



Lingking the Moro People with the rest of the world

THE BANGSAMORO JOURNAL

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Maiden Issue

Cotabato City

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Navigating the Labyrinth Path to Peace

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*Let there arise out of you
A band of people
Inviting to all that is
good,
Enjoining what is right,
And forbidding what is
wrong.
They are the ones
To attain felicity.
(Surah III: 104)*

Editorial

The birth of the Bangsamoro Journal

Assalamu Alaikum Warahmatullahi Wabarakatuhu (Peace and Blessings of Allah be with you)

The Bangsamoro Journal is a quarterly publication of the Consortium of Bangsamoro Civil Society (CBCS), a network of Bangsamoro individuals, NGOs and POs in Mindanao with main office in Cotabato City. Organized in 2002 the CBCS envisions a society characterized by justice and peaceful co-existence where all peoples are respected of their right to self-determination. It helps empower the Bangsamoro civil society organizations towards a more unified action for human and social transformation.

The Bangsamoro Journal will publish important socio-economic and political developments in the Muslim Mindanao and other parts of the island. It will feature articles, analysis of trends and strategic peace initiatives in the Bangsamoro homeland, especially the on-going peace process between the government and the different resistance movements and the presence of development initiatives in Mindanao.

The maiden issue of the Bangsamoro Journal highlights people's analysis and perspectives of peace in Mindanao in the light of emerging issues like the on-going peace talks between the MILF and the GRP, the evolving concern for change of government system and the different political options being advanced by different sectors of the society towards a more sustainable, lasting and comprehensive peace not only in Mindanao but in the country.

We hope that the Bangsamoro Journal will be able to provide and channel relevant information that can generate more educated and enlightened reactions from the society as we all geared towards searching viable solution to the problems of peace and development in Mindanao.

We would like to express our gratitude to the German-based Stiftung Fuer Kinder (SFK) through its Director Atty. Ekkehard Amsperger for its financial support in the publication of the Bangsamoro Journal.

We would like to say thank you to the contributors of articles especially for this maiden issue of the Bangsamoro Journal. We encourage you, our dear readers, to contribute articles which you think are worth disseminating and reading by Mindanaons and to send your feedbacks about the journal.

Peace be with you.

The Editorial Board

HUMAN RIGHTS: An Education for Liberation and Transformation

The Universal Islamic Declaration of Human Rights, the UN Universal Declaration of Human Rights and the Universal Peoples Declaration of Human Rights are one in affirming and declaration that human rights is inherent, inalienable, interdependent, interrelated and indivisible.

In strengthening their affirmation and declaration, the 3 world-known Human Rights bodies had mandated the state and its societal organs to wit:

RESPECT and **PROTECT** Human Rights and shall refrain from any act violable and harmful to the dignity of man and individual.

PROMOTE and **PRESERVE** Human Rights and shall recognize the collective right of man and his individuals for self-determination.

FULFILL and **REALIZE** Human Rights and shall explore and secure all venues for the free exercise of rights of people or individuals to shape and design their chosen course of destiny.

Furthermore, the 3 world-known Human Rights bodies had also obliged the state and its societal organs to strictly observe all international human rights instruments, especially, when the same is signatory.

However, inspite of Human Rights affirmations and

“...for Human Rights to be genuinely liberative and transformative, it must employ teaching strategies which provide learners the opportunity to critically examine what they **UNCRITICALLY** and **UNCONSCIOUSLY** believe in and provide with learning situations where they can **RE-THINK** and **RE-EXAMINE** their thought patterns and objective reality...”

declarations and inspite of state mandate and obligation, human rights remained blatantly violated and being trampled upon with impunity.

While some government adheres with the human rights affirmations and declarations and recognize their mandate and obligations, some if not most governments are adamant and just provide mere lip-service and rhetoric commitment to human rights. Worse, some governments are hostile towards human rights and look at it as detrimental to their existence.



The author providing orientation on the convergence of Islamic Universal Declaration of Human Rights, UN Universal Declaration of Human Rights and the Universal Declaration of People's Rights during Tiyakap Kalilintad Basic Human Rights Orientation.

On the other hand, most if not all of those whose rights are violated prefer to remain silent. Powerless they are, they are afraid of reprisal from the authorities. Others do not care as they look at the violation of their rights as way of life or do not know human rights at all.

