

GRP-MILF Peace process

By Prof. Rudy Rodil



Produced by
Mindanao Solidarity Network (MSN)
-and-
Balay Rehabilitation Center

Prof. RUDY BUHAY RODIL

A peace specialist, Rudy Buhay Rodil is an active Mindanao historian and peace advocate. In 1988 he was a commissioner of the Regional Consultative Commission in Muslim Mindanao which helped Congress draft the Organic Act for the Autonomous Region in Muslim Mindanao. As an acknowledged expert on the history of the Moro conflict, he was twice member of the GRP peace negotiating panel in the talks with the Moro National Liberation Front, 1993-96, and also vice chair of the GRP Panel in the talks with the Moro Islamic Liberation Front, Dec. 2004 to 3 Sept. 2008. Having started his studies on Mindanao, especially on the Moro and Lumad affairs, in the summer of 1973, he has so far written four books, several monographs and 118 articles. As educator, he has taught in Sulu, Cotabato, Davao, Manila and Iligan. Now retired, he was professor of history in the last twenty-four years in Mindanao State University-Iligan Institute of Technology, Jun 1983 to Oct 2007. As peace advocate, he has so far participated as resource person in more than 636 forums, seminars and conferences related to the creation of a culture of peace in Mindanao.



Balay Rehabilitation Center

No. 25 Maalindog Street,
UP Village, Diliman, Quezon City

Tel. No. (632) 4263825

Telefax (632) 9216301

Email: balaysrv@info.com.ph

Website: <http://www.balayorg.ph>

GRP-MILF Peace process

ntroduction.....

The armed conflict in the Philippines has been around for more than four decades. Among those hardest hit are the thousands of villages in Mindanao where fighting between government forces and the Moro groups waging a struggle for self-determination has been going on. Throughout those years, many lives were lost, farms and livelihood were ruined, children and women have been put in harm's way, and the affected civilians have been pushed deeper into poverty. Over the last ten years, the displacement of villagers in conflict affected areas has been so dire that it has caught the attention of the United Nations itself and other international agencies as well.

The affected communities have time and again appealed to the parties in conflict to tread the path of non-violence to settle their differences. Peace advocates and humanitarian agencies have raised the need for the peace process to move on and to spare the civilians from harm. Recently, both the Aquino government and the Moro Islamic Liberation

Front (MILF) have affirmed their desire to arrive at a negotiated political settlement of the contentious issues surrounding the aspiration of the Bangsamoro people for self-determination. Various stakeholders have welcomed this development with the hope that the shortcomings of the previous negotiations that lead to the non-signing of the controversial Memorandum of Agreement on Ancestral Domain (MOA-AD) will not be repeated. They cited, among others, the need for even the basic information on the issues that are being discussed in the GRP-MILF talks.

With this in mind, the Mindanao Solidarity Network (MSN) consist of various civil society groups and academic units involved in peace-building and inter-faith dialogue has initiated the publication of this pamphlet as a contribution to raising public awareness on the peace process in Mindanao. The MSN hopes that aside from being informed, the readers will also be encouraged to be more involved in activities that support the peace process in Mindanao, and in other parts of the country as well.

Our future is now. Let us all give peace a chance. ☺

1 What is this GRP-MILF peace process?

The peace process refers to the formal peace talks between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) to find a comprehensive, just and lasting solution to the Moro problem, and put an end to the war directly affecting 13 of the 25 provinces of Mindanao and Sulu Archipelago and Palawan. This has been going on since January 1997. Broadly speaking, the process should also apply to the peace negotiations with the Moro National Liberation Front or MNLF (1975-1996).



2 More particularly, what is the territorial extent of the war involving the MILF?

The conflict-affected areas encompass a total of 151 municipalities, in 13 provinces: Davao Oriental, Compostela Valley, Lanao del Norte, Lanao del Sur, Cotabato, Maguindanao,

South Cotabato, Sarangani, Sultan Kudarat, Basilan, Zamboanga del Norte, Zamboanga del Sur, Zamboanga Sibuguey.

3 What is the Moro problem?

The Moro problem is the war of national liberation from what is perceived by the MNLF and the MILF as Philippine colonialism. It is also called the Moro struggle for self-determination. The Moro people used to be independent sultanates or states for several centuries, they became part of the Philippines through the Treaty of Paris in 1898 without their plebiscitary consent. They, too, lost in the war against the Americans. They have



been marginalized in their own ancestral lands. They have been unable to govern themselves in accordance with their own cus-

toms and tradition. They also felt in 1968 that there was a design by Philippine government to exterminate them. They have been pushed to the wall, specifically from the Jabidah

massacre to the Central Mindanao crisis of 1971, and felt compelled to organized themselves and launch this struggle.

