The discrimination against Muslims and indigenous peoples in land ownership is evident in a number of laws passed during the American colonial period that limited the hectareage that non-Christians could own compared to Christians and corporate entities. (Rodil, 2007)

In 1954 the National Resettlement and Rehabilitation Administration (NARRA) was established. Under this program, from 1954 through 1958, close to 23,400 Christian Filipino families were resettled in Cotabato. (Mastura, 1984)

The consequence of the state policies on land ownership and encouragement of Christian settlers to settle in Mindanao is the minoritization of the Bangsamoro in their traditional homeland. The lands that remain in the Bangsamoro are those located in the Autonomous Region of Muslim Mindanao (ARMM) and small areas in other provinces.

3. Government failed to deliver basic services and needed development to Bangsamoro communities. In the ARMM, which comprises provinces

where the Bangsamoro constitute the majority of the population, poverty incidence was the highest in the country. Poverty incidence in ARMM was 60% in 2000, 52.8% in 2003, and 61.8% in 2006, while the national figures were 33%, 30% and 32.9%, respectively.⁵

Functional literacy rate in the region was 62.9 in 2003 while the national average was 84.1.⁶ Out-of-school children and youth are also highest in the ARMM (23.1%) while the national average is 14.7%.⁷

ARMM's under-five and child mortality rates are very high at 45 and 12 deaths per thousand live births, respectively, compared to the country's under-five mortality rate and crude mortality rate at 32 and 8 deaths per thousand live births in 2006, respectively.⁸

4. The Government has also failed to protect the persons and properties of the Bangsamoro people. There were reported massacres of Muslims and the destruction of their properties, but the government failed not only to give them protection but also to give them justice. No serious investigations were conducted, and no one was held responsible for many of these incidents of human rights violations. Killings of Muslims and wholesale burning of villages dating back to the 1960s and 1970s remain unsolved to this day, with no effort on the part of the Philippine Government to even investigate them.

Continuing Assertion for Independence

The Bangsamoro consider the annexation of their homeland as illegal and immoral since it was done without their plebiscitary consent. On this basis and with their sad state of affairs under the Philippines, the Bangsamoro people continue to assert their right to independence. Their assertions manifest in many forms.

The armed resistance of Kamlon, Jikiri, and Tawan-Tawan were protests against the usurpation of their sovereign right as a people. Some Muslims who joined the Philippine government used the new political system to pursue the vision of regaining independence. Congressman Ombra Amilbansa from the Province of Sulu, for example, filed House Bill No. 5682 during the fourth session of the Fourth Philippine Congress seeking the granting and recognition of the independence of Sulu. As expected, the bill found its way into the archives 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 when he issued the Mindanao Independence Movement (MIM) manifesto calling for the independence of Mindanao and Sulu to be known and referred to as the Republic of Mindanao and Sulu.

The peaceful movement for independence was deflected when the Ilaga, which were government-backed Christian militias, attacked Muslim communities in the early 1970s, burning mosques and houses and massacring hundreds of people, including women and children. The Muslims were left with no other alternative but to fight back to defend themselves and their communities.

Independence Movements

Thus it was inevitable that broad-based organized movements to break free from what was viewed as the oppression of the Philippine Government would eventually arise. No longer was resistance going to be sporadic, undertaken by individuals in isolated areas of Mindanao, but it had now acquired a broad-based sustained character, finding sympathy not only among Muslims in the Philippines but in the Muslim world.

Thus rose the Moro National Liberation Front (MNLF) leading the struggle not only to defend the Muslim communities but also to regain their lost independence. The MNLF struggle lasted for more than twenty years, from early 1970s when widespread fighting broke out throughout Mindanao and Sulu until the Final Peace Agreement was signed by the MNLF and the Philippine Government in September 1996.

When the MNLF accepted autonomy within the framework of Philippine sovereignty, a faction of the MNLF separated and formed the Moro Islamic Liberation Front (MILF) to continue the struggle for independence, which the leaders of the MILF believed had been abandoned by the MNLF leadership. The break between the MNLF and the MILF came with the signing of the Tripoli Agreement in 1976 between the MNLF and the Philippine Government. Since then, the MILF has steadily grown in strength until today, when it is recognized as the main resistance movement for the self-determination of the Bangsamoro people.

Even though the MNLF signed a series of agreements with the Philippine Government, culminating in what is referred to as the Final Peace Agreement in 1996, the MILF, in turn, has been engaged in talks with the Philippine Government since 1997 to try to find a formula to put an end to the war, the struggle continues to this day. One continues to read of the fighting occurring in different areas of

Mindanao, with hundreds of thousands of innocent civilians being displaced and the deaths of combatants and non-combatants being practically a daily affair.

The end of the struggle of the Bangsamoro people for self-determination is still far from over.

Government Responses

The Government's position in responding to the struggle of the Bangsamoro people has always been on the premise that they are Filipino citizens, including those fighting the government,⁹ and that any solution to resolve the conflict has to be within the sovereignty and territorial integrity of the Philippines.

To reinforce these policies, the government takes on three elemental approaches to its conflict with the Bangsamoro people.

1. To deflect the underlying political issues of the conflict, the 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.

Earlier, the Philippine government pursued vigorously its national integration program. The Commission on National Integration (CNI) was established “charged with carrying out within ten years a broad range of programs designed to attend to the economic and educational phase of cultural minority problems.” (Mastura, 1984, p.245-246) In June 1955 Congress passed a law establishing the Mindanao State University to promote the government program of education to accelerate the integration of the Muslims into the body politic. In 1961, the Mindanao Development Authority (MDA) was also established to hasten the economic development of Mindanao.

After the conflict flared up into armed confrontation between the government and MNLF forces in the early 1970s, the government created a Presidential Task Force for the Reconstruction and Development, the purpose of which was “to pool all government resources from its economic development, financial, welfare, and health agencies as well as military units” in order to assess the damage caused by the conflict, to

prepare an integrated plan for full reconstruction and rehabilitation of Mindanao, and to restore peace and order. (Mastura, 1984, p. 248)

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 a mandate to operate in accordance with Islamic banking principles, was also established.

2. The government, invoking its sovereign right to maintain its territorial integrity, unleashed its military might against the Bangsamoro. The military campaign has been very costly. Based on the revelations of former Congressman Eduardo Ermita, MindaNews reported the following:

In a privilege speech in July 1996, then Rep. Eduardo Ermita, who became 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 percent of that government casualties, 50 percent rebels, and 20 percent 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 every day.

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. (Arguillas, 2003)

A government think tank reported that “The toll on human lives and property was heavy on both sides. Independent estimates came out with these numbers: 50,000 deaths, 2 million refugees, 200,000 houses burned, 535 mosques and 200 schools demolished, and 35 cities and towns destroyed.” (Hernandez, 2006, p. 3)

The World Bank’s assessment of the direct economic costs of the conflict is \$2-3 billion, and the human and social toll since the 1970s has been heavy. The World Bank report shows an estimated 120,000 deaths, uncounted numbers of wounded and disabled, and more than two million

people displaced. (Schiavo-Campo & Judd, 2005) In the year 2000, when government troops attacked the MILF camps, around 932,000 civilians were displaced from their homes. The World Bank report shows that “The majority of people who were displaced as a result of the conflict in Mindanao that erupted in 2000 were Muslims.” (World Bank, 2003, p. 12-13) Around 390,000 people were again displaced when government troops attacked MILF enclaves in Pikit and Pagalungan in February 2003. When armed clashes between the government and MILF forces resumed after the signing of the MOA-AD was aborted, more than half a million people were displaced. As to casualties, 170 were reported dead and 123 injured, and 2,356 houses were destroyed.¹⁰

3. Negotiation is another approach adopted by the Philippine government. Negotiations with the MNLF started in 1975 and ended in 1996. The significant agreements between the GRP and MNLF were the Tripoli Agreement of 1976 and the 1996 Final Peace Agreement. The Tripoli Agreement provided for the establishment of autonomy for Muslims in the Southern Philippines within the realm of the sovereignty and territorial integrity of the Philippines, covering thirteen provinces. Under the agreement, foreign policy, national defense, and mines and mineral resources are under the competence of the Central Government. The autonomous region has the authority to set up its own court, schools, legislative and administrative system, financial and economic system, regional security forces, and representation and participation in all organs of the state. The 1996 final agreement spelled out the details of the 1976 Tripoli Agreement.

Negotiations with the MILF started in 1997. The agreement on peace between the GRP and the MILF, otherwise known as the Tripoli Agreement on Peace of 2001 called for discussion of three issues: (1) security (ceasefire); (2) rehabilitation and development of conflict-affected areas; and (3) ancestral domain.¹¹ The agreement recognized the distinct identity of the Bangsamoro as a people occupying a definite territory, which is referred to in the document as the Bangsamoro homeland, and the inherent right of the Bangsamoro people over their ancestral domain. It also acknowledged the fundamental right of the Bangsamoro people to determine their future and political status, in effect acknowledging that the problem is political in nature and needs a comprehensive, just, and lasting political settlement through negotiations. The agreement also

acknowledged that negotiations and a peaceful resolution of the conflict should involve consultations with the Bangsamoro people, free of any imposition. It called for evacuees to be awarded reparation for their properties lost or destroyed by reason of the conflict.

Agreements were reached between the two parties on ceasefire and rehabilitation and development of conflict-affected areas. The discussions on the issue of ancestral domain took several years until an agreement was reached, and the document entitled Memorandum of Agreement on Ancestral Domain (MOA-AD) was initialed by the parties on July 27, 2008, and scheduled to be signed on August 5, 2008, in Kuala Lumpur, Malaysia. The formal signing was aborted when the Supreme Court of the Philippines issued a temporary restraining order (TRO) and later declared the MOA-AD as “contrary to law and the Constitution.”

In negotiating peace with the Bangsamoro liberation movements, the Philippine Government insisted that agreements shall be within the framework of the Philippine Constitution. In negotiations with the MNLF, the government asserted vehemently on the inclusion of the provision in the Tripoli Agreement of 1976 that the establishment of autonomy in the Southern Philippines is within “the realm of the sovereignty and territorial integrity of the Republic of the Philippines,” and that implementation of the entire agreement is contingent on constitutional processes.¹² When there was no categorical mention of this proviso in the MOA-AD, the Supreme Court declared it unconstitutional.

The Supreme Court decision reversed what the Government had conceded to the Bangsamoro people. The Tripoli Agreement of Peace of 2001 between the GRP and the MILF acknowledges the Bangsamoro right to self-determination, stating that “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.” This was affirmed by Secretary Silvestre C. Afable, Jr., Chairman of the Government Peace Negotiating Panel, in the talks with the MILF, in his letter to Mohagher Iqbal, Chairman of the MILF Peace Negotiating Panel, dated November 9, 2006, which stated that the GRP would like to explore with the MILF “the grant of self-determination and self-rule to the Bangsamoro people based on an Organic Charter to be drafted by representatives of the Bangsamoro people.” In Tokyo in May 2007, he again reiterated the Philippine government’s position: “On the negotiating table, we have offered a political settlement based on self-determination

that strives to unify the Bangsamoro people rather than divide them, for them to finally live in a homeland rather than a rented territory paid for in blood and suffering. We are crossing bridges of understanding that others have never ventured to do in the past.” (Abinales, 2007)

Way Forward

Since 1946, the Philippine Government has been confronted with problems in its relations with the Bangsamoro people and tried various ways of addressing these but the conflict lingers on taking different forms at various stages of history. The reason may be that they did not address the root cause of the problem which is the assertion of the Bangsamoro of their right to self-determination.

The quest for self-determination is what has propelled most conflicts in the world today. Harris and Reilly observed that “Between 1989 and 1996..., 95 of the 101 armed conflicts identified around the world were such internal conflicts. Most of these conflicts were propelled, at least in part, by quests for self-determination.” (2003, p.1)

UNESCO experts have suggested that “the peaceful implementation of the right to self-determination in its broad sense is a key contribution to the prevention and resolution of conflicts, especially those which involve contending interests of existing states and peoples, including indigenous peoples, and minority communities.” (Van Walt van Praag & Seroo, 1998)

The self-determination approach has been used in other countries facing similar problems in addressing their conflicts with their minority populations. In Southern Sudan, for example, under the 1997 Peace Agreement, the central government agreed that the people of Southern Sudan shall determine their political aspirations and pursue their economic, social and cultural development through a referendum to be held before the end of the interim period. The national government of Papua New Guinea promised, under the 2001 Bougainville Peace Agreement, that it will move amendments to the national constitution to guarantee a referendum on Bougainville’s future political status.

Allowing people to enjoy the right to self-determination does not automatically result in the separation of the claimed territory from the parent state, as feared by the government, although this may be one of the possible outcomes. A referendum on Puerto Rico's political status was held in 1967, but 60% of the voters preferred continued commonwealth status. Leaders of the province of Nivis wanted to

separate from the federation of St. Kitts and Nevis, but the citizens of the province voted to stay with the federation. Although not binding, the two referenda in Quebec illustrated that holding a referendum does not inevitably translate to separation. On the contrary, denying people the opportunity to exercise this right or failing to make the mechanism available to exercise the right to self-determination will make the peaceful resolution of armed conflicts more difficult.

To resolve the conflict between the government and the Bangsamoro people, the government has to consider amending the Constitution that will allow a power-sharing arrangement between the central government and the Bangsamoro state, as contemplated in the MOA-AD, and for the Bangsamoro people to determine their political status.

The best guarantee that the government can have that the Bangsamoro people will not secede from the Philippines is when they are given the opportunity to exercise their fundamental right to determine their political status, and their welfare and security are guaranteed. Our experience with the 1976 Tripoli Agreement and 1996 peace accord is instructive that to water down the expression of their right to self-determination will not stop the Bangsamoro in their quest for freedom and justice.

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Footnotes

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. See “Petition to the President of the United States of America from the People of the Sulu Archipelago” in Salah Jubair, *Bangsamoro: A Nation Under Endless Tyranny*. (Kuala Lumpur, Malaysia: lQ Marin SDN BHD, 1999), p. 293-297.

³. See “A Declaration of Rights and Purposes Addressed to the Congress of the United States of America” in Jubair, p. 298-303.

⁴. Christian prejudices against Muslims were revealing in the study conducted by the Filipinas Foundation, *Philippine Majority-Minority Relations and Ethnic Attitudes* (Makati, Rizal, 1975) and in the Philippine Development Network, *Philippine Human Development Report 2005* (PHDR 2005).

⁵. http://www.nscb.gov.ph/poverty/2006_05mar08/table_2.asp

⁶. <http://www.census.gov.ph/data/sectordata/2003/fl03tabE.htm>

⁷. <http://www.census.gov.ph/data/pressrelease/2003/pr0375tx.html>

⁸. First ARMM Progress Report on the Millennium Development Goals

⁹. Reflective of this policy is President Ferdinand E. Marcos's statement during the Special Session of the Batasang Bayan on May 3, 1977. See "The President's Report on Southern Philippines", Batasang Bayan, May 3, 1977.

¹⁰. NDCC Update, Sitrep No. 82 (January 27, 2009)

¹¹. This agreement is the basis of negotiations between the Philippine Government and the MILF.

¹². Articles 1 and 16 of the Agreement between the Government of the Republic of the Philippines and Moro National Liberation Front with the Participation of the Quadripartite Ministerial Commission Members of the Islamic Conference and the Secretary General of the Organization of Islamic Conference, Tripoli, Libya, December 23, 1976.



Source: Sarah Radam

ASSERTIONS OF SOVEREIGNTY AND SELF-DETERMINATION: THE PHILIPPINE-BANGSAMORO CONFLICT

Mindanao Horizons
2010

Introduction

This paper discusses the view that the armed conflict between the Philippine Government and the Bangsamoro people is rooted in the assertion of the government of its sovereignty and the assertion of the Bangsamoro to exercise their right to self-determination and argues that finding solutions that will take into consideration the two positions will be the viable and sustainable way to achieve peace in the Bangsamoro homeland.

Nature of the Conflict

The conflict in Mindanao between the Philippine Government and the Bangsamoro people is seen from different perspectives. To the government, it is the problem of integrating the national cultural communities into the body politic (Republic Act 1888), while to the Bangsamoro, the problem is the refusal of the central government to recognize and allow the exercise of their right to self-determination. There are also some sectors of Philippine society who view the problem as a Muslim-Christian conflict.

Problem of integration

The situation of the Bangsamoro people, as described by the government, is backward (House of Representatives, 1954, p. 85), “poor and lacking education and training.” (Abueva, 1977) Summarizing his findings on the perceived problems of cultural minorities, Abueva (1977) wrote: “From available written sources and from the responses of the delegates who were polled for this paper, one is struck by the sense of relative deprivation, neglect, exploitation, misunderstanding, discrimination, and therefore of a degree of elimination, felt by informed members of the cultural minorities.”

Government policymakers (House of Representatives, 1954) believe that this deprivation triggers the violence in Mindanao. The relationship of deprivation to violence is explained by Magdalena (1983-1984, p. 55) as follows:

“[...] communities which have higher deprivation and higher displacement tend to experience more violence than those which are low on these. Together, the two variables are much more highly related to the occurrence of violence than are the separate effects of either one.”