4 What Moro organizations have pushed this struggle for national liberation?

The Muslim Independence Movement (MIM); the Moro National Liberation Front (MNLF), and now the Moro Islamic Liberation Front (MILF).

5 What was the MIM?

Organized in 1968, the Muslim Independence Movement, later renamed Mindanao Independence Movement, was headed by Datu Udtog Matalam of Pagalungan, Maguindanao. He was former Governor of the undivided province Cotabato. In the summer of 1968, after the Jabidah massacre, the MIM announced its desire to put up an Islamic State in predominantly Muslim areas of Mindanao. President Ferdinand Marcos spoke with Matalam; the latter agreed to become the Presidential Adviser on Muslim Affairs. Nothing more was heard of the organization after that but the seed of the Moro cause was sown.

6

What is the Moro National Liberation Front (MNLF)?

As the name clearly implies, the group calls itself Moro, it claims Mindanao-Sulu-Palawan as Moro ancestral homeland, its ultimate goal was to establish a Bangsamoro Republic, and it would use armed struggle to



attain its goal. It was allegedly organized in 1969 but it publicized its existence in the early 1973 when it launched simultaneous attacks on 25 military detachments in central Mindanao.

7

How big was the MNLF war?

It raged at its full intensity in 1973-75. It was big enough to require the presence of 75 percent of the Armed Forces; the government spent Php 73 billion pesos in combat expenses alone from 1970 to 1996, the bulk of this was used up in the mid-70s. The war took a heavy toll in lives—between 100,000 and 120,000, fifty percent of which were MNLF, thirty percent AFP and 20 percent civilian, mostly Moro.

8 How did the war end?

Technically it ended with the signing of the Tripoli Agreement in December 23, 1976, in Tripoli, Libya. The agreement was reached by the Government Panel headed by Carmelo Barbero, Undersecretary of the Department of National Defense, and Nurulajji Misuari, Chairman of the Central Committee of the MNLF, with the participation of the Organization of Islamic Conference. Libya presided over the negotiations.

9 What was accomplished by the Tripoli Agreement of 1976?

As provided, a ceasefire was declared immediately after the signing of the document. The agreement establishes the Autonomous Region for Muslims in Southern Philippines within the realm of the sovereignty and territorial integrity of the Republic of the Philippines; its territory are the thirteen provinces of Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao Sur, South Cotabato, Palawan and all the cities and



villages situated in the above-mentioned areas; it has fifteen substantive provisions the details of which were to be threshed out

later by a Mixed Committee. Note that this 13 has now become 16 with the creation of Zamboanga Sibugay out of Zamboanga del Sur, Sarangani out of South Cotabato and Compostela Valley out of Davao del Norte.

10 Did the two parties agree on the implementation?

No, for twenty years the two parties did not agree on the implementation of the document. Paragraph 16 says: "The Government of the Philippines shall take all necessary constitutional processes for the implementation of the entire," but there was never any agreement on the meaning of constitutional processes. The Mixed Committee met in the months of February and March 1977 to flesh out the details of the provisions but parted without any agreement.

11 What happened to this (TA) document?

Eventually the ceasefire broke down due to so many violations on both sides. Fortunately, the fullscale war of the 70s did not break out again. Year after year, the OIC kept calling for the implementation of the Tripoli Agreement to no avail. After the fall of President Marcos and the take over of the President Corazon Aquino, the new Constitution (1987) provided for the establishment of the Autonomous Regions in Muslim Mindanao and in the Cordillera but this was a unilateral act on the part of Government; a bilateral document, the accord required agreement from the two parties for its implementation. One of the first things President Fidel Ramos did upon assumption to the presidency was to revive the negotiations with the MNLF precisely to work out the details of the implementation of the Tripoli Agreement.

12 There was GRP-MNLF negotiation during the time of Pres. Corazon Aquino, what happened to that?

It started auspiciously but it had an uneventful end. What happened was that in

September 1986, President Aquino met with Nur Misuari in Jolo. That meeting led to the signing early the following year of the Jeddah Accord between Aquilino Pimentel, for the Government, and Nur Misuari, for the MNLF. They agreed "to continue discussion of the proposal for the grant of full autonomy to Mindanao, Basilan, Sulu, Tawi-Tawi and Palawan subject to democratic processes." Although this agreement was a deviation from the Tripoli Agreement, negotiations proceeded smoothly for a while, this time the Government Panel was chaired by former Vice President Emmanuel Pelaez and the MNLF Panel was headed by Habib Hashim. But this process did not jibe with the autonomy-related provisions of the 1987 Constitution which was ratified prior to the negotiation itself and eventually reached an irresolvable impasse. The two parties parted without arriving at any substantive agreement.