In response to this deplorable situation, the central government adopted the policy of integration. The objective of the government's national integration policy towards the Bangsamoro, who were earlier categorized as Non-Christian Filipinos and later re-categorized as National Cultural Minorities, is to render real, complete, and permanent their integration into the Philippine body politic. Their integration has to be accomplished “by all adequate means and in a systematic, rapid and complete manner” and includes their “moral, material, economic, social and political advancement.” (Sec. 1, RA 1888)

The integration policy was reframed after President Ferdinand Marcos' martial law. The new policy emphasized the preservation and development of the culture, traditions, institutions, and well-being of Muslim Filipinos in conformity with the country's laws and in consonance with national unity and development. (Executive Order 122-A as amended by EO 295) Lately, with the passage of the law creating the National Commission on Muslim Filipinos, state policy was rephrased with the aim “to ensure the rights and well-being of Muslim Filipinos with due regard to their beliefs, customs, traditions and institutions, as well as to further ensure their contribution to national goals and aspirations and to make them active participants in nation-building.” (RA 9997)

Self-determination

The Bangsamoro sees the problem from a different perspective. They want to exercise their right to self-determination, but the central government does not allow them. They tried to use peaceful and democratic means, to no avail. When they resorted to armed struggle to defend their communities from military incursions, the toll on human life and property has been heavy on both the Bangsamoro and the government.

Realizing that the costs of being part of the Philippines far outweigh the benefits derived, the Bangsamoro attempted several times to separate from the republic.

During the Fourth Congress, Representative Ombra Amilbangsa filed House Bill No. 5682, which sought the granting and recognition of the independence of Sulu. When the bill was sent to the archives without action, then-provincial governor of Cotabato Datu Udtog Matalam made a dramatic move, issuing the Mindanao Independence Movement (MIM) manifesto calling for the independence of Mindanao and Sulu to be known and referred to as the Republic of Mindanao and Sulu. In 1974, the Moro National Liberation Front (MNLF) issued a manifesto proclaiming that “the Bangsamoro people [...] are disbanding all their political, economic and other bonds with the oppressive government of the Philippines” and appealing to the international community to accept the “Bangsamoro Republik as one of the members of the family of independent and sovereign nations in the world.” (MNLF Manifesto, 1974)

Salah Jubair (2007, p. 11), in defining the problem as seen by the Moro Islamic Liberation Front (MILF), writes: “Essentially, the problem, to the MILF, is about giving the Moros their (right to self-determination) RSD as enunciated in international law, which will, in the end, determine which of the various shades of self-governance they freely choose: associative, federative or any other form of self-determination, although the most natural meaning or expression of RSD is independence.”

Even Bangsamoro academics see the problem as that of self-determination. In her suggestions to improve the relations between the Moros and Christians, Prof. Carmen Abubakar (1987, p. 134) of the University of the Philippines made it clear that “vital to this effort is understanding the Moros' claim to self-determination and their demand for self-rule. This is a demand that has moral, legal, and historical foundations and cannot be withheld or denied on the basis of colonial prerogatives.”

The Bangsamoro assertion of self-determination is anchored on a historical narrative and consideration of the costs that they pay for being part of the Philippine Republic. The Bangsamoro consists of 13 Muslim ethno-linguistic groups living in contiguous areas in Mindanao. Prior to their incorporation into the Philippines, they exercised sovereign power over 2/3 of Mindanao. Today, only around 1/3 of their original homeland remains in their possession after several decades of being part of the Philippines.

The Bangsamoro claim that they have significantly earlier experience in state formation and governance than the Filipinos. In the middle of the 15th century,

Sultan Shariff ul-Hashim established the Sulu Sultanate, while in the early part of the 16th century, Shariff Muhammad Kabungsuwan established the Magindanaw Sultanate. These were followed by the establishment of the Sultanate of Buayan and the Pat a Pangampong ko Ranao (Confederation of the Four Lake-based Emirates). These states were already engaged in trade and diplomatic relations with other countries, including China, before the creation of the new political entity called the Republic of the Philippines. Administrative and political systems based on the realities of the time existed in those states. In fact, it was through the existence of well-organized administrative and political systems that the Bangsamoro people managed to survive the military campaign waged by Western colonial powers against them for several centuries and to preserve their identity as a political and social entity.

When the United States government promised to grant independence to the Philippine Islands, the Bangsamoro leaders registered their strong objection to being part of the Philippine Republic. Unfortunately for the Bangsamoro, their territory was made part of what the United States handed over to the Philippines in 1946. The Bangsamoro view the annexation of their homeland as illegal and immoral, as this was done without their plebiscitary consent.

Despite their protests, some Bangsamoro leaders cooperated with the Philippine government in the hopes of benefiting the Bangsamoro society, but their experience under Philippine rule has been unsatisfactory to many Bangsamoro.

- Studies have shown that the Christian majority is prejudiced against Muslims. (Philippine Development Network, 2005) Prejudice has led to the exclusion of the Bangsamoro from opportunities in jobs, education, housing, and business, as recounted in the Philippine Human Development Report (PHDR 2005).

The PHDR 2005 study reveals a considerable percentage (33% to 39%) of Filipinos are biased against Muslims. The exclusion from job opportunities is very high. For example, 46% of the Christian population would choose a Christian male worker, while 40% would choose a Christian female domestic helper. Only 4% would choose a Muslim male worker, while 7% would choose a Muslim female domestic helper. The majority of Christians have difficulty accepting Muslims as neighbors; a study shows that in Metro Manila, 57% would opt to have a residence with higher rent but far from a Muslim community.

An earlier study by the Filipinas Foundation (1975) showed that Muslim-Filipinos were the “least likeable group.” Fifty-four percent of those who responded to the question describing Muslims gave unfavorable comments, using terms such as “treacherous” and “killers.”

In a study among youth in Mindanao, the “majority (91%) of Christians showed stronger biases and prejudices against the Muslims than the Muslims had for Christians.” In terms of acceptance, the study reveals that “more than 90% of the Muslim youth respondents were more willing to accept Christians as associates or to work, live together, while the majority (87%) of the Christians are not.” (Alfaras, 2004)

- The Bangsamoro lost vast tracts of their lands and became a minority in their own homeland. (Rodil, 1994)

The Philippine government opened the whole of Mindanao to resettlement and corporate investments. In 1903, the Philippine Commission declared null and void all land grants made by traditional leaders like sultans, datus, and tribal leaders if done without government consent. Through the years, the government implemented public land laws that were discriminatory to the Bangsamoro and other indigenous peoples of Mindanao while being favorable to Filipino settlers and corporations. (Rodil, 2007) The introduction of public land laws, which were based on the Regalian doctrine, “became an opportunity for the colonized north-Filipino elites to own or lease substantial landholdings as well as a chance for the ‘legal’ or systematic land-grabbing of traditional lands” of the Muslims. (Fianza, 2004, p. 5)

In 1954, the National Resettlement and Rehabilitation Administration (NARRA) was established. Under this program, from 1954 through 1958, nearly 23,400 Christian Filipino families were resettled in Cotabato. (Mastura, 1984, p. 245)

The consequence of the state policies on land ownership and the encouragement of Christian communities to settle in Mindanao was the minoritization of the Bangsamoro in their traditional homeland. The lands that remain in the Bangsamoro are those located in the Autonomous Region of Muslim Mindanao (ARMM) and small areas in other provinces.

- The government failed to deliver basic services and needed development to Bangsamoro communities. In the ARMM, which comprises provinces where the Bangsamoro are majority, poverty incidence was the highest in the country. Poverty incidence among the population is 60% in 2000, 52.8% in 2003, and 61.8% in 2006, while the national figures are 33%, 30%, and 32.9%, respectively. The functional literacy rate in the region is 62.9% (2003), while the national average is 84.1%. Out-of-school children and youth are also highest in the ARMM (23.1%), whereas the national average is 14.7%. The ARMM's under-five mortality rate (UFMR) and child mortality rate (CMR) are very high at 45 and 12 deaths per thousand live births, respectively — compared to the country's UFMR and CMR at 32 and 8 deaths per thousand live births in 2006, respectively.
- The government also failed to protect the Bangsamoro people. There were reported massacres of Muslims and the destruction of their properties, but the government failed not only to give them protection but also to give them justice. No serious investigations were conducted, and no one was held responsible for many of these incidents of human rights violations.

Muslim-Christian Conflict

Those who see the religious factors in the conflict have labeled it a “Muslim-Christian conflict.” This label is used by observers whose sight is trained only on the actors in the conflict rather than on the issues involved.

Visibly, it can be seen that the majority, if not all, of the soldiers fighting the Bangsamoro forces, including the militias that the military is supporting, are Christians. On the other side, the majority, if not all, of the Bangsamoro forces are Muslims. It is also a fact that religious discourses are sometimes used to win over supporters. However, these do not make the conflict a religious one.

Attempts to Resolve the Problem

Integration programs

To pursue the national integration program of the central government, the Commission on National Integration (CNI) was established in 1957 for the purpose of achieving the national policy “to foster, accelerate and accomplish by all adequate means and in a systematic, rapid and complete manner the moral, material, economic, social and political advancement of the non-Christian Filipinos,

hereinafter called national cultural minorities, and to render real, complete and permanent the integration of all the said National Cultural Minorities into the body politic.” The Commission had a wide range of powers and functions. With the creation of the Southern Philippines Development Authority (SPDA), the CNI was abolished. After a while, the Ministry of Muslim Affairs was established. This ministry was later abolished with the creation of the Office for Muslim Affairs and Cultural Communities (OMACC) by virtue of Executive Order No. 969.

During the presidency of Corazon Aquino, Executive Order No. 122-A was issued in 1987 creating the Office on Muslim Affairs (OMA). More recently, OMA was abolished with the creation of the National Commission on Muslim Filipinos (NCMF).

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. In 1973, President Marcos created the Philippine Amanah Bank with a mandate to operate in accordance with Islamic banking principles. Its charter as an Islamic bank was passed by Congress in 1989.

After half a century of the adoption of the integration policy, the central government remained unable to integrate the national cultural communities into the nation's body politic. According to Quilop and Villamin of the AFP think tank, the problem in Mindanao is the failure of the Philippine state to develop a strong sense of nationhood among its citizens.

“The situation in Mindanao reflects a fundamental issue the Philippines faces as a society—a weak sense of nationhood and the inability of the Philippine state or government to develop among the archipelago’s inhabitants the sense that they share and belong to the Filipino nation.” (2009, p. 9)

Development Programs

To hasten the development of Mindanao, the Mindanao Development Authority (MDA) was established in 1961. The objectives of the MDA were “to foster the accelerated and balanced growth of the Mindanao, Sulu and Palawan region...within the context of national plans and policies for social and economic development, through the leadership, guidance and support of the government.” (RA 3034)

After the conflict grew into armed confrontations between the government and MNLF forces in the early 1970s, the government created a Presidential Task Force for Reconstruction and Development, the purpose of which was “to pool all government resources from its economic development, financial, welfare, and health agencies as well as military units” in order to assess the damage caused by the conflict, to prepare an integrated plan for the full reconstruction and rehabilitation of Mindanao, and to restore peace and order. (Mastura, 1984, p. 248) To attend to the needs of evacuees, the Special Program of Assistance for the Rehabilitation of Evacuees (SPARE) was created under Letter of Instruction No. 30.

In 1992, President Corazon Aquino issued Executive Order 512 creating the Mindanao Economic Development Council (MEDCO) with the task to “promote and coordinate the active and extensive participation of all sectors to effect the socio-economic development of Mindanao.” MEDCO was abolished in 2010 with the passage of RA 9996 creating the Mindanao Development Authority (MinDA).

Autonomy Experiment

Although the Marcos regime did not recognize the Bangsamoro right to self-determination, after the start of the talks with the MNLF in 1975, the government started to devolve powers to Regions 9 and 12, where Muslims have sizeable numbers.

On July 7, 1975 by virtue of Presidential Decree No. 742, the Office of the Regional Commissioner (ORC) for Regions 9 (Sulu, Tawi-Tawi, Basilan, Zamboanga del Norte and Zamboanga del Sur) and 12 (Lanao del Norte, Lanao del Sur, North Cotabato, Maguindanao, and Sultan Kudarat) were created by President Marcos.

On March 25, 1977, by virtue of Proclamation No. 1628, Marcos declared autonomy in 13 provinces in Mindanao in response to the terms of the agreement signed in Tripoli, Libya, between the government and the MNLF on December 23, 1976. Following the proclamation, a plebiscite was conducted to determine which of the 13 provinces mentioned in the Tripoli Agreement would join the autonomous region, resulting in only ten provinces, the areas comprising Regions 9 and 12, deciding in favor. Marcos retained the original arrangement of having two autonomous regions, wherein the Muslim population became part of two regions instead of having one autonomous unit. This arrangement was objected to and largely discredited by the MNLF.

From administrative autonomy, Regions 9 and 12 evolved into political autonomy in 1979 when Batas Pambansa Blg. 20 and Presidential Decree 1618 granted the regions limited powers to exercise executive and limited legislative powers.

Under the administration of Corazon Aquino, changes were made in consonance with the provision of the new constitution that provided for the creation of autonomous regions in Muslim Mindanao and the Cordillera. An autonomous region was established for the Muslim population in Mindanao, but this time, only four provinces constituted the autonomous unit. The ARMM, established in 1989 by virtue of Republic Act No. 6734, enjoyed more powers compared to the defunct Regions 9 and 12. Despite its enhanced powers, its legitimacy was questioned by the MNLF because the ARMM was established without the latter's concurrence.

On September 2, 1996, the government and the MNLF reached the final agreement on the implementation of the 1976 Tripoli Agreement. The MNLF agreed on the ARMM as the version of autonomy envisioned in the Tripoli Agreement with the proviso that its charter would be amended to accommodate provisions of the agreement that were not found in Republic Act 6734. Congress, on February 1, 2001, passed Republic Act No. 9054, which amended Republic Act 6734.

For about three decades, the national government attempted to set up political institutions in Muslim areas to address the grievances of the Bangsamoro, but the performance of the former Regions 9 and 12, and now the ARMM, was not encouraging. A longtime resident of Cotabato City observed, "Thirty years into the movement, the Muslim Autonomy has not taken off." (Diaz, 1998, p. 144) A member of the ARMM regional assembly admitted that "the ARMM is still struggling. It has not yet taken off towards real development." (Naraga, 2004, p. 140)

The autonomous region as a political institution that would give expression to the Bangsamoro's political aspirations was a disappointment. The observation of Vitug and Gloria (2000, p. 82) is indeed revealing:

"The value of the ARMM lies in giving recognition to a people's need for a distinct identity and in being a venue to govern themselves. But, given the dire conditions in the area—poverty, lack of basic services, unresponsive leadership—the experiment in autonomy is a near failure."

The creation of the autonomous government did not end the violent conflict in Mindanao. The ARMM as an institution was "unable to solve the Mindanao problem." (Naraga, 2004, p. 139) It failed even to prevent the recurrence of

violence between the government forces and the MNLF, notwithstanding the fact that both parties reached a final agreement in 1996.

The social well-being of the population in the area of autonomy has not improved in the last three decades. The poor performance of the ARMM is attributable to some factors.

- ARMM is not accepted as an expression of Bangsamoro self-determination

For a political institution to generate wide political support from the Bangsamoro, it has to be accepted as an expression of their self-determination. This is understandable since their struggle has been founded on their claim to self-determination. The ARMM is perceived as “a form of political accommodation that was meant to appease a restive Moro population, rather than a well-thought-out autonomy project.” (Bernabe, 2003, p. 4)

The problem with the ARMM, likewise with the regional governments of Regions 9 and 12 before it, is that, from the beginning, it had been objected to by the MNLF. The unilateral action of the central government to push for the ARMM's creation was seen as an imposition rather than the exercise of the right to self-determination. Its dismal performance in delivering services to its constituents reinforces the impression that it was “destined to fail right from the start.” (Bernabe, 2003, p. 4)

- Negative perceptions towards autonomy

Autonomy refers to self-governance. A political arrangement short of independence falls within the ambit of the concept of autonomy. When used in the context of the conflict between the government and the Bangsamoro, autonomy becomes a “tired phrase” for the reason that it had been opposed by the liberation fronts for years, and the autonomy project of the government failed to bring peace and development in the area of autonomy.

To avoid the baggage of negative perception towards autonomy, a governing institution has to keep away from using the term. A new name, therefore, has to be conceptualized. Some sort of political repackaging is necessary. Free association or any other term that implies power sharing

between the central government and the regional government would be helpful in pursuing this aim.

- Lack of participation by the Bangsamoro in the drafting of the Organic Act

The drafting of an organic charter of a Bangsamoro political institution will be an opportunity to generate wide political support from the Bangsamoro if done in a participatory manner without interference from the central government.

In 1988, before the establishment of the ARMM, the Regional Consultative Commission (RCC) was created to draft the ARMM Organic Act. The Muslim commissioners complained of interference from national officials in their work, saying that they “did not have a free hand charting the proceedings of the RCC.” (Basman, Lalanto and Madale, 1987, p. 45)

The drafting of an organic charter of a political institution has to be free from outside interference and should involve all sectors of the Bangsamoro society to generate their sense of ownership. The selection process for membership into a body that will draft the organic charter should ensure equitable representation of all ethno-linguistic groups, including indigenous people, and all sectors of the Bangsamoro society.