13 What was attained by the revival of GRP-MNLF negotiations in the time of Pres. Fidel Ramos?

The signing of the Final Peace Agreement on the Implementation of the Tripoli Agreement on 2 September 1996. The

negotiations came in two stages, exploratory and the formal negotiation stages. The exploratory talks settled the issue of the negotiation agenda in the formal talks: the full implementation of the Tripoli Agreement in letter and spirit, and the transition mechanism. The final peace agreement was reached after three years of negotiation. The transition mechanism was the Southern Philippines Council for Peace and Development (SPCPD) covering the 13 provinces, to last until the new revised organic law was enacted by Congress. The plebiscite on the new organic act led to the expansion of the territory from four to five provinces,

including Marawi City. Part of the arrangement was the integration of 7,500 MNLF combatants



into the Armed Forces of the Philippines and the Philippine National Police. At present several of the provisions of the agreement still remain to be implemented but both parties are committed to its full implementation. Peace is holding.

14 What happened to the thirteen provinces listed in the Tripoli Agreement as the area of the autonomous region during the time of President Marcos?

Due to the failure of the GRP and MNLF to agree on the implementation of the Tripoli Agreement, President Marcos proceeded with his unilateral implementation (without the nod of the MNLF). In his first unilateral plebiscite in April 1977 which asked the question on inclusion in the autonomy, Davao, South Cotabato and Palawan said NO. The remaining ten answered YES and were subdivided into the regions of five provinces each called Lupon Tagapagpaganap ng Rehiyon IX and XII. This was not really the autonomy that was contemplated in the Tripoli Agreement. Needless to say the MNLF and the OIC expressed their vehement objections.

15 What happened to the thirteen provinces during the administration of President Corazon Aquino?

Ratified in February 1987, the Philippine Constitution laid out the details of the establishment of the Autonomous Region in Muslim Mindanao, including the creation of

a Regional Consultative Commission for Muslim Mindanao. Tasked with helping Congress draft the Organic Act for the Autonomy, all 13 provinces were represented in this Commission. After Congress completed its work, a plebiscite for the 13 provinces was conducted in 1989. Asked whether they wanted their area to be part of the territory of the autonomy, only the Muslim-dominated provinces of Maguindanao, Lanao del Sur, Sulu and Tawi-Tawi voted YES. The eight Christian-dominated provinces of Davao del Sur, South Cotabato, North Cotabato, Sultan Kudarat, Lanao del Norte, Zamboanga del Norte, Zamboanga del Sur and Palawan said NO. The mystery was why the Muslim-dominated areas of Basilan and the Islamic City of Marawi also said NO. Later, in the 2001 plebiscite, Basilan and Marawi opted for YES.

16 What pushed the MILF leaders to separate themselves from the MNLF?

Serious differences among the leadership of the MNLF drove the group of Ustadz Salamat Hashim to break away from the MNLF in 1977. It would be enlightening to hear both sides of the story but this is presently

unavailable. This group formalized their organization as Moro Islamic Liberation Front in 1984. Feeling that Moro right to self-determination was compromised in the GRP-MNLF agreement of 1996, the MILF announced its resumption of the Moro struggle for self-determination. At the same time that the MILF is engaged in armed struggle, it is also holding peace negotiations with the Government.

17 How serious is the war with the MILF?

The MILF has an alleged armed force of approximately 10,000 to 12,000 men, mostly in Central Mindanao. We do not have statistics of casualties or damage to property in the war



with the MILF, but we have staggering figures on evacuees over many years, the

highlight of which is more than a million in the all-out war 2000 and more than 700,000 in 2008. During the four months of the war in

the year 2000, the government 15 to 20 million pesos ad day.

18 Why did the MNLF abandon the struggle for Bangsamoro independence in favor of autonomy within the framework of the national sovereignty and territorial integrity of the Philippines and agree to negotiate with the Government?

The MNLF had never published its reason for the change of political position, nor its basis for agreeing to negotiate with the Government. But it might help to understand that it was publicly receiving material and financial support from some unnamed members of the OIC and it needed the moral support of the entire OIC in its fight. The OIC in 1974 passed Resolution No.18 recommending that "a political and peaceful solution through negotiation with Muslim leaders, particularly with the representative of the Moro National Liberation in order to arrive at a just solution to the plight of the Filipino Muslims within the framework of the national sovereignty and territorial integrity of the Philippines." This resolution was in effect telling the MNLF to negotiate for autonomy, and thus became the

trigger for the GRP and the MNLF to proceed to the negotiating table.

19 **Aside from OIC pressure, could there be any other reason for both Government and MNLF to agree to negotiate?**

Neither party has issued any official statement on this. But one may conclude that the staggering cost of the war cited above, in addition to the OIC resolution in 1974, may have pushed both MNLF and Government to the negotiating table.



20 **What was the negotiation agenda proposed by the MILF?**

At first it was a single agenda item in 1997: Solve the Bangsamoro problem. Later, in the course of the negotiation the MILF broke this down to nine items, namely:

- (a) Ancestral domain;
- (b) Displaced and landless Bangsamoro;
- (c) Destruction of properties and war victims;

- (d) Human rights issues;
- (e) Social and cultural discrimination;
- (f) Corruption of the mind and the moral fiber;
- (g) Economic inequities and widespread poverty;
- (h) Exploitation of natural resources, and
- (i) Agrarian Reform.

Finally, in 2001, the two parties agreed on three items and this has remained so until the present: Security Aspect, Rehabilitation and Development Aspect, and Ancestral Domain.

21 What is the meaning of plebiscitary consent?

The Moros were never asked whether or not they wished to be part of the Philippines. They became integrated with the Philippines without their consent. As pointed out above, they used to be independent sultanates, Sulu since 1450, Maguindanao since 1619. They were states in their own right each possessing the four elements of a state, people, territory, government and sovereignty. Made up of four principalities, Pat a Pongampong ko Ranaw, did not yet attain the status of a state but was also independent. They fought Spain for 333 years and are proud to proclaim that they were

uncolonized till the end. They became part of the Philippines through colonial fiat, through the Treaty of Paris in December 1898, when Spain ceded or sold their supposed Philippine colony to the United States for \$20 million, after her loss to America in a war. But she (Spain) also unilaterally included the uncolonized sultanates of Sulu and Maguindanao and the Pat a Pongampong ko Ranaw, and the uncolonized Lumad Indigenous communities in that sale.

22 What was wrong with the Treaty of Paris?

It was a transaction between two colonial powers, Spain and the United States of America. It was based on the false premise, wrong from our Filipino, Lumad and Moro point of view. Spain sold or ceded what she did not own. It was therefore an illegitimate transaction. For one, Gen. Emilio Aguinaldo had declared Philippine Independence on June 12, 1898, six months before the Treaty. Thus the Philippines was already a *de facto* state, no longer a colony owned by Spain. This is why we, Filipinos, celebrate our Independence Day on June 12. For another, neither were the Moros colonial subjects of the Spaniards. The

Sultanates of Sulu and Maguindanao were states in their own right, as far back as 1450 and 1619, respectively; the Pat a Pongampong ko Ranaw had also remained uncolonized. Finally, the Indigenous Peoples of Mindanao who had evaded or avoided contact with Spain, they, too, were uncolonized.

23 If the Treaty of Paris was questionable and illegitimate, then what is the justification for the American colonial presence?

They were victors in war. The issue of the legitimacy of the Treaty of Paris became moot and academic when the Americans won the Filipino-American war, and the Moro-American war. Victors in war, now they possessed a unified colony, acquired through the Treaty of Paris, which they called Philippine Islands, or part of their Insular Possessions which included some islands in the Pacific like Guam.

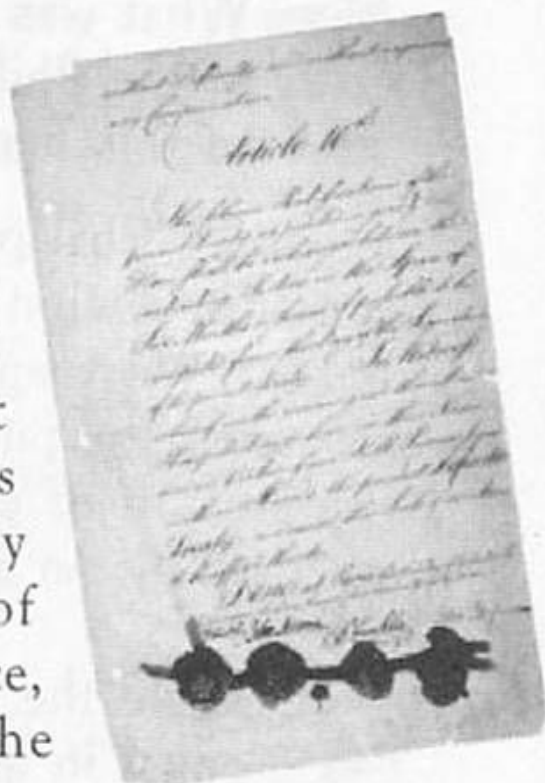


24 What does the Philippine Constitution say about the Treaty of Paris?

The paragraph on national territory, Article I, Section 1 of the Philippine Constitution of 1935, affirmed the legitimacy of the Treaty of Paris: The Philippines comprises all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on the tenth day of December, eighteen hundred and ninety-eight, the limits which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington between the United States and Spain on the seventh day of November, nineteen hundred, and the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty, and all territory over which the present Government of the Philippine Islands exercises jurisdiction.