- Problem of Representation

The ARMM population is composed of several ethno-linguistic groups. The geographic configuration of the ARMM is highly dispersed though contiguous. This makes access to the center of political power difficult for many who live on the islands and in remote areas.

In designing a governing institution, a system of representation in the legislative branch and the bureaucracy for every ethno-linguistic group is necessary to generate political support. Preference has to be given to representation by ethnic groups because they are more cohesive and generally live in contiguous areas. Their representation in the bureaucracy is also necessary to ensure the delivery of basic services to their communities.

Interfaith Dialogues

Those who see the problem as misunderstanding, mistrust, and prejudices between Muslims and Christians promote interfaith dialogue as a way of bridging understanding. Robert D. McAmis, an American missionary and among the pioneers of Muslim-Christian dialogue in Mindanao, sees dialogue as a means to avoid violence and conflict. “Truly, dialogue is needed at all levels to understand and satisfy the legitimate demands of the Muslim minority to avoid further violence and conflict because of the Moro Problem.” (McAmis, 1987, p. 42)

The first National Muslim-Christian dialogue in Mindanao was held in Zamboanga City on September 19-21, 1974. The Muslims included representatives of major Muslim groups, while the Christians were composed of Catholics and Protestants. Since then, various Muslim-Christian dialogues have taken place.

The objective of the dialogue is to promote understanding. It can be a good method for conflicting parties to understand each other’s position. The problem of interfaith dialogue, as practised in Mindanao, is that it has sometimes been used for counter-insurgency. In July 1996, at the Ateneo de Manila University in Quezon City, then Defense Secretary Renato De Villa organized the meeting of ulama and bishops, forming the Bishop-Ulama Forum (BUF). According to De Villa, the objective of the dialogue was “to outflank Salamat (Hashim) because he was trying to unify the ulama and all religious leaders of the Muslim South.” He continued, “If he were able to bring into his fold all the ulama, that would be dangerous. He would have been in command of the Muslims, minus the politicians and Nur Misuari. First, we needed a religious countervailing force. Second, we needed to find a vehicle to examine Muslim-Christian relations.” (Vitug and Gloria, 2000, p. 150)

Negotiations

Through the mediation of the Organization of Islamic Conference (OIC), negotiations between the Government of the Republic of the Philippines (GRP) and the MNLF started in January 1975 and lasted until September 1996. The GRP and the MNLF signed two significant agreements, the Tripoli Agreement of 1976 and the Final Agreement on the Implementation of the 1976 Tripoli Agreement. Both intended to address Bangsamoro’s aspirations for self-governance.

The Moro Islamic Liberation Front, who stayed on the sidelines during the GRP-MNLF talks, evaluated the Final Agreement on the Implementation of the 1976

Tripoli Agreement and was convinced that the agreement fell short of the aspirations of the Bangsamoro people to exercise the highest form of self-governance. The MILF, with the end in view of achieving the highest form of self-governance for the Bangsamoro through power sharing and equitable sharing of resources between the Government and the Bangsamoro State, entered into negotiations in January 1997. After more than ten years of talks, the GRP and the MILF initialed the Memorandum of Agreement on Ancestral Domain (MOA-AD), which defined the power relationship between the government and the proposed Bangsamoro Juridical Entity (BJE). MOA-AD also defined Bangsamoro identity, delineated their homeland, and provided the formula for sharing resources that are found in the Bangsamoro homeland. Both parties initialed the document in July 2008, but the Supreme Court restrained the GRP peace panel from formally signing the document and subsequently declared the agreement unconstitutional. The negotiations were derailed. Although the talks are now back on track, the two parties' positions are poles apart.

Challenges

In addressing the conflict between the Philippine Government and the Bangsamoro, the following challenging issues will always emerge from discussions, perhaps in the same words used in this paper or couched in more ambiguous terms.

Philippine Sovereignty and Bangsamoro Self-Determination

The root cause of the problem is the assertion of the Bangsamoro to exercise sovereign rights over a territory where the Philippine Government is currently exercising sovereign power and which the latter considers part of its national territory. The finding of the Philippine claim is that the territory was part of what the United States granted to the Philippine State when independence was proclaimed on July 4, 1946. The Bangsamoro contend that the incorporation of their territory into the Philippines was without their plebiscitary consent, a blatant violation of their rights as guaranteed by various United Nations instruments guaranteeing peoples' right to determine their political status.

The Philippine Government is determined to assert its sovereignty, even to the extent of going to war. In 2000 the Armed Forces of the Philippines waged war against the MILF because “[i]t was the government’s course of action in the assertion of its sovereignty.” (Pobre & Quilop, 2008, p. 117)

The Supreme Court decided against the Memorandum of Agreement on Ancestral Domain (MOA-AD) to prevent government peace negotiators from making any concession to the Bangsamoro people that the latter could use to pursue their struggle for liberation. That is why, in the post-MOA-AD formulations of the GRP peace panel, the Supreme Court's decision is always invoked. (Seguis, 2010)

The government fears that if an opening is given, the Bangsamoro people will decide to separate from the Philippines. In fact, what had been contemplated in an associative relationship between the proposed Bangsamoro Juridical Entity (BJE) and the central government was not an independent Bangsamoro state. Still, the Supreme Court declared the concept unconstitutional because it “presupposes that the associated entity is a state and implies that the same is on its way to independence.”

Ismael G. Khan Jr. (2008), the former Supreme Court spokesperson, explains why the Supreme Court issued the temporary restraining order (TRO) against MOA-AD: “Viewed against the backdrop of contemporary political events around the world, there is little question that had the Supreme Court not issued its TRO when it did, an inexorable chain of events would have been set in motion, culminating in the secession of the Bangsamoro Juridical Entity from the Republic of the Philippines.” He elaborated this fear in the following words:

“The GRP negotiators’ gratuitous description of the Bangsamoro as the ‘First Nation’ with a defined territory and with a system of government having entered into treaties of amity and commerce with foreign nations’ would have had the effect of making it difficult for other countries, especially unfriendly ones, not to recognize it as an independent state once the MILF intensified its war of ‘liberation’ against a ‘central government’ that had, in the first place, already declared that its relationship with the BJE ‘shall be associative, and characterized by shared authority and responsibility.’”

This fear lingers, despite the fact that the MNLF accepted the OIC formula of solving the problem within the context of the country's sovereignty and territorial integrity and that the MILF demands do not include independence but rather self-governance for the Bangsamoro as well as equitable distribution of power and resources between the Bangsamoro State and the central government.

On the other hand, the Bangsamoro are determined to seek recognition of their right to self-determination. In negotiations, the MILF tried to include in the

agreement the phrase “Bangsamoro right to self-determination.” However, stiff resistance from the government peace panel compelled the negotiators to use creative phraseology, such as “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.” (2001 Tripoli Agreement)

Although the expression of self-determination includes separate political independence, what the MILF is pursuing is the highest form of self-governance. The view of the Office of Strategic and Special Studies of the Armed Forces of the Philippines is that only defense, foreign affairs, and currency are non-negotiable, while all other issues are negotiable. (Pobre & Quilop, 2009, p. 216) This is a perspective that is encouraging in the search for a solution to the problem, especially in that this view comes from the military establishment. By all indications, the Bangsamoro can accept an arrangement that defense, foreign affairs, and currency will be exercised by the central government, while all other powers will be exercised by the Bangsamoro State.

Bangsamoro Identity and Homeland

The Bangsamoro want to be identified as Bangsamoro, the identity by which they want to be recognized by the Philippine Government and the international community. Furthermore, the Bangsamoro want to take charge of the preservation and management of their territory. This is understandable because, under the stewardship of the Philippine Government, they lost most of their lands and became a minority in their traditional homeland. The territory has to be delineated to include not only the land mass but also what is beneath and above, and the body of waters and seas in between, as the Bangsamoro are a maritime people. The delineation is necessary to identify the extent to which the Bangsamoro authority can exercise the power of preservation and management of the Bangsamoro patrimony.

Security

Security arrangements shall be built on the concept that they are a shared duty and responsibility between the central government and the Bangsamoro State. To translate the concept of shared security into practice, national security shall be the

primary responsibility of the central government, while internal security of the region shall be the primary duty and responsibility of the Bangsamoro authority.

Close cooperation between the Armed Forces of the Philippines and the Bangsamoro State is the best approach to fighting lawlessness, terrorism, and criminality. For years, the Armed Forces of the Philippines, with the assistance of the United States military forces, has been fighting terrorists in the South but has never been able to eradicate the menace of terrorism. For Bangsamoro's security forces to be effective, a future agreement should include the professionalization of Bangsamoro's internal forces at the level of international standards.

Governance

In terms of governance, the power relationship between the central government and the Bangsamoro State has to be part of the negotiated agreement. Internal governance structures, policies and administration have to be decided by the Bangsamoro State and the Bangsamoro people.

There is strong clamor from the Bangsamoro for good governance and the elimination of corruption. What may be needed is a broad power to restructure governance to answer the needs of the population without necessarily going through the central government. Government structures, policies, and programs are dynamic and may undergo changes from time to time in order to respond to changing situations. To have a responsible, transparent, and caring government for the Bangsamoro, the Bangsamoro State must be empowered to build, develop, and maintain political, judicial, administrative, financial and banking, legislative, educational, civil service, electoral, police, and health institutions.

Wealth-sharing

A Bangsamoro entity cannot be viable without its income base. Subsidy from the central government works counter to the power-sharing principle. That is why a Bangsamoro State must have a greater share, at least 75%, of the income derived from within its territory.

Relations among Bangsamoro, IPs, and Filipino Settlers

It is true that in other parts of Mindanao there are indigenous peoples and Filipino Christian settler communities. The Bangsamoro do not lay claim over these areas.

The Bangsamoro are interested only in the protection and preservation of areas where they constitute the majority.

The Bangsamoro are also aware that these communities have their grievances, too, particularly the indigenous peoples, but their grievances differ from those of the Bangsamoro. The indigenous peoples also have their right to self-determination, but the expression of the same to them is different from that of the Bangsamoro. While the Bangsamoro seek territorial self-determination, the indigenous peoples of Mindanao aspire for cultural self-determination.

For indigenous peoples who will be part of the claimed territory of the Bangsamoro, the GRP-MILF Declaration on June 3, 2010, has given them equal rights with the Bangsamoro and a guarantee of the protection of their economic rights, culture, beliefs, and traditions.

To address the concerns and grievances of the indigenous communities and the Filipino Christian settlers, it might be useful for the indigenous communities and the Christian settlers to seek the opening of new tracks of negotiations with the government, separate from that of the government negotiations with the Bangsamoro. Advocates of indigenous peoples' rights have to assist the indigenous communities as they negotiate regarding their grievances. To lump together the concerns and grievances of the indigenous people, the Christians of Mindanao and the Bangsamoro would only complicate matters and make solutions to the problems more elusive.

Conclusions and Recommendations

The conflict between the Philippines and the Bangsamoro people is rooted in the assertion of the Philippine Government of its sovereignty and the assertion of the Bangsamoro people to exercise their right to self-determination. To move forward in the search for solutions to the conflict, it is necessary for the government and the Filipino people to overcome their fear that the Bangsamoro will separate. First, the MNLF has accepted the OIC formula of autonomy within the sovereignty of the Philippines. Second, the MILF demands do not include independence but instead the highest form of self-governance. In order for the Bangsamoro not to secede, the Philippine government should give them the opportunity to govern themselves, with their welfare and security assured under a negotiated agreement.

To reach a negotiated settlement of the conflict, the following recommendations may be helpful:

- The GRP and the MILF should continue the negotiations. A military solution will not succeed, a fact recognized even by the military think tank: “The issue of rebellion or secession is basically a political problem requiring a political solution, ideally through negotiations.” (Pobre & Quilop, 2008, p. 117) Military victory is not all that counts; according to Pobre and Quilop (2008, p. 118), “military initiatives must give way to the higher goal of finding a more meaningful and lasting solution to a complex internal conflict phenomenon.”
- It is true there is no easy way to end a self-determination conflict, but peace talks to address the issues should not be allowed to drag on with no closure in sight. “Negotiations forever” and “ceasefire forever” will not solve the problem and certainly will not work for peace in the long run. The danger in long-drawn negotiations is that people might lose hope in the peace process, leading to the radicalization of some groups, particularly the youth.

Until there is closure to the negotiations, the impression of instability in Mindanao will remain, affecting investments and development efforts. Speedy resolution of the ongoing talks will be in the best interest of the business sector and the larger Filipino society. The GRP, the MILF, the facilitator of the talks, and the international community have to find ways to secure early closure of the GRP-MILF negotiations.

- The Supreme Court decision on the MOA-AD gives the impression of a lack of consensus and coherence within the Philippine Government as far as the GRP-MILF peace process is concerned. It would be helpful to the negotiations if the Philippine Government could make the peace process a national agenda and bring key decision-makers on board.
- Informing the public about the negotiations may not be enough. What is needed is to have both the GRP and MILF educate their respective constituencies on the importance of the success of the peace process and the costs they have to shoulder if the conflict should continue.
- The new administration must be open to constitutional changes in addressing the conflict. The Supreme Court’s decision on the MOA-AD makes it impossible to form a power-sharing arrangement between Bangsamoro and the central government under the present constitution.

If structural changes cannot be negotiated, negotiations become an exercise in futility. Both parties, but particularly the GRP peace panel, need to work out a formula to remove constitutional and institutional barriers.

To allay the fears of some sectors that, in the process of amending the constitution, other provisions that they want to be protected might be affected, amendments can be done either through a surgical way — that is, only a particular provision will be amended — or by appending to the constitution an agreement between the GRP and the MILF.

Because the constitution is limiting and restrictive, it should not be used as the framework of the negotiations. Invoking constitutional constraints in the negotiations will lead the peace process to nowhere.

- Once resumed, the negotiations should begin at the point where the parties ended under the continued facilitation of Malaysia. Attempts to either disregard the gains of the 14 years of negotiations or to replace Malaysia as the facilitator will certainly derail the peace process.

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At the Institute of Bangsamoro Studies (IBS) Office in Cotabato City. Source: Sarah Radam

POLICING FOR THE BANGSAMORO

Mindanao Horizons
2014

The Framework Agreement on the Bangsamoro (FAB) entered into by the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) provides that there shall be a police force for the Bangsamoro.

Whether the existing police force in the Autonomous Region in Muslim Mindanao (ARMM) will constitute the police force for Bangsamoro or organize a new police force is an issue that has not yet been resolved. The relationship of the police force for the Bangsamoro with the Philippine National Police is also an issue to be discussed later.

Role of Police

The annex of the FAB on normalization states that law enforcement and maintenance of peace and order is the primary function of the police force for the Bangsamoro.

In the performance of its law enforcement function, the police force has to provide members of society with equal access to security and justice.

In post-conflict, the primary role of the police force is to establish a safe and secure environment in order to prevent a relapse to violence. It has to protect vulnerable elements of the population and ensure that humanitarian assistance reaches those who need it most.

In the context of normalization in the FAB and its annex, the police force has a critical role in ensuring that the population in the Bangsamoro are free from fear of violence or crime in order to live a normal life where they are free to pursue their economic livelihood and political participation in a deliberative Bangsamoro society.

In a situation where the police are part of the problem, the population does not trust it anymore, or it is so corrupt that reform is no longer possible, a new police force has to be organized to replace the old one. In the worst situation an

international police force has to take the responsibility for securing the population until a new police force is established.

Character of the Police Force for the Bangsamoro

The police force envisioned for the Bangsamoro is civilian in character, professional, fair and impartial, and effective and efficient in law enforcement.

It is, therefore, necessary that civilian authority must have control and supervision over the police. It has to be free from partisan political control so that it will not be used to intimidate voters and cheat during elections. Police officers are not supposed to be bodyguards of politicians and other interest groups but to maintain peace and order and implement laws.

Police also have a critical role in the justice system, particularly in the prosecution of cases in courts.

Accountability

To ensure that the police force can be professional, competent and effective, it has to be accountable under the law for its actions. Erring police officers have to be tried in civilian courts.

It has to be accountable to the Bangsamoro Government, the Central Government, and the communities it serves.

The police force should not employ police auxiliary units (PAU) since these have little accountability and experience with the PNP. These often serve as bodyguards of local politicians and sometimes become organized private armies of interest groups.

Administration and Control

The power to administer and control the police force for the Bangsamoro belongs to the Bangsamoro Government. The Annex on Power Sharing provides that the Bangsamoro Government has the primary responsibility for public order and safety. This power can be exercised through a professional and competent police force.

The control and operational supervision of the Bangsamoro police force can be exercised by a Bangsamoro police board on behalf of the Bangsamoro

Government. The Board shall be responsible to the Bangsamoro Parliament through the Chief Minister. The Board shall have the primary function of formulation of policies and operational guidelines governing the operation of the Bangsamoro police force. The members of the Board shall come from the Bangsamoro Parliament, prominent citizens, and experts in policing.