25 Was there any time when the government of the United States of America recognized the existence of the Philippines as a Filipino state, or the Moro sultanates as states?

No, from the very beginning they made it their official position that there were no nations here. The following statement from Governor Leonard Wood of the Moro Province, illustrates this position. He said to the Sultan of Sulu in 1904: I am going to be frank with you. At present your rights as a nation are nothing... I believe we are here forever, unless some greater country comes and drives us away; we do not know any such country. This is why in 1946, they only entertained the idea of restoring one independence, to the Republic of the Philippines.



26 How were the Moros and the Lumad communities marginalized?

Regarding themselves as new owners of the land, the American colonizers classified the entire Philippine population into two, as Christians and non-Christians, also civilized and uncivilized, respectively; the non-Christians were made up of Moros and Wild Tribes. Then, they passed a law declaring as null and

void all land grants made by traditional leaders if done without government consent. Next, they enacted public land laws detailing the manner of land disposition and distribution.

27 What was the contribution of the Philippine Government to this marginalization process?

The Philippine Government later continued what the American colonizers started, more specifically the resettlement programs, the public land laws and the non-recognition of communal property system practiced by our ancestors for centuries.

28 Were the public land laws equal in application?

No, the public land laws were not equal in application. Christian homesteaders were allowed up to 16 or 24 hectares while the non-Christian natives were allowed ten hectares in 1919 but this was even reduced to four in 1936. It was these laws which were used to bring in the homesteaders or settlers to Mindanao.

29 How account for the large scale movement of peoples from Luzon and the Visayas to Mindanao?

Resettlement was a program of the American colonial government; it was later continued by the Philippine government. They encouraged settlers from Luzon and the Visayas to migrate to Mindanao as homesteaders. From the time largescale migration started in 1913 to 1970, a period of less than sixty years, the local populations were displaced in their ancestral lands by the newcomers. Constituting approximately 70 percent of the population, the newcomers now became the decisive majority; the Moros were reduced to about 20 percent, majority only in five provinces and 15 municipalities, and the Lumad to about 10 percent, majority only in eight municipalities.



30 What triggered the Moro rebellion?

Scholars and political analysts, even from among the Bangsamoro Fronts admit the trigger was the Jabidah or the Corregidor

massacre in 1968. But we must distinguished between trigger and root causes of the rebellion.

31 What are the root causes of the Moro rebellion?

The root causes are the series of events that led to the marginalization and discrimination of the Moro people. The Spanish-Moro wars in which the Spaniards made Filipino Christians fight in Spanish expeditions against created and nurtured the bad blood between Moros and Christians which has remained alive up to now. The Treaty of Paris, the Filipino and Moro wars against the American troops, the marginalization and displacement of Moro and Lumad communities in their own ancestral lands, the shift of Moro governance into the hands of the colonizers. Later, with the enactment of the Jones Law (1916) Filipino bureaucrats took the helms of government... all of these and more combined to push the Moro and Lumad communities into the brink of perceived extinction. Then came the triggers of the late



60s, Jabidah and the Mindanao crisis of 1971. Rebellion seemed the only answer.

32 How come the Muslim rebels prefer to be called Moros when they used to dislike name earlier?

The Moro National Liberation Front adopted Moro as their national identity. It subsequently became Bangsamoro. Moro and Bangsamoro are now used interchangeably. But why Moro and not Muslim? To distinguish them from the other Muslims of the world. Moro immediately identifies them as the Muslims of Mindanao and Sulu. By MNLF and MILF definition Moro means the 13 Islamized indigenous ethnolinguistic groups in Mindanao-Sulu-Palawan, and the 35 or so tribes and sub-tribes of the Indigenous Peoples, also known as Lumad, and the Christians settlers who actively support the Bangsamoro cause. The Islamized groups are, as follows, from the west to the east of Mindanao: Tausug, Sama, Jama Mapun in the Sulu Archipelago; Panimusan and Molbog in Palawan; Yakan in Basilan; Kalibogan in the Zamboanga peninsula; Maranao and Kolibogan in Lanao; Maguindanao, Iranun and Sangil in the undivided Cotabato, and Kalagan in Davao.

They also include the Sama Dilaut of Tawi-Tawi who are generally animist by virtue of their long stay in the Sulu region.

33 How do the Lumad Indigenous Communities feel about their inclusion in the name?

Although they are aware that some of them have joined the MNLF or the MILF as fighters, the Lumad leaders insist that they are not Moros. They have their own distinct identity, they have their own ancestral territory, and they have their own right to self-determination. This has been so since time immemorial; their own ancestors decided to part ways with those who had adopted Islam. There were also those whose ancestors were acknowledged blood brothers like Mamalu and Tabunaway among Teduray and Maguindanao. When Tabunaway accepted Islam the two of them agreed to live separately with their distinct identities and their own respective territories; they also agreed to maintain contact and help each other in times of need.



34 What is the basic political stand of the Philippine Government (GRP) in its negotiation with the Moro Fronts?

The GRP operates on the premise that the national territory and sovereignty is one, and in the course of its negotiation with the Moro Fronts, MNLF or MILF, it can only operate within the framework of the Philippine Constitution. It is, however, committed to the attainment of a comprehensive, just and lasting peace with the Moro Fronts. This is the reason why it agreed with the MNLF to sign the Tripoli Agreement in 1976 and the Final Peace Agreement in 1996.

35 Why is there a need to negotiate with the MILF when they, like the MNLF, also represent the same Bangsamoro people who inhabit the same territory?

They are regarded as a legitimate Moro rebel group and the policy of the government since the time of President Corazon Aquino is to reach a peaceful settlement through negotiations with all armed rebel groups in the Philippines. What the MILF is doing is to renegotiate with the GRP the terms of

Bangsamoro political existence. In the process they are also saying that they would like a final political settlement within the Republic of the Philippines.

36 What does the MILF mean by Ancestral Domain as territory?

This is a very complex question but to simplify it, the MILF refers to a combination of tribal lands occupied by the Bangsamoro people since time immemorial and territories encompassed in the two sultanates of Sulu and Maguindanao and the Pat a Pongampong ko Ranaw. What they want is a political territory. This is not the same as the Certificate of Ancestral Domain Title (CADT) issued to claimants from the Indigenous Peoples in the Indigenous Peoples Rights Act (IPRA).

37 Do we have any indication of the willingness of the MILF to compromise on the issue of territory?

To the credit of the MILF, they did not claim the entirety of the territories encompassed by the two Sulu and Maguindanao sultanates and the Pat a Pongampong ko Ranaw. The claimed 3,978

barangays on top of the ARMM and the six municipalities of Lanao del Norte that said YES in the 2001 plebiscite was reduced to 735 barangays after several months of negotiation. Even this was going to be subject to a plebiscite within 12 months after the signing. The Special Intervention Areas were also going to undergo a plebiscite after 25 years. The sea, also part of their claimed domain, was to be put under joint authority, joint jurisdiction and joint management with the Central Government. [See No. 40 below]

38 What is the MILF attitude towards private properties within the proposed Bangsamoro Juridical Entity?

This may be inferred from the Memorandum of Agreement on Ancestral Domain. The MILF agreed that private properties and other vested rights will be respected.

39 What is the Memorandum of Agreement on Ancestral Domain?

A product of more than four years of painstaking negotiation, it was the framework agreement between the GRP and the MILF

that should guide the formulation of the Comprehensive Compact, scheduled to be signed on August 5, 2008. It was meant to flesh out the aspiration for self-determination or self-governance of the Bangsamoro within the framework of the national sovereignty and the integrity of the national territory of the Republic of the Philippines.

40 What was the territory covered in the Bangsamoro Ancestral Domain tentatively called Bangsamoro Juridical Entity (BJE)?

Aside from the Autonomous Region in Muslim Mindanao (ARMM), the territory of the Bangsamoro Ancestral Domain included the six Moro-dominated municipalities of Lanao del Norte that said yes in the 2001 plebiscite, and the seven hundred thirty-five

barangays adjacent to these. The 735 barangays were subject to plebiscite within twelve months after the signing of the M O A - A D .



Designated as Special Intervention Areas, other barangays within the GRP-MILF conflict affected areas which shall be the subject of special socio-economic and cultural affirmative action implemented by the Central Government pending the conduct of a plebiscite shall be conducted not earlier than 25 years from the signing of the Comprehensive Compact to determine the question of their accession to the BJE. The areas reflected are subject to further negotiation by the Parties. The sea between Mindanao and Palawan was also part of this but this was the subject of joint jurisdiction, joint authority and joint management between the Bangsamoro government and the Central Government.

41 What moves were made by those opposition politicians who felt threatened by the GRP-MILF Memorandum of Agreement on Ancestral Domain (MOA-AD)?