The cooperation and coordination between the police force for the Bangsamoro and the Philippine National Police can be done through the Bangsamoro police board. To facilitate the coordination and cooperation, the chair of the Board shall be an ex officio member of the National Police Commission. Other than the intergovernmental relations mechanisms, coordination and cooperation between the Bangsamoro police force and the PNP can be achieved through membership in the chair of the Board of the NAPOLCOM. His/her membership in the NAPOLCOM, in effect, makes the Bangsamoro Police part of the Philippine National Police.

Structure

The organizational structure of the Bangsamoro police has to take into consideration the geographic configuration of the Bangsamoro territory, which is composed of the mainland area and the islands.

The structure has to be flexible in order that it can respond to threats to peace and order and meet the requirements of the communities it serves.

The police-to-population ratio of one police officer for every 500 persons has to be considered in the organization of the police force for the Bangsamoro.

Recruitment

The recruitment for the Bangsamoro police force has to be open to all qualified applicants to ensure inclusiveness. Preference shall be given to applicants coming from the community where they will be assigned.

The process of recruitment has to be open and transparent to avoid bribery. The qualification standard has to be known to the applicants and the public.

The recruitment and deployment of police personnel have to be insulated from the interests of politicians.

The members of the PNP in the area as well as the MILF combatants, have to apply and undergo the process of recruitment if they are interested in joining the Bangsamoro police.

Training

Other than the professional courses that recruits and potential candidates for recruitment will have to undertake, additional courses on human rights, international humanitarian laws, and Islamic values have to be introduced in the curriculum. Non-Muslim trainees may not be required to take Islamic values courses but instead values based on their respective faiths.

There may be some MILF forces interested in joining the police force. Special training may help them qualify.

Recommendations

To restore the trust of the Bangsamoro people to the police as a security institution the present police force has to be replaced by a new one. The kind of police force envisioned in the FAB can easily be achieved if a new police force will be organized rather than reforming the existing police force.

Police officers who want to serve under a new police force have to apply and undergo the process of recruitment. MILF forces wanting to join the police force have to undergo the same.



Source: Sarah Radam



A press conference on the 4th anniversary of the signing of the Comprehensive Agreement on the Bangsamoro (CAB) on March 27, 2018 in Ortigas. Source: Davao Catholic Herald

PEACE IS ALWAYS POSSIBLE

28th International Meeting for Peace: “Peace Is Always Possible,” Religions and Cultures in Dialogue Tirana, Albania 6-8 September 2015

We thought that there was no possibility for peace in Mindanao after a prolonged conflict when more than 50,000 people died, more than a million of the population experienced displacement, and the economic cost of the conflict ran to several billions of dollars.

But with the strong commitment of the Government of the Philippines (GPH) and the leadership of the Moro Islamic Liberation Front (MILF) to pursue peace, the Comprehensive Agreement on the Bangsamoro (CAB) was reached by the parties last 27 March 2014.

Although the implementation of the agreement is equally difficult — as we are experiencing now with the passage of the proposed Bangsamoro Basic Law in the Philippine Congress — we are still hopeful that the whole process, from negotiating the terms of the agreement to the implementation of the agreement will be completed sooner or later.

Hopefully, by that time, not only the people of the Bangsamoro will experience peace but also the people of Mindanao and the whole Philippines. The agreement itself is a significant milestone in the pursuit of peace in Mindanao. The CAB shall be the foundation of establishing a new political entity for the Bangsamoro and defining a new economic relationship between the Bangsamoro and the Central Government.

Negotiating peace is not that easy. The negotiations between the Government and the Moro National Liberation Front (MNLF) took twenty-one years, and seventeen years were spent before an agreement was reached between the GPH and the MILF. Within that span of time, several major wars were fought between the government forces and that of the MILF.

What made the peace agreement possible? My personal reflections are more on the process rather than the substance.

Both the Government and the MILF are committed to the supremacy of the peace process. They believe that negotiations are the preeminent approach to resolving conflicts.

Salamat Hashim, the founder and first chair of the MILF, in a policy statement before he died, said that the peaceful and civilized way to resolve the conflict between the Bangsamoro people and the Philippine Government is through negotiations. Although both parties have their own armed forces, they learned lessons that the military approach does not only fail to resolve but, in many cases, fuels conflicts.

When both parties reached the conclusion that the status quo was unacceptable, they were at a level of similar understanding of the problem and finding the solution to the problem became easier. Differentiating their interests from their negotiating positions was easy and led them to come to a compromise without leaving behind their respective interests.

It was easy for both parties to start the dialogue by setting aside preconditions. They agreed that contentious issues like independence and the Constitution would not be brought out in the discussions. The decisions of the parties to set aside the display of flags and other symbols made them unperturbed by the denotations of symbols, and concentration was focused on substantive issues.

While talking peace, Government and the MILF agreed to a ceasefire. The cessation of hostilities is significant in keeping the peace process going and preserving whatever gains are achieved. It provides space to build confidence among conflicting parties. Infrastructures were established by both parties to sustain the ceasefire, such as the International Monitoring Team, the Coordinating Committees on the Cessation of Hostilities, the Ad Hoc Joint Action Group, and the local monitoring teams.

The importance of the third-party facilitator is being recognized. In many instances when there was a deadlock, the Malaysian facilitator and the International Contact Group's assistance was useful to break the deadlock.

Although the negotiations dragged on for a long time, the parties kept talking peace. The conflict between the Philippine Government and the Bangsamoro

liberation fronts is violent and has resulted in large-scale wars, but most of the time, they are engaged in peace talks. The destruction of life and properties would have been incalculable if negotiations were not taking place.

The support of civil society organizations and the international community was indeed invaluable.

With the same faith and commitment of the Government and the MILF to the peace process, I am hopeful that the second stage of the peace process, which is the implementation of the agreement, is possible, and peace will be possible.

With this experience, I can say to you that peace is always possible in the Bangsamoro and is possible in all parts of the globe. It is also possible that the way to peace is peaceful — the way of negotiations, the way of conversation, the way of dialogue.



At the launch of the book “Marawi: Rebuilding from the Ashes to a City of Faith, Hope and Peace” in Marawi in 2019.

BUILDING THE BANGSAMORO GOVERNMENT

Mindanao: The Long Journey to Peace and Prosperity 2016

Seventeen years of negotiations between the Philippine government and the Moro Islamic Liberation Front (MILF) culminated in the signing of the Comprehensive Agreement on the Bangsamoro (CAB) on March 27, 2014. It was a momentous occasion: The Aquino government was hopeful it would finally end the four-decade-old Moro rebellion while the MILF was optimistic that the “Bangsamoro,” a potentially bigger autonomous region for the Muslim minority in the southern Philippine island of Mindanao and the vehicle for realizing their dream of self-determination, would be established.

The CAB is a testament to the perseverance of the Philippine government and the MILF in reaching a political settlement. Not just one document, it is composed of all agreements entered into by the government and the MILF since 1997, when negotiations began, up to 2014, when the last annex, or supplemental agreement, to the Framework Agreement on the Bangsamoro was inked. It differs from the agreements signed by the Philippine government and the MILF’s precursor, the Moro National Liberation Front (MNLFF), in its coverage and specificity. For instance, it provides for a ministerial form for the Bangsamoro government and gives the Bangsamoro government “exclusive” powers — powers not exercised by or shared with the central government — over 58 areas, including revenue creation as well as land and waters within the Bangsamoro territory.¹ Along with the CAB, other core documents signed between 2012 and 2014 (the Framework Agreement on the Bangsamoro and its four annexes, as well as the s addendum on the Bangsamoro waters and zones of cooperation) are remarkable in their detail and build on the assiduous work the MILF had put into coming up with its list of demands. They further illustrate the careful study the MILF had made of the previous agreements and the laws that legislated these agreements, and their deficiencies.

For so long, Bangsamoros have clamored for genuine autonomy, decrying the inadequacies of the arrangements they were previously given — including, as discussed below, those provided in 1977, 1989, and 2001. The CAB promises to give them this, but it still faces major challenges, including its translation into law

by the Philippine legislature and the realities on the ground in Muslim Mindanao, the area that will be encompassed by the Bangsamoro.

The Bangsamoro Aspiration for Self-Determination

When Spain ceded the Philippines to the United States as part of the terms of the Treaty of Paris of 1898, Muslim leaders argued their territories should have been excluded because the Spaniards never succeeded in conquering them. They made the same assertion throughout the period of American colonial rule, most critically in the period prior to the 1935 formation of the Philippine Commonwealth, covering the main island groups of Luzon, Visayas, and Mindanao, and then again when the United States granted independence to the Republic of the Philippines in 1946.

Popularization of the term “Bangsamoro” came out of the chaos of the late 1960s to the 1970s, during the rule of strongman Ferdinand E. Marcos. The rise of Muslim secessionist groups was prompted by a series of events that made Muslims feel persecuted, including the 1968 execution of Muslim youths reportedly recruited to invade Sabah in neighboring Malaysia (territory claimed by the Philippines) and the formation of a Christian paramilitary group called Ilaga. Nur Misuari, who organized the MNLF, explained that “Bangsamoro” refers to both identity and the movement to free those who identified themselves as Moros. Over time, Bangsamoro came to denote the Moro homeland as well.

The MNLF originally sought independence for Mindanao and the Sulu Archipelago (located southwest of mainland Mindanao) but accepted autonomy in 1976 as part of the Tripoli Agreement — the first such accord between the government and a Moro rebel group. This compromise was suggested by the Organisation of Islamic Cooperation, the third-party mediator, in order to break the impasse with the government. MILF founder Salamat Hashim broke away from the MNLF when it did this, but the MILF also accepted autonomy in the course of negotiations. However, the MNLF and MILF both demanded the kind of autonomy that promotes self-determination, or the freedom to determine one’s own political status and to pursue economic, social, and cultural development. Self-governance is the manifestation of self-determination.

If realized in the current peace process, the Bangsamoro will replace the Autonomous Region in Muslim Mindanao (ARMM) created by Republic Act 6734 of 1989, which was amended by Republic Act 9054 of 2001.² The Bangsamoro have complained the ARMM did not deliver the kind of self-governance they had

sought in their peace negotiations with the government. Republic Act 6734 was passed even if it did not hew to the Tripoli Agreement. Neither did Republic Act 9054 with the subsequent 1996 Final Peace Agreement with the MNLF, which sought to implement provisions of the Tripoli Agreement that had remained subject to further negotiations. The ARMM is in fact very similar to the other administrative regions in the Philippines, being dependent on the annual funding allocation from the central government and constrained in the range of powers it can exercise within its jurisdiction. It is one of the poorest regions in the Philippines.³

The 1976 Tripoli Agreement has few provisions, but it reflects the Bangsamoro aspiration for self-determination. It provided an autonomous area for Muslims in the southern Philippines, to be composed of thirteen provinces. This autonomous area was to have a ministerial or parliamentary form of government, its own administrative, economic, and financial systems, and its own security force. It was further given the mandate to set up Shari'ah courts and schools, colleges, and universities. Unfortunately, the Marcos regime proceeded in 1977 to implement the provisions of the agreement unilaterally—without the agreement of the MNLF. The result was the establishment of two weak (and so-called) “autonomous regions” rather than one strong and truly autonomous region as envisaged in the accord.⁴ The MNLF campaigned to discredit this arrangement whereby the Muslim population became part of two regions.

The foundational 1989 law for the ARMM, Republic Act 6734, gave the autonomous region a political structure that takes after the country's presidential system. The 1996 Final Peace Agreement also conveyed the same political structure to the ARMM, and this was reflected in the new ARMM law (Republic Act 9054) passed in 2001. As with the central government in Manila, the ARMM regional government is divided between an executive branch (the regional governor and vice-governor) and a legislative branch, both selected through popular vote. This differs from the parliamentary arrangement envisaged in the Tripoli Agreement; in a parliamentary system, voters elect the members of a parliament and the parliament, in turn, elects the executive.

The 1996 Final Peace Agreement has an educational component comprising existing schools, colleges, and universities, as well as madrasah education. The region's legislative assembly is authorized to establish Shari'ah courts in accordance with existing laws. It did create a Philippine National Police Regional Command, mandate the establishment of a Regional Economic and Development Planning

Board, allow the regional government to enact tax codes for the region and local government units, and give the regional government fiscal autonomy in budgeting funds and subsidies received from the central government and foreign donors. The 2001 ARMM law gave the region the power to levy taxes, fees, and charges. However, collections of income, documentary stamps, and estate and other taxes must be turned over to the central government. Half of its collections of taxes or fees from so-called strategic minerals must be given to the central government as well.

The MNLF contended it was not consulted by the government in legislating Republic Act 6734 in 1989 and Republic Act 9054 in 2001. It did not see eye to eye with the Corason Aquino government (1986-1992), which proceeded with the creation of an autonomous region in Muslim Mindanao via Republic Act 6734 in accordance with the 1987 Constitution. The Arroyo administration (2001-2010) was already negotiating with the MILF when Republic Act 9054 was passed.

The 2014 CAB, by contrast, revisits the 1976 Tripoli Agreement. Two of the core provisions are “the government of the Bangsamoro shall have a ministerial form” and an “asymmetric” relationship with the central government. It further endows the Bangsamoro government with greater control over its finances, with the “creation of sources of revenue” an exclusive power within its territorial jurisdiction. It will also have exclusive powers over budgeting, ancestral domain and natural resources, land management and distribution, land reclassification, and inland waters. In addition, as discussed further below, the CAB provides the new Bangsamoro government with an annual block grant from the central government that is automatically appropriated (unlike under the ARMM, whose support from the central government is subject to the vagaries of the annual congressional appropriations process).

The only provinces that voted to join the autonomous region in the plebiscite that followed the approval of the 1989 law were Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi. The province of Basilan (excluding the city of Isabela) and Marawi City, the capital of Lanao del Sur, joined the ARMM after the plebiscite held in 2001 to approve Republic Act 9054. Under the CAB, the envisioned territory will encompass the present ARMM, the city of Cotabato (seat of the ARMM regional government), the city of Isabela in Basilan, and several municipalities and barangays (villages) in Lanao del Norte and North Cotabato provinces that had voted to join the ARMM in the 2001 plebiscite. Other places contiguous to it may join the

Bangsamoro upon a resolution of the local government unit or a petition of ten percent of qualified voters.

The CAB cites that the “status quo is unacceptable,” and that is why the ARMM must be replaced by the Bangsamoro. The fact the MILF and the government have signed it gives it legitimacy; the reality is, however, it will not have teeth unless it is institutionalized through a law of the central government. The CAB itself requires its enactment through the Bangsamoro Basic Law (BBL), an initial draft of which was produced by the Bangsamoro Transition Commission⁵ after the signing of the CAB in March 2014. The draft BBL was subsequently revised in negotiations between the presidential palace and key members of the MILF peace panel and submitted to Congress in September 2014. As examined further below, congressional consideration of the BBL has proven to be a highly contentious process.

Post-Agreement Imperatives: Comparative Insights

Assuming the BBL passes Congress, and even if the Bangsamoro government will not start from scratch, the new political entity will need to work on several areas to ensure governance that is free from corruption and can efficiently and effectively deliver development and social services to the people.

A peace accord and a law that implements this do not mean there will be peace right away, although it is necessary to have these before reconstruction can begin. The post-conflict reconstruction has to address fundamental issues necessary to create and sustain peace.

Every conflict-affected country or area has its own particular needs to sustain peace and reconstruct society, but there are common issues that have to be addressed to ensure success. These, as suggested by the joint study of CSIS and AUSA (2002), include security, justice and reconciliation, social and economic well-being, and governance and participation: ⁶

Security addresses “all aspects of public safety, in particular establishment of a safe and secure environment and development of legitimate and stable security institutions.” It encompasses collective and individual security.

Justice and reconciliation tackle “the need for an impartial and accountable legal system and for dealing with past abuses; in particular, creation of effective law

enforcement, an open judicial system, fair laws, humane corrections systems, and formal and informal mechanisms for resolving grievances arising from conflict.”

Social and economic well-being deals with “fundamental social and economic needs; in particular provision of emergency relief, restoration of essential services to the population, laying the foundation for a viable economy, and initiation of an inclusive, sustainable development program.”

Governance and participation address “the need for legitimate, effective political and administrative institutions and participatory processes; in particular, establishing a representative structure, strengthening public sector management and administration, and ensuring active and open participation of civil society in the formulation of government and its policies.”

In the Bangsamoro, while it is necessary to undertake these four tasks for post-conflict reconstruction, particular attention has to be given to the issue of governance, being an integral part of the search for a political solution to the long-standing grievances of the Bangsamoro. Ownership of the political institution and good governance bear on the other three issues, namely security, justice, and social and economic well-being. The way officials are elected is a cross-cutting issue as it influences the legitimacy of the government in the eyes of the Bangsamoro people and has an effect on the exercise of governance.

The success of a Bangsamoro political institution will depend, in large part, on whether the Bangsamoro people have a sense of ownership of the institution, and whether it practices good governance. Ownership does not necessarily mean control or participation in decision-making. Ownership “at times bears more psychological than political import.” (Chesterman et al., 2004, p. 4)

Sense of ownership and good governance are synergistic.⁷ The greater the level of sense of ownership of a governing institution by the people, the more likely good governance will be practiced; the greater the practice of good governance, the more likely the people will feel they own the institution.