Opposition politicians from Cotabato, Zamboanga del Norte, Sultan Kudarat, Iligan City, Zamboanga City, Isabela City, Linamon municipality filed for a Temporary Restraining Order (TRO) with the Supreme Court to prevent the signing of the agreement. The



Supreme Court issued the TRO and aborted the signing; it also ruled later that the document was unconstitutional.

That they did not wish to be part of the territory of Bangsamoro self-governance has been the sentiment of most Christian residents in the thirteen provinces of the Tripoli Agreement mentioned above. They said so in the 1989 and 2001 plebiscites; this has not changed. This was allegedly aggravated by the fact that there was no public consultation on the areas included in the BJE, nor was the public informed about the details of the GRP-MILF negotiation. Right to information is a constitutional right.

42 How explain the widespread popular opposition to the GRP-MILF Memorandum of Agreement on Ancestral Domain (MOA-AD) in 2008, mostly from the Christian settlers themselves?

Regarding the popular clamor that the opposition politicians claimed to represent,

what was this clamor? How real was it? It should be pointed out that until the day of the signing itself, August 5, 2010, the official documents have not been released to the public. Angry rallies in Cotabato, Iligan and Zamboanga, for instance, were expressing sentiments based on impressions from perceived realities rather than on the text of the documents themselves. The same was true in 1996 when SPCPD leaked to the public. Most of those who took part in protest rallies and forums were arguing from their impressions rather than on the text of the documents. It should be pointed out further that sentiments expressed in 2008 were the same views articulated in 1988-89 and 1996. This phenomenon leads one to conclude



that deepseated prejudices especially between Muslims and Christians generated and nurtured throughout the Spanish colonial period and kept alive through the American colonial period are very much alive. The war itself fuels the polarization of the population. It is time we all take this issue of relationship

very seriously if we are to have permanent peace in Mindanao and Sulu. Community dialogue involving the Moros, the migrants and the Lumad is as much an integral part of peacebuilding as the peace talks. To solve the Moro problem, we also need to resolve issues of relationships.

43 How do the Lumad feel about the MOA-AD?

Affected Lumad communities have also expressed their opposition to the document. More than 200 leaders of the various Lumad tribes assembled in Cagayan de Oro in August 2008 to manifest their stand on the MOA-AD and their inclusion in the BJE. While they claim that they recognize the legitimacy of Bangsamoro aspirations, they also wish to make it clear that they have their own distinct identities, their own ancestral domains and their own right to self-determination. On the other hand, the Tedurays of Upi and South Upi in the province of Maguindanao, already located within ARMM, say that they are not opposed to the MOA-AD, they merely want the BJE to recognize their Teduray identity, their own ancestral domain and their right to self-determination within this domain.

44

To solve the Moro problem, it is getting clearer that aside from formal GRP-MILF negotiations, we need to have community dialogues among the Lumad, Moro and migrant populations, why is this?

In Mindanao and Sulu, the population, according to the 2000 census, is distributed as follows: Lumad - 8.9 percent; Moro - 18.5 percent; migrants and descendants - 72.5 percent. Among all the indigenous peoples in practically all countries of the world, marginalized as they are, asserting their right to self-determination has become their main tool for survival. It revolves around the issue of ancestral domain and the control of natural resources therein, the preservation of their distinct identity and their governance in accordance with their culture and customary



laws. This is now enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, approved

in 13 September 2007. The Philippines voted YES to this. The majority population must understand that the minority communities need their social space, they have their fundamental rights, too, and their own sense of dignity. This must be recognized and respected. Their right to life is one issue that cannot be simply decided by voting. We need to talk to each other. This is community dialogue.

45 We also need to have constitutional change.
How legally valid is the call for constitutional change?

The Moro problem, as well as the Lumad question, was formed over a long time within the framework of a body of laws, among which was the Constitution. Used to govern the Philippines, this body of laws includes the Philippine Bill of 1902, the Jones Law of 1916 and the various constitutions. The public land laws were enacted within the framework of these laws. The marginalization process took place within these laws. The Constitution of 1935 affirmed the legitimacy of the Treaty of Paris and the succeeding Constitutions of 1973 and 1987 have not questioned this. Injustices

were committed within these laws. This must be corrected constitutionally to make the correction permanent in character.

46 How valid or legitimate is the MILF position to negotiate from outside the constitution?

It is not a question of validity. The MILF, like the MNLF and the MIM before it, are seeking to correct a historical injustice, and they have to fight government to emphasize their desire for change in their status within the Republic. It is true that they have demanded independence, they had wanted their own Islamic State, or Bangsamoro Republic. But by negotiating with Government they are also admitting that the answer to their political aspirations can be found within the framework of national sovereignty and within the integrity the Philippine territory. However, to negotiate for more acceptable terms within the Republic, we all have to go back to history to retrace how the problem evolved. Part of that problem was the constitution itself, as illustrated by the 1935 constitution. While the Government must argue from within the constitution, the MILF must negotiate from outside the constitution. All rebel groups do. It is for the government to

persuade the other party that life within the constitution is viable.

47 The Supreme Court has ruled that the MOA-AD was unconstitutional, what is the chance of re-engineering the MOA-AD into something acceptable not only to the Supreme Court but to the people who filed the case with the Supreme Court in the first place? And to the MILF, the other party to the negotiation?

The following text is lifted from the ruling of the Supreme Court: The MOA-AD is a significant part of a series of agreements necessary to carry out the GRP-MILF Tripoli Agreement on Peace signed by the government and the MILF back in June 2001. Hence, the present MOA-AD can be renegotiated or another one drawn up that could contain



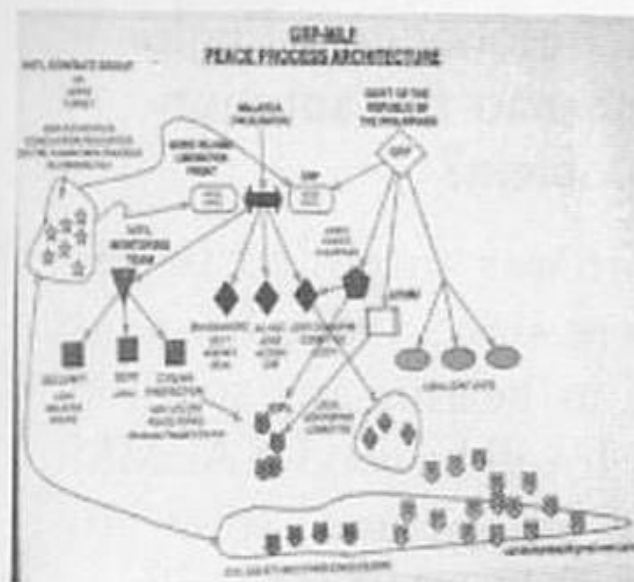
similar or significantly dissimilar provisions compared to the original.

48 Is the present Autonomous Region in Muslim Mindanao the solution to the Moro problem?

That was what it was intended to be. ARMM has been there since 1989. It seems that it has yet to find its bearing as a solution to the Moro problem. It will be good if ARMM itself becomes an important item in community dialogues within ARMM itself.

49 What does the UN Declaration on the Rights of Indigenous Peoples say about self-determination?

Articles 2 to 6 of this UN document have these vital provisions: Article 2 - Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity; Article 3 - Indigenous 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 4 - Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters



relating to their internal and local affairs, as well as ways and means for financing their autonomous functions; Article 5 - Indigenous peoples have the

right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State; Article 6 - Every indigenous individual has the right to a nationality.

50 What is the right to self-determination?

Right to self-determination is as natural as the right to life, the right to make decisions on how to run one's life. Even children are aware that there are things they must do by themselves. Applied to a human community, like a tribe or a nation, this translates to collective right to self-determination. Its political expression can range from simple autonomy within, say, a

municipality to federal autonomy within a federal set up like the United States, to independence. Negotiations for self-determination really is seeking for an acceptable social space within the bigger state framework.

51 What exactly is the meaning of the song: "Let there be peace on earth and let it begin with me?"

In the present set up of the GRP-MILF peace negotiations, the joint GRP-MILF ceasefire mechanisms are in place; the Adhoc Joint Action Group (ADJAG) is there to go after criminal elements like the kidnap for ransom groups; the International Monitoring Team (IMT) has expanded its ranks to include Malaysia, Brunei, Libya, Japan, European Union, Norway, the International Committee on the Red Cross (ICRC). While the Mindanao People's Caucus (MPC), the Non-Violent Peace Force, Mindanao Human Rights Action Center (MinHRAC) and Muslim Organization of Government Officials and





Professionals (MOGOP) will take charge of the IMT's Civilian Protection Component, and, finally, there is the International Contact Group (ICG) composed of Japan, Turkey, The Asia Foundation, Conciliation Resources, Center for Humanitarian Dialogue and Muhammadiyah. There is also the World Bank and several other donor countries ready to assist peace and development efforts with their resources. We are all grateful for this sympathetic concern from other countries but what the song says is that in the ultimate analysis creating and nurturing real, just and lasting peace can only come from within ourselves. It is our peace. ●

Published by



**Balay
Rehabilitation
Center**

Supported by



**Canadian International
Development Agency
(CIDA)**