The election process is also important as it has an effect on the legitimacy of the elected officials and, to some extent, the government as a whole. A flawed election process that allows the election of incompetents in rigged elections will certainly derail any effort to exercise good governance.

Building the Bangsamoro Government

A distinctive characteristic of the envisioned Bangsamoro government will be its asymmetric relationship with the central government in recognition of the region's autonomy and "aspiration for self-governance." This means that it remains part of the state but will have less supervision from the presidential palace, thus distinguishing it from the eighteen administrative regions of the country. The 2001 law for the ARMM (Republic Act 9054) did not specify an asymmetric relationship, instead providing that "the President of the Republic shall exercise general supervision over the Regional Governor to ensure that his or her acts are within the scope of his or her powers and functions." The president may suspend the regional governor for violations of the 1987 Constitution, Republic Act 9054, and other laws that apply to the ARMM or cut off funding if the regional government fails to account for funds received from the central government. In contrast, the BBL, as submitted to Congress in September 2014, is a reflection of the CAB, with a core provision reading: "Consistent with the principle of autonomy and the asymmetric relation of the Central Government and the Bangsamoro Government, the President shall exercise general supervision over the Bangsamoro Government to ensure that laws are faithfully executed." Any disagreements between the central and Bangsamoro governments will be resolved by an intergovernmental relations body.

In describing the relationship as asymmetric, the CAB also defines how power will be exercised within the territory. The central government retains control over defense and external security, foreign policy, coinage and monetary policy, postal service, citizenship and naturalization, immigration, customs and tariff, common market and global trade, and intellectual property rights. This is a shorter list compared to that in the 2001 ARMM law, which also includes fiscal policy; administration of justice; quarantine; deportation; auditing; national elections; maritime, land, and air transport and communications; and foreign trade.

In the CAB, the central and Bangsamoro governments have specified a range of "concurrent" or "shared" powers. The following areas will be overseen jointly by Manila and the Bangsamoro political entity: social security and pensions; quarantine; land registration; pollution control; human rights; penology and penitentiary; auditing; civil service; coastguard; enforcement of custom and tariff laws; administration of justice; funding for national roads, bridges, and irrigation systems; disaster risk reduction and management; and public order and safety. Admittedly, the concept will take time to explain and understand, as debates in

Congress over the BBL have shown. The BBL, for instance, proposes a “Bangsamoro auditing body,” which “shall have auditing responsibility over public funds utilized by the Bangsamoro, without prejudice to the power, authority and duty of the national Commission on Audit.” What does “without prejudice” mean? The short answer is that in cases where the Bangsamoro auditing body's findings contradict Philippine government standards, then the Commission on Audit can intervene.

Lastly, the Bangsamoro will have exclusive powers over 58 areas, as listed in the appendix to this chapter. The ARMM already exercises some of these powers but specifying them in the CAB and the proposed BBL will ensure that these powers — some enhanced — will be recognized as such and not removed.

With the “creation of sources of revenue” an exclusive power (No. 11), the Bangsamoro government will begin keeping collections of capital gains, documentary stamps, and donor and estate taxes from within its territory, in addition to taxes already devolved to the ARMM. The Bangsamoro government shall keep 75 percent of the collections of Philippine government taxes, fees, and charges (except tariff and customs duties) and 25 percent will be remitted to the Philippine government. The 2001 ARMM law, by contrast, provides that 35 percent of fees and charges collected will be kept by the regional government, and 35 percent will be given to the province or city, and 30 percent to the central government. The Bangsamoro government will also keep 75 percent of revenue from metallic minerals, up from 50 percent of revenue from strategic minerals under the 2001 law.

Moreover, under the provisions of the CAB, the Bangsamoro government is to receive an annual block grant, which will be automatically appropriated, and a special development fund for rehabilitation from the central government. The proposed BBL sets forth a formula for the block grant as follows: four percent of the Philippine tax bureau’s “net national internal revenue collection [...] less the internal revenue allotment of the local government units [in the Bangsamoro].” (The internal revenue allotment is the revenue-sharing scheme that provides 40 percent of national internal revenues to provinces, cities, municipalities, and barangays throughout the Philippines.) For the special development funds, a total of PHP 17 billion is to be remitted by the central government over six years.

While the block grant might look to be a large sum, it is in fact roughly equivalent to the resources currently received by the ARMM (Monsod, 2015). The

Bangsamoro government, however, will have fiscal control over it. It will decide how to allocate it, unlike the ARMM, whose annual budget proposal is closely scrutinized by the central government's budget department and Congress before it is approved. Regarding the PHP 17 billion in special development funds, this is minuscule compared to the PHP 143 billion estimated for the ARMM's immediate rehabilitation needs; the timeline of six years, moreover, is less than the recommended ten years in continuous rehabilitation investments to prevent a relapse into conflict (*ibid.*). Congress should consider increasing the special development fund and spreading it over ten years.

The Bangsamoro will also have a Bangsamoro Police to be supervised by the Bangsamoro Police Board that will be chaired by the chief minister. It can establish a justice system to be composed of Shari'ah courts, local courts, traditional or tribal conflict resolution bodies, and alternative dispute resolution bodies.

Challenges in Passing the Bangsamoro Basic Law

The proposed BBL was filed in Congress in September 2014. Despite many questions over its provisions, it seemed to be on track for approval until it was effectively derailed by the Mamasapano incident of January 25, 2015.⁸ The Mamasapano incident — where MILF combatants, civilians, and policemen died during a police operation to capture a foreign terrorist hiding in Maguindanao — uncovered deep-seated biases against the Muslims in the Philippines and trained attention on the BBL.

Deliberations on the proposed BBL have proven to be highly contentious across a number of fundamental issues. Can the ARMM, created in fulfillment of a constitutional provision, be abolished and replaced by the Bangsamoro? Will the constitution permit the Bangsamoro to adopt a parliamentary form of government? Do places that opt to join the Bangsamoro also have the option to leave it? Will the monies promised to the Bangsamoro entity overburden the central government? The House and Senate committees tasked to scrutinize it managed to draft their own alternative versions of the bill, but neither chamber of Congress concluded plenary debate before the three-month pre-election adjournment that began in early February 2016.⁹

Many of the questions over the BBL were over the constitutionality of some of its provisions. The House and Senate committees that reviewed the bill thus introduced changes with the stated goal of ensuring that it does not overstep the bounds of the 1987 Constitution. First, they changed the title of the bill to “An

Act Providing for the Basic Law for the Bangsamoro Autonomous Region” from “An Act Providing for the Basic Law for the Bangsamoro.” Second, the Senate Committee on Local Government specified that the Bangsamoro Autonomous Region is an autonomous region as provided by Section 15, Article 10 of the 1987 Constitution and “forms an inalienable part of the Philippines.”

The Senate Committee on Local Government also removed “self-determination” in Section 1, Article 4, on Self-Governance. The original provision was “In the exercise of its right to self-governance and self-determination, the Bangsamoro is free to pursue its economic, social and cultural development.” The Senate bill now reads: “Within its territorial geographical area and subject to the provisions of the Constitution and national laws, the Bangsamoro Regional Government, in the exercise of its right to self-governance, is free to pursue its economic, social and cultural development.”

“Asymmetric,” describing the relationship the Bangsamoro government will have with the Philippine government, has been retained in the Senate version but given a specific definition as that between the central government and an autonomous region that has more powers and less intervention “as compared to other territorial and political subdivisions.”

The House and Senate committees, however, removed some of the powers of the Bangsamoro government. Its exclusive power over banking was transferred to the central government. The original provision was intended to give it leeway to develop an Islamic banking system—with the help of the central bank, the Department of Finance, and the National Commission on Muslim Filipinos. Its exclusive power over “inland waters” was also removed. The original bill tasked it to preserve and manage lakes and river systems and streams within its jurisdiction (including Lake Lanao, the source of Mindanao’s hydroelectric power).

“Strategic minerals,” referring to uranium, petroleum and other fossil fuels, were introduced and put under the control of the central government. The Bangsamoro government will only be consulted in the exploration and utilization of these minerals.

In addition, the provision on the special development fund was removed.

The Office of the Presidential Adviser on the Peace Process (OPAPP) complained over how the Senate committee deleted or restricted some powers already granted to the ARMM in 2001 by Republic Act 9054, and changed what were formerly

exclusive powers of the regional government into concurrent powers (to be shared by Manila and the regional entity) (OPAPP, 2015b). The basic position of OPAPP was that Congress should build on the laws establishing the ARMM rather than diminish them. The MILF, meanwhile, raised concerns over the “dilution” of the BBL (Manlupig, 2015). A July 2015 resolution of the Bangsamoro Transition Commission notes “substantial modifications and/or replacement of the details of the BBL [...] which constitute a clear transgression of the signed agreements, defeating the purpose thereof” (BTC 2015: vii, 111). Late in 2015, the Bangsamoro Transition Commission published a 112-page book outlining its specific concerns in regard to both the House and the Senate bills and “imploring” both houses of Congress “to pass the BBL in its original form” (which, it further emphasizes, “is [...] based on the CAB and the FAB [Framework Agreement on the Bangsamoro]”).

A brief look at the historical experience suggests that legislation diverging significantly from carefully forged peace agreements does not lead to peace. In 1977, after the 1976 Tripoli Agreement, President Marcos unilaterally imposed so-called “autonomy” arrangements that went counter to the accord and were not agreed upon by the MNLF. In 1989, after the writing of the 1987 Constitution, the central government created an Autonomous Region in Muslim Mindanao that was not based on any formal accord with secessionist movements. According to the MNLF, it was not consulted. And in 2001, after the 1996 Final Peace Agreement, Congress once again crafted legislation for the ARMM without securing the agreement of the MNLF — and at a point when the Arroyo administration was already negotiating with the MILF. In the wake of the signing of the 2014 peace agreement, it is essential that the mistakes of the past not be repeated. If enduring peace is to be achieved, the BBL must conform in all essential matters to the CAB.

Indeed, establishing the Bangsamoro in accordance with the CAB is a big challenge. But once it is established via legislation in Manila, there are also additional challenges to be faced on the ground in Mindanao.

Challenges in Building the Bangsamoro Government: Facing Realities on the Ground

Garnering the Support of the Bangsamoro People

The great challenge to the CAB, as well as to the new political institution that will be established, is the level of support it will have from the Bangsamoro people, including the MNLF and other political groups.

While the CAB, the 1996 Final Peace Agreement, and the 1976 Tripoli Agreement are important, what matters most to ordinary Bangsamoro is the political institution being built out of these agreements. It is the Bangsamoro government that will deliver services, provide a secure environment for the people, dispense justice, and formulate policies that affect the lives of all inhabitants of the Bangsamoro. An integrative approach to the discussion of these agreements can be more productive than a competitive approach. The MILF and the MNLF should not consider themselves competitors, working separately for the interest of the Bangsamoro people. Organizational differences are realities, but these should be subsumed to the higher interest of the Bangsamoro people.

There are wide opportunities for the MILF, MNLF, and other political groups to compete or coalesce under the Bangsamoro government that will be established. The MILF and MNLF can form their political parties and run for parliament. The new Bangsamoro political institution will have a greater chance of generating political support from the ranks of the MNLF and other sectors if the messaging will be along this line.

Building the Foundations for A New Style of Politics

To a greater extent than elsewhere in the Philippines, clans and personalities play a central role in the politics of Muslim Mindanao. Under the present system, people vote for officials — from the region down to the barangay level — on the basis of personality or whoever has the money to pay for their votes or whoever is favored by their clan leader. For the ARMM politicians, it is highly advantageous to have a family name with strong recall, money, and links to the presidential palace in Manila. As such, strongmen and members of their clans have dominated elections, perpetuating a system of patronage and poor governance.

These characteristics are reinforced by the electoral system used to elect the 24 members of the ARMM Assembly: eight districts, each electing three legislators (two districts each for Maguindanao, Lanao del Sur, and Sulu, and a single district each for Basilan and Tawi-Tawi). This system brings two major disadvantages: First, the large size of the districts generally necessitates that candidates build up large election war chests in order to prevail, and second, multi-member districts often engender intra-party competition, which comparative experience demonstrates to be detrimental to the creation of cohesive and programmatic political parties.

A parliamentary form of government, combined with the appropriate electoral system, is being put in place with the goal of heightening the importance of

political parties relative to clans and personalities. The proposed BBL states, “The Bangsamoro Government shall adopt an electoral system suitable to a ministerial [i.e., parliamentary] form of government, which shall allow democratic participation, encourage the formation of genuinely principled political parties, and ensure accountability.” It proceeds to set out a mixed electoral system, in which there would be three means by which the “at least 60” members of the legislature would be elected. First, 40 percent of the members of the Bangsamoro legislature are to be elected by plurality from single-member districts. The shift to more and smaller constituencies in the Bangsamoro (as compared to the ARMM) is expected to encourage more participation, as running for parliament should be less costly. The larger number of districts is also expected to provide better representation across the geographic breadth of the Bangsamoro and is thus well suited to a region that hosts several ethnolinguistic groups. And by moving away from multi-member districts, an important venue for intra-party competition is removed from the scene.

Second, the proposed BBL further provides that 50 percent of seats in the legislature are to be chosen according to a proportional representation (PR) system “based on the whole Bangsamoro territory. Parties shall submit their respective list of approved candidates prior to the election.” The MILF is open to a closed-list PR system, in which voters elect political parties, not specific candidates. Because parties choose and rank the candidates on their respective lists, those who end up sitting in the legislature via election in a closed-list PR system are expected to abide by party principles as reflected in party platforms.

Third, reserved seats constitute the final 10 percent of the members of the Bangsamoro Parliament. They are to be sectoral representatives of non-Moro indigenous communities and settler communities (two reserved seats each) and women (one reserved seat).

As in other parliamentary systems, the executive of the Bangsamoro (to be called the chief minister) would be elected from within the ranks of the legislature. The legislature can give a vote of no confidence to the chief minister and members of the cabinet before their term is up, triggering their resignation and a general election. Under the presidential system, officials have a fixed term, so elections are scheduled in advance. Learning the intricacies of a ministerial government will be a challenge to an electorate and to politicians long used to the presidential system. The new electoral system will force the electorate to learn to vote for political parties at the regional level — a sharp contrast to the candidate-oriented system currently used to elect the ARMM Assembly. It is envisaged that politicians will be

expected to begin practising principled party politics. The ministerial or parliamentary form of government espoused by the CAB is expected to engender a stronger sense of popular ownership over political institutions.

Forming Political Parties

Closely related to this is the formation of political parties as the political structure shifts to ministerial from presidential. As early as now, political players in Muslim Mindanao should begin considering the formation of political parties. Even prior to the passage of the BBL, the Bangsamoro project has been launched and will not be abandoned. Already, the MILF has formed the United Bangsamoro Justice Party.

Those involved in the peace process hope that the new political parties will promote democratic values. In past elections, there were provinces and municipalities in the ARMM where there was only one candidate for every elective position, which denied the electorate the right to choose because they essentially had no choice. Had there been a strong political party system, this would have become a less likely scenario.

Civil society groups should consider giving training on how to organize political parties, build grassroots party membership, advance internal party unity, and launch an effective electoral campaign. Political parties should also be taught how to develop political identity. This has to be done because existing parties have no clear platform of government.

And once political parties are formed, there should be training on how to generate funding. Qualified party members have a better chance of nomination and of winning elections if their parties can provide financial support. Because parties lack sufficient financial resources, the present practice is those who have the funds are nominated by the party to stand in elections. This promotes the entrenchment of rich families in politics.

Within these parties, there should be internal democracy. This is necessary to avoid the domination of political parties by clans. When internal democracy within parties is weak, nominations are usually dictated by clan interest.

Election Management and Adjudication

The challenge is to make sure that changes happen in three areas: administration and management of elections, formation of principled political parties, and civil society involvement. Often blamed for election anomalies are those who administer

the elections, but equally responsible are the political parties. The candidates or their supporters, who are also party members, are the ones who commit fraud. The indifference of civil society in the electoral exercise only emboldens the cheaters.

The electoral management body for the Bangsamoro should be free from the bureaucratic red tape of the central government's Commission on Elections and be able to adapt the management of elections to the cultural milieu of the area to do away with election-related problems. It should install a simplified system of adjudicating election protests to avoid the slow and costly process prevailing today. It should also computerize the electoral system to minimize human intervention in the casting and reporting of votes, which allows tampering of the results. Voter lists should be voided at regular intervals, and new registration of voters conducted to keep the lists as up-to-date as possible. Requiring existing voters to register again has to be done in conjunction with the computerization of the election process.

An independent body to pursue prosecution of election-related offenses should be established. This body will be like the ombudsman but focus specifically on violations of election laws. This is necessary because political leaders and bureaucrats may not have an interest in prosecuting offenders for political reasons. Punishment of offenders serves as a deterrence to violation of election laws.

Strengthening the Legislative Assembly and the Bureaucracy

After the election, the focus shifts to the legislative assembly and the bureaucracy. It will be the members of the legislative assembly who will elect from among themselves the chief minister and members of the cabinet who will be managing the bureaucracy. The tasks of legislation are not just the deliberations during sessions but the big jobs of researching proposals and consulting with the constituents.

To ensure a legislative assembly that is up to the task, it may be useful to consider institutionalizing training on lawmaking, representation, oversight, budget and negotiations, and a program to provide the lawmakers with skilled legislative staff. The legislative assembly can also use a database in its research for legislative proposals.

To strengthen the bureaucracy, the Bangsamoro government should adopt a continuing human resource development program and make sure to insulate at least the middle-level management and rank and file from the effects of political changes that usually happen in the government. It should also take steps to institutionalize

a meritocracy, a system where appointments are made, and responsibilities are given based on demonstrated ability and talent. The Bangsamoro government has to ensure openness and equity in hiring to enable individuals with the highest levels of competence and integrity to enter the bureaucracy. A meritocratic system is productive and will put an end to nepotism and cronyism.

To promote meritocracy, it will be useful to entrench a competitive and transparent process for admitting people to government service and for promotion. There should be periodic performance appraisals. There should be a system for oversight of discretionary decisions relative to hiring and promotion and for compensation adequate to sustain a livelihood.

Representation and Connectivity

The Bangsamoro comprises different ethnolinguistic groups, the largest three of which are the Maguindanaon, Maranao, and Tausug. There are also indigenous peoples who live in the Bangsamoro ancestral domain.

It is necessary to design a system of representation for the legislative assembly and the bureaucracy for every ethnolinguistic group, including indigenous peoples. This should be promoted by two innovations to the electoral system already noted above: smaller districts for those running from district seats (as compared to those used for the ARMM Assembly) and the creation of reserved seats for sectoral representatives. Creating districts for the purpose of electing members of the legislative assembly has to be carefully planned to ensure effective representation.

People's feelings of alienation, whether real or imagined, will derail the performance of government. If adequately represented in the Bangsamoro government, people will certainly feel ownership of the political institution.

The geographic configuration of the Bangsamoro homeland is highly dispersed though contiguous. This makes access to the center of political power difficult for many who live in the islands and remote areas.

To address connectivity problems, e-governance can help by enabling online transactions. To facilitate this, there should be massive investments in communication systems and infrastructure such as ports and airports. Where the private sector is unwilling to go, the Bangsamoro government should provide the necessary infrastructure.

Revenue Creation and Budget Management

In a region where revenue collection is notoriously low, raising and collecting revenue for the Bangsamoro government will certainly be a challenge. There should be a comprehensive program to capacitate the regional entity so that it can devise a revenue system better suited to development goals — and proceed to collect taxes with more efficiency and to enforce violations of tax laws. On the expenditure side, Bangsamoro agencies need to develop greater capacity in managing budget processes. Last but not least, the reduction of violent conflict should be accompanied by efforts to encourage the development of new businesses that can increase the tax base. This, in turn, will require more extensive access to banking and financial services.

Curbing Corruption

Corruption in government is the misuse of governmental powers by government officials for private gain. Corruption weakens democracy and good governance because it subverts formal procedures. It grinds down the institutional capacity of government as systems are disregarded and resources are appropriated for private gain. Corruption also undermines economic development as resources are siphoned off and it generates inefficiency in public servants' performance.

The different types of corruption in government are bribery, graft, patronage, nepotism, cronyism, embezzlement, and kickbacks.

The problem of corruption in the Philippines is enormous, and large quantities of resources are lost to corrupt behavior. “The Office of the Ombudsman estimates that roughly US\$48 billion were lost to corruption by the Philippine government over the last twenty years,” and the “Commission on Audit estimates corruption to cost about PHP 2 billion or US\$44.5 million each year.” (Co et al., 2007, p. 8) The World Bank “roughly placed at 20 percent of the annual budget the amount being lost to corruption.” (ibid.)

In the ARMM, there are pervasive disallowances of cash advances, and the normal procurement process is always disregarded (Bacani, 2003, p. 2). Employees' contributions and loan repayments were not remitted to the Government Service Insurance System. The perceived influence of government officials and their bodyguards intimidated auditors and discouraged them from serving notices of disallowance to them.

Preventing corruption is a serious problem that a Bangsamoro government has to face up to, for it is pervasive in the Philippines and the Bangsamoro area. It has to meet the challenge because corruption undermines good governance and erodes public trust and confidence in government.

The following suggestions might be able to minimize, or at least seriously curb, corruption under a Bangsamoro governing institution:

- strengthen the investigative and prosecutorial capacities of offices assigned to investigate corruption
- enforce anti-corruption laws, including the removal of corrupt officials
- prosecute violators and enforce standards
- adopt measures and systems that promote fiscal transparency
- adopt appropriate transparent procedures for government procurement
- provide adequate security to auditors, whistle-blowers, and witnesses
- empower civil society to monitor government programs
- encourage public discussion of the issue of corruption
- undertake public awareness campaigns
- promote Islamic values that are against corruption.

Good Governance

Ultimately, the challenge to a Bangsamoro government is how to achieve good governance. It is an ideal and difficult to achieve in its totality (UNESCAP, 2009). However, to ensure its success, the Bangsamoro government should take action toward its realization.

Without in any way minimizing the obstacles ahead, it will certainly help if the governing institution will take steps toward the following longer-term goals:

- Install mechanisms to promote the more effective representation of all Bangsamoro ethnic groups, the indigenous peoples, and the marginalized sectors in the legislative assembly, the bureaucracy, and in the planning and implementation of development programs.
- Other than the legislative body, which is a lawmaking body, consider the creation of a consultative assembly composed of representatives of all ethnic groups and sectors of women, youth, business, labor, farmers, fisherfolk, the religious, and marginalized. The main function of a consultative assembly is to harmonize divergent views and interests of the

groups and sectors and reach a consensus. It would function as an advisory body to the legislative assembly.

- Build the foundations of an independent judiciary, and an effective prosecutorial system.
- Establish a security system with the capacity to take strong and decisive action against criminals and lawless elements. A strong professional police force is necessary to give protection to individuals and groups who raise issues against government officials.
- Require all public institutions and agencies to make information accessible to those who have an interest in it. They should contain relevant, reliable, and comprehensible information. Budgets and annual reports should be made available to the public.
- Require all government offices to render public an account on the management of public revenues, effectiveness of internal control, and effectiveness and efficiency of public policy and discharge of public duties.
- Work to ensure harmony of policy and implementation, and determine the relevance of policy to achievement of goals.
- Ensure that policy is responsive to societal needs and that public tasks are accepted by the people. Adopt participatory policy evaluation.
- Adopt e-governance not only for efficiency but to make information more accessible to the people.
- Promote Islamic values on good governance, particularly among Muslim public officials.
- Encourage civil society to monitor and report to proper authority abuse of authority by public officials. They should be provided with adequate security.

Conclusion

The 2014 CAB creates the opportunity to end more than four decades of conflict between the Philippine government and Moro liberation forces. It has been concluded after seventeen years of negotiations and reflects very careful consideration of why previous peace agreements have failed and how their deficiencies might be corrected. Within the CAB lies the potential for Muslim Mindanao to enjoy genuine autonomy and for the southern Philippines to achieve enduring peace.

While the signing of the CAB is an enormous achievement, there remain two major sets of challenges to the implementation of the CAB. First, the Philippine Congress

must translate it into the BBL. Lessons from the past are highly relevant and demonstrate the dangers of the central government imposing arrangements on Muslim Mindanao that diverge from carefully forged peace agreements. When this happens, peace has not endured. Not in 1977, in the wake of the 1976 Tripoli Agreement; nor in 1989, after the promulgation of the 1987 Philippine Constitution; and nor in 2001, after the 1996 Final Peace Agreement. Similarly, today, the quest for enduring peace requires a BBL that conforms to all essential matters of the CAB.

Second, the analysis above has highlighted how the success of the CAB depends on addressing the many challenges on the ground in Mindanao, including the following: obtaining the support of the Bangsamoro people (including the MNLF and other political groups), putting in place reforms that can encourage a stronger role for political parties as opposed to clans and personalities; building institutions for effective electoral management and adjudication; promoting a better functioning legislative assembly and meritocratic processes within the bureaucracy; ensuring representation of all ethnolinguistic groups, including indigenous groups; encouraging better systems of revenue creation and budget management; and curbing corruption.

Key elements of these challenges deserve particular emphasis. To be successful over the long term, a Bangsamoro political institution will need to demonstrate good governance. The most important element for promoting good governance is that the Bangsamoro themselves have a greater sense of ownership in their representative institutions, and thus a greater stake in protecting the gains that are being achieved. For the institution to be perceived as the expression of Bangsamoro self-determination, the powers that the new government exercise should cover at least the domestic affairs of the Bangsamoro people. Support of the people for the institution will be enhanced if there are mechanisms for representation of all ethnic groups and sectors, and wide participation in ongoing advocacy for the BBL.

The great challenge to the practice of good governance is corruption, for it undermines efficiency and effectiveness, and erodes people's trust and confidence in government. Success in minimizing corruption, or at least seriously curbing it, will bolster the legitimacy of the governing institution, not to mention its effects on the economy and the support of the international community it can generate.

Finally, it is essential to highlight the qualifications and legitimacy of the political leadership. A highly qualified leadership that comes forth in a clean and honest

election will have popular support in pushing for change. Building a Bangsamoro political institution that practices good governance with democratically elected leadership is achievable given the support of the people.



The 4th Asian Peace Practitioners Research Conference (PPRC) in Siem Reap, Cambodia, in 2015.

Appendix – Exclusive Powers

Extracts from the Annex on Power Sharing, Comprehensive Agreement on the Bangsamoro, p. 1, 7-10.

[www.opapp.gov.ph/resources/annex-power-sharing].

“Exclusive powers” [are]... powers or matters over which authority and jurisdiction pertain to the Bangsamoro Government.

The Bangsamoro Government shall have exclusive powers that it exercises within its territorial jurisdiction, over the following matters:

1. Agriculture, livestock and food security;
2. Economic and cultural exchange;
3. Contract loans, credits, and other forms of indebtedness with any government or private bank and other lending institutions, except those requiring sovereign guaranty, which require Central Government approval;
4. Trade, industry, investment, enterprises and regulation of businesses taking into consideration the relevant laws;
5. Labor, employment and occupation;
6. Registration of business names, with the Bangsamoro Government listing these in the Philippine Business Registry for business names;
7. Barter trade and countertrade with ASEAN countries;
8. Economic zones and industrial centers;
9. Free ports — The Bangsamoro Government may establish free ports in the Bangsamoro. The Bangsamoro Government shall cooperate with the Central Government through the intergovernmental relations mechanism on customs, immigration, quarantine service, and international commitments. Businesses and other enterprises operating within the Bangsamoro free ports shall be entitled to the fiscal incentives and other benefits provided by the Central Government to special economic zones. Bangsamoro free ports shall be contiguous/adjacent to seaport or airport and shall have a coverage area not exceeding limits provided in the Bangsamoro Basic Law;
10. Tourism;
11. Creation of sources of revenue;
12. Budgeting;

13. Financial and banking system – This is without prejudice to the power of supervision of the Bangko Sentral ng Pilipinas (BSP) and provided that the Bangsamoro Government, the BSP, the Department of Finance (DOF), promote the development of the Islamic Banking System, to include among others the establishment of a Shari’ah supervisory board;
14. Establishment of government-owned and controlled corporations (GOCCs) and financial institutions – The Bangsamoro Government may legislate and implement the creation of its own GOCCs in the pursuit of the common good and subject to economic viability. The GOCCs shall be duly registered with the Securities and Exchange Commission or established under the legislative charter by the Bangsamoro Government;
15. The Bangsamoro Government shall have authority to regulate power generation, transmission, and distribution operating exclusively in the Bangsamoro. It shall promote investments, domestic and international, in the power sector industry in the Bangsamoro. Power plants and distribution networks in the Bangsamoro shall be able to interconnect and sell power over the national transmission grid to electric consumers. The Bangsamoro Government may assist electric cooperatives in accessing funds and technology, to ensure their financial and operational viability. When power generation, transmission, and distribution facilities are connected to the national transmission grid, the Central Government and the Bangsamoro Government shall cooperate and coordinate through the intergovernmental relations mechanism;
16. Public utility operations in the Bangsamoro-In case of inter-regional utilities, there shall be cooperation and coordination among the relevant government agencies;
17. Receive grants and donations;
18. Education and skills training;
19. Science and technology;
20. Research councils and scholarships;
21. Culture and language;
22. Sports and recreation;
23. Regulation of games and amusement operations within the Bangsamoro;
24. Libraries, museums, historical, cultural and archaeological sites - The Bangsamoro Government shall have the power to establish its own libraries and museums, and declare historical and cultural sites. Under the jurisdiction of the National Museum, the National Historical Central Government shall transfer the management of such sites currently

- Commission, or other national agencies, to the Bangsamoro Government or local governments therein following certain processes through the intergovernmental relations mechanism. With regards to archaeological sites, the Bangsamoro Government shall coordinate with the relevant national agencies on the regulation, excavation, preservation, and exportation of cultural properties, as well as on the recovery of lost historical and cultural artefacts;
25. Regulations on the manufacture and distribution of foods, drinks, drugs and tobacco for the welfare of the Bangsamoro;
 26. Hajj and Umrah - The Bangsamoro Government shall have primary jurisdiction over Hajj and Umrah matters affecting pilgrims from within the Bangsamoro. The Central Government shall have competence over Hajj and Umrah matters affecting pilgrims coming from outside the Bangsamoro. The Bangsamoro pilgrimage authority shall act in close coordination with the Central Government on Hajj and Umrah matters involving offices and agencies outside of the Bangsamoro;
 27. Customary laws;
 28. Declaration of Bangsamoro holidays;
 29. Ancestral domain and natural resources;
 30. Protection of the rights of the indigenous peoples in the Bangsamoro in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and taking into account, in addition to economic and geographical criteria, their individual and communal property rights, cultural integrity, customary beliefs, historical and community traditions;
 31. Land management, land distribution, and agricultural land reclassification- The classification of public lands into alienable and disposable lands shall be initiated and recommended by the Bangsamoro Government to the President for the timely implementation of Bangsamoro development plans and targets;
 32. Cadastral land - The Bangsamoro Government shall have the lot surveys, and isolated and special authority to conduct cadastral surveys, and lot surveys in the Bangsamoro. The Bangsamoro Government shall furnish the results of these surveys to, and coordinate with, relevant Central Government agencies to effect inclusion into the national cadastral survey;
 33. Expropriation and eminent domain;
 34. Environment, parks, forest management, wildlife, nature reserves and conservation - The Bangsamoro Government shall have the authority to protect and manage the environment. It shall have the power to declare

nature reserves, aquatic parks, forests, watershed reservations, and other protected areas in the Bangsamoro. The Bangsamoro Basic Law will provide for the process that will transfer the management of national reserves and aquatic parks, forests and watershed reservations, and other protected areas already defined by and under the authority of the Central Government;

35. Inland waterways for navigation;
36. Inland waters;
37. Management, regulation and conservation of all fishery, marine and aquatic resources within the Bangsamoro territorial jurisdiction;
38. Bangsamoro settlements;
39. Customary justice - The customary rights and traditions of indigenous peoples shall be taken into consideration in the formation of the Bangsamoro. This includes the recognition of indigenous processes as a justice system. May alternative modes of dispute resolution;
40. Shari'ah courts and Shari'ah justice system, as set forth in relevant provisions of the Framework Agreement;
41. Public administration and bureaucracy for the Bangsamoro;
42. Health - The Central Government and the Bangsamoro Government shall cooperate with and assist each other in the prevention and control of epidemics and other communicable diseases;
43. Social services, social welfare and charities;
44. Waste management;
45. Establishment and supervision of humanitarian services and institutions;
46. Identification, generation and mobilization of international human resources for capacity building and other activities involving the same within the Bangsamoro. The Central Government shall cooperate with and assist the Bangsamoro Government towards ensuring access to such relevant human resources through the intergovernmental relations mechanism;
47. Awqaf and charitable trusts;
48. Hisbah office for accountability as part of the Shari'ah justice system;
49. Registration of births, marriages, and deaths, copies of which shall be forwarded to the National Statistics Office;
50. Housing and human settlements;
51. Development planning;
52. Urban and rural development;

53. Water supplies and services, flood control and irrigation systems in the Bangsamoro With regard to water supplies and services, flood control and irrigation systems that connect to or from facilities outside the Bangsamoro, there shall be cooperation and coordination between the Bangsamoro Government and the appropriate Central or local government bodies;
54. Public works and highways within the Bangsamoro;
55. Establishment of appropriate mechanisms for consultations for women and marginalized sectors;
56. Special development programs and laws for women, the youth, the elderly, labor, the differently-abled, and indigenous cultural communities;
57. Local administration, municipal corporations and other local authorities, including the creation of local government units - The Bangsamoro Government shall manage and build its own bureaucracy and administrative organization, in accordance with the ministerial form of government envisioned by the Framework Agreement on the Bangsamoro, and shall be provided by the Bangsamoro Basic Law creating the Bangsamoro, and subsequent laws to be passed by its assembly. However, when such acts require the creation of a congressional district, the Philippine Congress and the Bangsamoro assembly shall work together in order to facilitate the creation of the same, through the appropriate intergovernmental relations mechanism;
58. Establishment or creation of other institutions, policies and laws for the general welfare of the people in the Bangsamoro.

Footnotes

¹. For the full list of exclusive powers outlined in the CAB, see appendix to this chapter.

². Republic Act No. 6734, An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao and Republic Act No. 9054, An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao.

³. As analyzed by Monsod in *Mindanao: The Long Journey to Peace and Prosperity* (Hutchcroft, 2016).

⁴. The two regions established by Marcos were Region XII in Central Mindanao, with its capital in Cotabato City, and Region IX in the Zamboanga Peninsula and the Sulu Archipelago, with its capital in Zamboanga City.

⁵. As explained by Mirriam Ferrer in *Mindanao: The Long Journey to Peace and Prosperity* (Hutchcroft, 2016), the Bangsamoro Transition Commission was created in the October 2012 Framework Agreement on the Bangsamoro, which called for a fifteen-member commission, “seven of whom are government nominees and eight, including the chair, shall be nominees of the MILF. The government subsequently reserved one of its seven allocated seats in the BTC for a reason from the ranks of the non-Moro indigenous peoples in the area and another seat for (Christian) settlers. The MILF nominee also included one person from the non-Moro indigenous people in Maguindanao.”

⁶. Other studies have produced similar lists of post-agreement imperatives. The working group organized by the United States Office of the Coordinator for Reconstruction and Stabilization identified five sectors that have to be addressed: security, governance and participation, humanitarian assistance and social well-being, economic stabilization and infrastructure, and justice and reconciliation (O CRS, 2005). The RAND Palestinian State Study Team put forward that in order for the proposed Palestinian state to achieve success, it has to address four fundamental challenges: security, good governance and political legitimacy, economic viability, and social well-being. (Anthony et al., 2007, p. 3) In measuring progress of reconstruction in Afghanistan, the Center for Strategic and International Studies assessed the advancement in areas of security, governance and participation, justice and accountability, economic conditions, and social services and infrastructure. (Patel and Ross, 2007)

⁷. Other works similarly treat state legitimacy and good governance as synergistic; see Robinson. (2007, p. 15)

⁸. For a detailed description of the Mamasapano incident, see de Jesus and de Jesus in *Mindanao: The Long Journey to Peace and Prosperity*. (Hutchcroft, 2016)

⁹. It remains theoretically possible that the proposed BBL could be considered when the Congress briefly resumes session after the May 9 elections. But the likelihood of passage is very slim, as the president (by then in his final weeks in office) will have lost much of his political capital and thus his ability to pressure Congress. Further consideration of the BBL will probably be delayed until after the convening of a new Congress in July 2016, at which time the bill would need to be refiled. Even within this longer time frame, there is uncertainty as to whether the bill will pass—as its prospects are heavily dependent on the commitment of the new president and the new Congress to pursue the peace process. This comes as a tremendous disappointment to the MILF and its supporters, who had collectively pinned great hopes on the successful completion of a peace agreement after nearly 20 years of painstaking effort.

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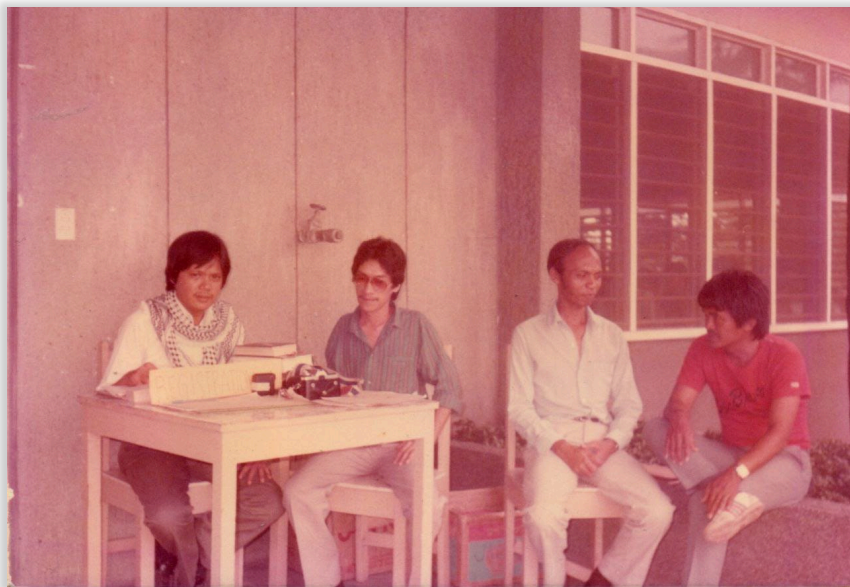
Deny extremists the opportunity to exploit grievances of the Bangsamoro people by implementing agreements entered into between the government and the Bangsamoro liberation fronts.

DR. ABHOUD SYED
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BANGSAMORO
STUDIES

”



Kaka Abhoud shared reflections and lessons learnt from the GPH-MILF negotiations at the PPRC in 2015.



Photos taken during the Islamic Summer Youth Camp of the Muslim Alliance of the Philippines held at the Mindanao State University - General Santos City in 1985, the lower photo showing Robert Alonto (first from the left) and Abhoud Lingga (third from the left). Source: Robert M. Alonto.

COMRADESHIP AND THE PATH TO ADVANCING BANGSAMORO ASPIRATIONS

By Robert Maulana Alonto

I am unable to write the concluding remarks to the anthology of Professor Abhoud Syed Mansur Lingga's written works and speeches entitled "Advancing Bangsamoro Aspirations" if I could not cull from the history of our long association as ideological brothers and comrades-in-arms in the Moro liberation movement. For, only a brief narrative of my association with him that is pregnant with history can give context to my concluding remarks on the monumental work of an illustrious brother in the Moro struggle that I've long hoped would be published.

Professor Abhoud Syed Mansur Lingga and I belong to that idealist youthful generation in the tumultuous 60s and 70s that emerged from university campuses outfitted with the profound conviction to do something to right the wrongs by standing up for justice in a world where injustice has become the norm.

Not fortuitously, this was the time Moro youth activism had germinated as the Bangsamoro Question re-emerged from a long but temporary dormancy after the post-World War II "Kamlon Rebellion" in Lupah Sug (Sulu) and the "Tawantawan Uprising" in Ranao (Lanao) in the 50s quieted down. The eventful tragedy that restored the Bangsamoro Question to the center stage of the national discourse and public concern was triggered in 1968 by the shocking headline-hugging massacre of Muslim Moro youths being trained by the then sitting Philippine regime on Corregidor Island for covert aggression against a neighboring Muslim country. Not only did this incident generate international repercussions that almost sparked a war between the Philippines and neighboring Malaysia, but it impacted the youth of Moroland, who, consequently, took to the streets in protest of this deplorable massacre and demanded a serious "reassessment" of Moro relationship with the Philippine state that recalled the historical injustices heaped on the Bangsamoro people by foreign colonialism and its successor-in-interest, the Philippine State.

This widespread Moro resentment was further exacerbated in the early 70s by the fanatical Christian paramilitary Ilaga depredations of Moro Muslim communities

in Mindanao supported by state security forces that amounted to ethnic-religious cleansing.

This sequence of extremely violent anti-Muslim Moro phenomenon had a profound emotional and psychological effect on the Moro youths who had begun to mull over other alternatives to address the Bangsamoro Question beyond the legal remedies that the Philippine State at that time had failed to effectuate.

Inevitably, when the killings of Moros continued that were incontrovertibly state-sponsored, a broad consensus in Moro society had been formed to reassert the Moro right to self-determination and freedom through means that were perceived to be practical and effective, which included, but not confined to, armed struggle for political independence.

It was against this backdrop that Brother Abhoud and I ended up being cause-oriented activists. From there, we graduated to being Moro revolutionaries when a dictatorship was installed in the Philippines in 1972 by President Ferdinand E. Marcos Sr, and a state policy of vicious and violent repression was unleashed on the Bangsamoro people.

The result of this unconstrained repression was the war of national liberation or Bangsamoro Revolution waged by the Moro liberation movement, of which the leading edge at that time was the Moro National Liberation Front (MNLF).

Parenthetically, Brother Abhoud left the university ahead of me before martial law was declared in 1972. He was my senior in college. Our paths, however, were not meant by fate to drift far apart and for long.

In any case, we were already in the Moro revolutionary underground at the height of the war in 1974 when we were told that Brother Abhoud had to be whisked off to safety because a truckload of Philippine soldiers had raided the university he had returned to to arrest him. The reason was that during a fact-finding mission sent by the Organization of Islamic Conference (OIC) to Marawi City after its Fifth Ministerial Meeting in Kuala Lumpur in 1974 to investigate the condition of Moro Muslims under martial law, Brother Abhoud boldly and openly exposed the horrendous human rights violations and atrocities of the Philippine government before the OIC in the public meeting the latter held at the university to hear out Moro Muslim grievances. The martial law regime thereafter saw him as a serious existential threat, and so decided to arrest him. But before the arrest could be carried out, Dr. Ahmad Domocao 'Jun' Alonto (post-martial law President of the

Mindanao State University in 1987), with whom Brother Abhoud was very close, had taken him to safety and brought him to the countryside in Ramain (Lanao del Sur), where we were then based. What further complicated matters was that the soldiers sent to arrest him were coincidentally ambushed by Moro guerrillas while on their way back to their camp.

For Brother Abhoud, taking refuge in the Ranao countryside was like returning home. He is the direct descendant of the legendary Datu Ampauan a-Gaus of Taraca-Ramain of Ranao, who fought the longest resistance struggle by a Moro leader from 1903 to 1916 against the colonial American military occupation of Moroland. Brother Abhoud is thus our kin from the Remain roots of Datu Ampuan a-Gaus, the latter being Brother Abhoud's great-grandfather.

At any rate, when Brother Abhoud joined us in the Ranao countryside, we just returned from abroad, having sneaked into the homeland through the "back door" after surviving the bloody battles we had to fight on the way home. This being the case, we were then in the process of organizing the Moro National Liberation Front Northern Mindanao Revolutionary Command (MNLF-NMRC) upon instruction of the MNLF Central Committee. The MNLF-NMRC was under the late MNLF Central Committee Vice-Chairman Abul Khayr D. Alonto, who was with the first group of cadre officers militarily trained abroad known as the "Batch 90" and a founding leader and pioneer of the MNLF.

The MNLF-NMRC operationally covered the non-Muslim provinces of Northern Mindanao. As such, among its tasks were to establish contacts and alliances with the marginalized non-Muslim indigenous peoples whom we called "Moro Highlanders" and train their young people in guerrilla warfare. Brother Abhoud was, therefore, one of the original organizers of the MNLF-NMRC and its first Political Officer, as well as Chairman of its Administrative Committee. I was then its Propaganda Committee Chair, but the additional covert work entrusted to me by the MNLF leadership required traveling to the provinces of Northern Mindanao with Brother Dr. Jun Alonto, who was in charge of the Organizing Committee and doing liaison work with the indigenous peoples.

Brother Abhoud's task was not an easy one as he took charge of managing the day-to-day affairs of the MNLF-NMRC in the countryside, attending endless grueling consultation meetings with Brother Abul and the foreign trained guerrilla commanders, as well as seeing the maintenance of revolutionary discipline within the ranks of the MNLF-NMRC. In hindsight, it can be said without exaggeration

that it was he who helped Brother Abul Khayr Alonto in turning a loosely organized guerrilla force into an army of the MNLF-NMRC.

Having said that, even when he was saddled by the heavy tasks assigned to him, Brother Abhoud never failed to read the books available to him. I used to share with him whatever books or reading materials I was able to acquire from the cities. Furthermore, our relaxation in the countryside was to discuss with Brother Abul - himself a voracious reader and a very intelligent and passionate person - issues on Islam, current events, revolutions, history, guerrilla tactics and strategies, politics, philosophy, natural science, or anything under the heat of the sun, until the wee hours of the morning and while consuming “bottomless cups of coffee” brewed locally. Brother Abhoud was never a smoker, but he ignored or tolerated our heavy smoking during those nocturnal meetings and private discussions in our free time. In the Spartan guerrilla setting of our situation that deprived us of the company of family and comforts of home, reading and intellectual cerebration, aside from prayers, were the only “luxuries” left to us.

Interestingly, Brother Abhoud’s scholarly inclination and methodical and practical thinking for which his advice was sought by MNLF leaders and even community elders was to later earn him the monicker “Maestro” (meaning ‘teacher’) in the Moro liberation movement and the Moro public. This is the “brand” he was, and still is, known for among the Moro freedom fighters and the masses.

In 1976, when the Tripoli Agreement between the MNLF and the Philippine Government was inked on December 23 under the auspices of the OIC and Libya, there was a cessation of hostilities agreement that was implemented on the ground. Many MNLF leaders and members accepted the 1976 Tripoli Agreement but there was also a great number who did not. Those who objected to the agreement did so because its implementation was “subject to the Philippine Constitution,” which, in effect, negated the principle of self-determination. There was also a lack of consultation on the ground to explain to the Bangsamoro people and the fighting forces the rationale behind the sudden shift to political autonomy from political independence. Hence, while the 1972 Tripoli Agreement raised the Bangsamoro Question to international attention, it was not able to provide a clear-cut formula that should have thoroughly defined the political autonomy envisaged in the agreement. In fact, it allowed the martial law 1973 Philippine Constitution of Marcos to define “Muslim autonomy”. Ipso facto, the 1976 Tripoli Agreement fell short of genuinely addressing the Moro right to self-determination through “home rule” and the institutionalization of the historic Bangsamoro identity aspired to by

the Bangsamoro people in their bid for nationhood recognition even within the Philippine statehood framework. The impact of this on the Moro liberation movement was deleterious. Confusion ensued. Factionalism crept into the MNLF. Moro intellectuals distanced themselves from the 1976 Tripoli Agreement and preferred to be fence-sitters rather than play active roles in the liberation struggle. Mass surrender or withdrawal of disenchanted commanders of the Bangsa Moro Army (BMA) copiously plagued the rank and file of the MNLF.

Significantly, a large chunk of the MNLF had begun to form itself into a “new MNLF”, and this was led by the Cairo-educated Muslim scholar and Islamic revolutionary ideologue, Sheikh Salamat Hashim, a member of the MNLF Central Committee in charge of Foreign Affairs. Eventually, this “new MNLF” would rename itself the “Moro Islamic Liberation Front” (MILF). Its emergence would mark the graduation of the Bangsamoro struggle from the secularist-nationalist stage to the Islamic ideological stage. It is worth noting that this ideological metamorphosis within the Moro liberation movement came at a time when the whole Muslim world was inexorably drawn into the vortex of the phenomenal Islamic resurgence as a result of the Islamic revolution in Iran and the intellectual renaissance affected by Islamic movements around the globe.

Be that as it may, Brother Abhoud and I belonged to those who were critical of the 1976 Tripoli Agreement. So, while the cessation of hostilities led those who accepted the 1976 Tripoli Agreement to join the two “autonomous governments” established by the Philippine government for what it falsely claimed to be pursuant to the 1976 Tripoli Agreement, we stayed aloof. Nevertheless, the lull in the fighting gave us the time and space for individual introspection, revisiting and re-examining our ideological moorings, and objectively evaluating the existing situation by detaching ourselves momentarily from the confusion happening then on the ground. To use a popular idiom, we were then “lost in translation”, with the demoralization and irreversible fissures in the Moro movement in the wake of the MNLF-GRP 1976 Tripoli Agreement.

Affected by this development, Brother Abhoud moved to Kutawato from Ranao, where he experienced and witnessed the people’s horrendous sufferings caused by war. After that, Brother Abhoud joined the MNLF reformist group of Brother Dimas Pundato, a paternal uncle of mine (“Batch 90”, former MNLF Chairman of Ranao and member of the MNLF Central Committee) whose objective was to reform the MNLF from within and save it from disunity and collapse. To this end, Brother Abhoud joined Brother Dimas Pundato in “self-exile” in Sabah, Malaysia,

which afforded them easier access to Tripoli-based Brother Nur Misuari, Chairman of the MNLF.

It was at this point that Brother Abhoud and I lost contact with each other, though we were informed by common friends in the Moro liberation movement of his active involvement in the effort to reunite Moro leaders - both traditional and revolutionary - abroad.

After the bitter frustration many of us felt over the 1976 Tripoli Agreement, I opted to join civil society groups of the “aboveground” opposition, a.k.a “parliament of the streets”, against the Marcos dictatorship after the latter lifted martial law, albeit superficially, in 1981 due to mounting international pressure. In 1983, former Senator Benigno Aquino Jr. was assassinated upon arrival in Manila, which ramped up the people’s open defiance across the country against the Marcos dictatorship.

One evening in 1984, my wife and I had the greatest surprise of our lives when Brother Abhoud knocked on the door of our home in Cotabato City. He rode on the back of a motorcycle driven by a brother in the MNLF, Brother Rocky Sinarimbo. Since 1979, we hadn’t seen each other.

That nocturnal surprise visit to us by Brother Abhoud was akin to a reunion of biological brothers who got separated for a long period by circumstances beyond each other’s control. It was a profoundly emotional reunion. We spent the entire night recalling the time we were in the countryside and updating each other on current events, developments within the Moro liberation movement as well as our respective activities after we lost contact with one another in 1979. That visit renewed our connection and reinvigorated our relationship based on shared aspiration, Islamic faith, and common revolutionary experience in the Bangsamoro liberation movement.

I will not delve too lengthily into the aftermath of that visit and our “reconnection”. But let me say that Brother Abhoud’s exuberant commitment to the Bangsamoro Cause had never diminished. In fact, he was more determined to correct the mistakes committed in the past. He asked me to join him in establishing a Moro youth movement that would bring together the disparate groups of young, disenchanted MNLF brethren and, at the same time, introduce Islamic activism into the ideological vacuum caused by the disintegration of the MNLF into factions. Through this movement, Brother Abhoud hoped to mentor young Moros, regain their confidence in the justness of the Moro struggle, and intellectually

develop them for future leadership roles that would guarantee the continuity of the Bangsamoro Cause but on the level of Islamic ideological plane and from a deep understanding of the nature and character of the Bangsamoro Question. Absent this deep and correct intellectual understanding of the character of the Bangsamoro Question, any political formula to resolve it will be futile.

With this in mind, we did just that. We organized the Muslim Alliance of the Philippines (Ittihadul Muslimun bi'l Filibin) or MAP. We mentored promising young Moro Muslims from the universities, exposed them to Muslim and non-Muslim international meetings, seminars and conferences abroad, and held regular Islamic Youth Camps annually in different places, mostly on university campuses wherein renowned Muslim intellectuals and academics from international Islamic movements delivered lectures on Islamic subjects. As early as that time, we belabored to teach our youth audiences that true Islam, while it is the ideology of liberation, eschewed all forms of extremism, for extremism like tyranny is anathema to Islam.

The Islamic Youth Camps, the exposure to international conferences and academic activities were all novel activities at that time for most of the Moro youth just emerging from the trauma of the 70s war. Many enthusiastically joined the program.

Even when Brother Abhoud and I joined the Mindanao State University in Marawi City when Dr. Jun Alonto became university president in 1987, Brother Abhoud never slackened in his mentoring of Moro youths through the MAP. We held lectures, seminars and conferences at MSU and its campuses outside Marawi. There are “graduates” of the Islamic Youth Camps who became community leaders, civil society activists and even government officials. Many ultimately joined the MILF as Bangsamoro cause-oriented advocates of the right to self-determination regardless of their status in society when Sheikh Salamat Hashim came home after the downfall of the Marcos dictatorship.

Brother Abhoud is an articulate speaker and prolific writer who devoted most, if not all, of his speeches and written works to the exposition of the Bangsamoro Question. He would never allow to slip through his fingers any chance, any opportunity, which would have afforded him to speak on the Bangsamoro Question in international fora or national and local public engagements.

In 1990 or sometime around that year, MILF Chairman Sheikh Salamat Hashim, having returned to the Bangsamoro Homeland after the downfall of the Marcos dictatorship, reached out to Moro professionals, intellectuals and youths throughout the Bangsamoro from his base at Camp Abubakr As-Siddiq. Among those who first responded was Brother Abhoud. And it was through the bridging effort of Brother Abhoud, in tandem with the late Brother Manalindab ‘Manda’ Kalim from the ranks of the Moro professionals, that the university-schooled intellectuals and youth in Ranao and elsewhere were able to directly access the MILF Chairman, and through constant and dynamic interaction, ultimately acquire a deeper understanding and awareness of the Bangsamoro Question, which the 1976 Tripoli Agreement failed to address adequately.

It is also worthy to mention that it was Brother Abhoud who wrote the first comprehensive biography of Sheikh Salamat Hashim. This became the reference for the various written articles on the MILF Founder and Chairman. In 1999, when I did a lengthy two-part interview of Sheikh Salamat for Crescent International, the Canadian-based newsmagazine of the Islamic movement of which I was the Philippine correspondent, this biography written by Brother Abhoud was also used as a reference.

Perhaps there are but a few people who are aware that it was Sheikh Salamat who asked Brother Abhoud to organize the Institute of Bangsamoro Studies (IBS) as a “think tank” that would mobilize Moro intellectuals and create and implement robust activities to promote the Bangsamoro Cause.

In our frequent meetings with Sheikh Salamat, his position was consistently made clear to all, and it resonated with us: Moro’s right to genuine self-determination is primordial. The MILF was prepared for war to defend this right and the Bangsamoro homeland at all costs, but it would be preferable, Sheikh Salamat declared, to resolve and settle the Bangsamoro Question through peaceful means by political negotiation. Such a political negotiation, he believed, should be able to reach a workable compromise “free of any imposition” to the colliding principles of Philippine sovereignty and territorial integrity on one hand, and the inherent and historic moral and legitimate right of the Bangsamoro to self-determination on the other.

Corresponding to this perspective, the political negotiations between the Philippine Government and the MILF that had taken place immediately after the MNLF-GRP 1996 Final Peace Agreement, which was a sequel to the 1976 Tripoli Agreement

that installed Brother Nur Misuari to head the Muslim Mindanao autonomy, would be adopting the rule of thumb for any political negotiation that said “No Constitution, No independence.” This rule of thumb was to become the “gentlemen’s agreement” between the MILF and the Philippine Government when they mutually decided to head for the negotiating table. Nonetheless, this didn’t mean putting a final closure to political independence. For in the event no political agreement was arrived at on the negotiating table on the basis of the aforesaid “gentlemen’s agreement” or that the Philippine party reneges on the implementation of the signed peace agreement, by virtue of the inherent right to self-determination future generations of the Bangsamoro have the right to opt for political independence. This view was shared by senior members of the MILF Negotiating Panel, Atty. Datu Michael Mastura and the late Atty. Musib Buat, Atty. Lanang Ali and Datu Antonio ‘Tony’ Kinoc (who represented the indigenous peoples) during the MILF-Philippine Government peace negotiations. So did Brother Abhoud and I. Thus, no specific and categorical provision in the peace agreement contained closure to political independence.

That being the case, Brother Abhoud took it upon himself the difficult job to explain the sovereignty-based conflict character of the Bangsamoro Question and the appropriate political measures to address it to the broad spectrum of Moro society in his advocacy. Eventually, his indefatigable effort brought together the ulama and Western-educated professionals - two sectors that were traditionally suspicious of each other - in one collaborative partnership geared towards supporting the Bangsamoro struggle now led by the MILF. This cementing of collaborative unity among Moro sectors led to the holding of mammoth consultative assemblies hosted by the MILF in its headquarters in Buliok and ultimately in Darapanan, where issues were presented to the Moro masses for consensus-building, information dissemination, and awareness formation. These consultative assemblies attended by no fewer than one million people developed people’s ownership of the MILF-led Moro struggle.

In 2001, I was asked by Sheikh Salamat to join the MILF Negotiating Panel as a member of its Technical Committee in the peace talks between the Philippine Government and the MILF in Tripoli, Libya. This was the first of the series of formal peace talks between the MILF and the Philippine government to be held abroad, which inaugurated the international stage of the MILF-GRP political negotiation. This has to be distinguished from the domestic stage from 1997 to 2000.

After the demise of Sheikh Salamat in 2003, the MILF Negotiating Panel was reorganized, and Brother Mohaghir Iqbal took over as Chairman of the Panel from Brother Al Haj Murad Ebrahim, who became Chairman of the MILF Central Committee. Brother Abhoud was commissioned as a regular member of the Panel. I was also elevated from Technical Committee member to regular member. As such, Brother Abhoud and I sat together in the MILF Peace Negotiating Panel.

It was while we were in the peace negotiation that we came to greatly appreciate international third-party intervention that prevented the peace process from collapsing whenever an impasse in the negotiation occurred or an all-war was treacherously waged by sitting Philippine regimes. Enriched by this experience, this became part of Brother Abhoud's paradigm for peacemaking.

In 2012, the historic Framework Agreement on the Bangsamoro (FAB) was signed by the MILF and the Philippine Government. Two years later, in 2014, the equally historic Comprehensive Agreement on the Bangsamoro (CAB), the document that consolidated all signed agreements, was inked by both parties to the peace negotiation. Brother Abhoud and I are signatories to both these pivotal historic agreements that mandated the establishment of Bangsamoro self-rule consonant with the exercise of internal sovereignty aimed at empowering the Bangsamoro people as a nation within the Philippine State system. Today we find a watered-down tangible version of it in the form of the Bangsamoro Basic Law (BOL) that birthed the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). Admittedly, more work has yet to be done to erect a solid governance architecture for the Bangsamoro fully conforming to the letter and spirit of the FAB and CAB that is "more than autonomy but less than independence."

Having said that, the anthology "Advancing Bangsamoro Aspirations" is certainly not a biography of Professor Abhoud Syed Lingga, but a work of scholarship crafted by him over the years that allows any student or researcher of history to know more about the author's political erudition and his views on the wide range of issues pertinent to the Bangsamoro Question.

"Advancing Moro Aspirations" is thus a pedagogy through which the author explicates the Bangsamoro Question not only to the Bangsamoro people but to a global audience.

No question about it, Professor Abhoud Syed Lingga is a profound political thinker, an erudite on the Bangsamoro Question, and an activist for peace based on justice who is passionate about his political beliefs as evident in his essays, monographs and speeches. But what sets him apart from the rest of our intellectuals today is that not only did he write and speak of the wrongs committed on our people, but he walked his talk.

In this context, the most fitting description of him is that of a critical thinker and doer, all rolled into one. In short, he is indeed the “Maestro” who lived, taught and struggled with the masses of our people in their most trying times. In this sense, the role he played in the Moro struggle can be said to be heroic.

It is on this note that I am, therefore, more than honored and privileged to write these concluding remarks to “Advancing Bangsamoro Aspirations”, a compilation of the works of an authentic son of the Bangsamoro, Professor Abhoud Syed Mansur Lingga, who dedicated his life’s work in advancing Bangsamoro aspirations.



Robert Maulana Alonto, also known as Bobby, is the Lanao del Sur Commissioner of the Bangsamoro Commission for the Preservation of Cultural Heritage (BCPCH). He previously served as a member of the peace negotiating panel of the Moro Islamic Liberation Front (MILF) and a member of the Bangsamoro Transition Commission (BTC) that drafted the Bangsamoro Basic Law.



ABOUT ABHOUD SYED M. LINGGA

Professor Abhoud Syed M. Lingga (Kaka Abhoud) is a respected scholar and champion of the Bangsamoro people's self-determination and peace in the Philippines. He has dedicated his life to advocating for the rights and aspirations of the Bangsamoro.

Having served as a member of the Moro Islamic Liberation Front (MILF) Peace Negotiating Panel and as the Chairman of the Bangsamoro People's Consultative Assembly, Kaka Abhoud played a pivotal role in negotiating for the rights and self-determination of the Bangsamoro people in the peace process between the MILF and the Philippine government.

His scholarly work has focused on Bangsamoro affairs, Islamic studies, human rights, and sustainable development, making significant contributions to the understanding of the complex issues facing the Bangsamoro community.

Kaka Abhoud's research has been presented at prestigious international conferences, such as the Consolidation for Peace Seminar in Malaysia in 2011, the Symposium of Masjid Al-Aqsa in Turkey in 2009, the World Civil Society Forum in Switzerland in 2002, and the United Nations Working Group on Indigenous Populations. His publications on topics like "Mindanao Peace Process: The Need for a New Formula" and "Building the Bangsamoro Government" have been highly regarded.

In recognition of his tireless efforts, Kaka Abhoud has received several accolades, including the "Outstanding Bangsamoro Peace Champion Award" from the MILF in March 2024 and the "Distinguished Bangsamoro thought leader" award from USAID and The Asia Foundation in June 2024.

Now retired, Kaka Abhoud's legacy as a respected voice and advocate for the Bangsamoro community continues to inspire and guide the ongoing efforts towards peace and justice in the region.



The Notre Dame University in Cotabato City honored Abhoud Syed Lingga with a Doctor of Humanities (Honoris Causa) in Peace and Development in 2017.

Source: Manila Standard.

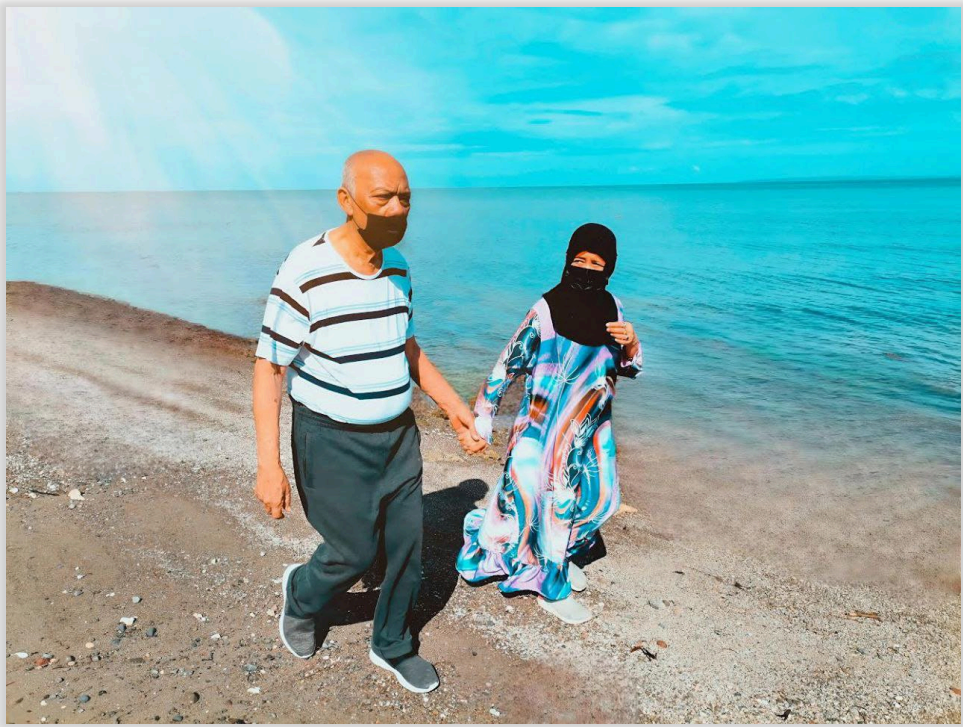


Kaka Abhoud accepts an award for Outstanding Bangsamoro Peace Champion on the 10th anniversary of the signing of the Comprehensive Agreement on the Bangsamoro (CAB) on 27 March 2024 at Camp Darapanan. Source: Sarah Radam.

ABBREVIATIONS AND ACRONYMS

AFP	Armed Forces of the Philippines
ARMM	Autonomous Region in Muslim Mindanao
ASEAN	Association of Southeast Asian Nations
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BBL	Bangsamoro Basic Law
BIAF	Bangsamoro Islamic Armed Forces
BJE	Bangsamoro Juridical Entity
BOL	Bangsamoro Organic Law
BPCA	Bangsamoro People's Consultative Assembly
BTA	Bangsamoro Transition Authority
BUF	Bishop-Ulama Forum
CAB	Comprehensive Agreement on the Bangsamoro
CNI	Commission on National Integration
COMELEC	Commission on Elections
FAB	Framework Agreement on the Bangsamoro
FOCAP	Foreign Correspondents Association of the Philippines
GOCC	Government-owned and controlled corporations
GRP	Government of the Republic of the Philippines
IBS	Institute of Bangsamoro Studies
ICFM	Islamic Conference of Foreign Ministers
IPP	Islamic Party of the Philippines
IMT	International Monitoring Team
MDA	Mindanao Development Authority
MEDCO	Mindanao Economic Development Council
MILF	Moro Islamic Liberation Front
MIM	Mindanao Independence Movement
MinDa	Mindanao Development Authority

MNLF	Moro National Liberation Front
MOA-AD	Memorandum of Agreement on Ancestral Domain
MDA	Mindanao Development Authority
MPPM	Mindanao People's Peace Movement
NAPOLCOM	National Police Commission
NARRA	National Resettlement and Rehabilitation Administration
NCMF	National Commission on Muslim Filipinos
ODA	Official development assistance
OIC	Organization of Islamic Cooperation (formerly the Organization of Islamic Conference)
OMA	Office on Muslim Affairs
OMACC	Office for Muslim Affairs and Cultural Communities
OPAPP	Office of the Presidential Adviser on the Peace Process
ORC	Office of the Regional Commissioner
PNP	Philippine National Police
RCC	Regional Consultative Commission
RSD	Right to self-determination
RLA	Regional Legislative Assembly
SPARE	Special Program of Assistance for the Rehabilitation of Evacuees
SPCPD	Special Zone of Peace and Development
SZOPAD	Special Zone of Peace and Development
UN	United Nations
USIP	United States Institute of Peace
WGIP	UN Working Group on Indigenous Populations





The Institute of Bangsamoro Studies (IBS) is a Mindanao based, non-government institution registered with the Securities and Exchange Commission on September 29, 1999. It started its operation on January 1, 2001. IBS undertakes independent and collaborative research on Bangsamoro society, history, education, culture, politics, economic and contemporary affairs; conducts training; and provides community services.



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