As education for liberation and transformation, commitment for the full observance of human rights must be re-affirmed. Not withstanding against odd, it must be popularized and promoted.



The 1996 GRP-MNLF-OIC PEACE AGREEMENT THE UNACCOMPLISHED MISSION

By: Atty. Randolph C. Parcasio

I. The High Contracting Parties and Signatories

The 1996 peace accord entitled the PEACE AGREEMENT- THE FINAL AGREEMENT ON THE IMPLEMENTATION OF THE 1976 TRIPOLI AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES (GRP) AND THE MORO NATIONAL LIBERATION FRONT (MNLF) WITH THE PARTICIPATION OF THE ORGANIZATION OF ISLAMIC CONFERENCE MINISTERIAL COMMITTEE OF THE SIX AND THE SECRETARY GENERAL OF THE ORGANIZATION OF ISLAMIC CONFERENCE (OIC) was signed in Malacanang, Manila, on September 2, 1996 in the presence of former President Fidel V. Ramos, by Chairman Nur Misuari representing the MNLF, Ambassador Manuel Yan representing GRP, H.E. Mr. Ali Alatas, Minister of Foreign Affairs of the Republic of Indonesia, representing the Organization of Islamic Conference (OIC) Ministerial Committee of the Six, as Chairman, and H.E. Dr. Hamid Al-Gabid, the Secretary-General of the OIC.

II. 1976 Tripoli Agreement as Mother Agreement

The 1996 Peace Agreement (1996 PA) is an implementation of the unresolved stipulations under the mother agreement—the GRP-MNLF Tripoli Agreement (TA) signed in Tripoli, Libya on December 23, 1976. Under the Tripoli Agreement the MNLF and the GRP provides for the establishment of an Autonomous Government for the Muslims in Southern Philippines within the territorial integrity and sovereignty of the Republic of the Philippines specifically in the "13 provinces and all cities and villages situated therein". Such Autonomous Government shall have powers on the following:

- * Shariah
- * Education
- * Administrative System

- * Economic and Financial System
- * Special Regional Security Forces
- * Legislative Assembly and Executive Council
- * Mines and Mineral Resources

The other points agreed were:

> The convening of a Mixed Committee to discuss later, among others, the foregoing points;

> The establishment of a Provisional Government immediately after the signing of the agreement to handle preparations for the Regular Autonomous Government;

> Observance of the Philippine constitutional processes in the establishment of the autonomous government (decried by Chairman Nur Misuari as unilateral insertion by the GRP).

Unfortunately the Mix Committee was not convened for the next 17 years, and the Provisional Government was never established. In the meantime the peace talks collapsed in 1977 and hostilities recurred between the GRP and the MNLF until 1986. For a period stretching from 1976 to 1992 the 1976 Tripoli Agreement was not complied with by two presidents—late President Ferdinand Marcos and former President Corazon Aquino. Marcos established his own version of autonomy in Region IX and X, in Mindanao and Corazon Aquino modified the Marcos autonomy by causing the passage of Republic Act 6734 which created the Autonomous Regional Government in Muslim Mindanao (ARMM) contravening the 1976 Tripoli Agreement.

III. Rectifying Past Mistakes

In 1992, following the peace initiatives of former President Fidel V. Ramos with the active participation of the OIC through the OIC Ministerial Committee of the Six chaired by the Republic of Indonesia, the GRP and the MNLF, met in Cipanas, West Java, Indonesia for the Second Exploratory Talks on April 13-16, 1993 leading to the signing of the Cipanas Statement of Understanding

whereby the parties agreed that the "agenda for the talks will focus on the modalities for the full implementation of the Tripoli Agreement in letter and spirit". This led to the historic signing of the Peace Agreement on September 2, 1996.

IV. The 1996 Peace Agreement In Substance

A. Phase I

Provides for a transitory period of three years from September 2, 1996

Establishment of Special Zone of Peace and Development SZOPAD covering the provinces of Basilan, Sulu, Tawi Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, South Cotabato, Sarangani, Davao del Sur, Lanao del Norte, Lanao del Sur, and Palawan and the cities of Cotabato, Dapitan, Dipolog, Pagadian, Zamboanga, Marawi, Iligan, General Santos, and Puerto Princesa.

Establishment of Southern Philippines Council for Peace and Development SPCPD which will have the following powers in SZOPAD

1. Exercise control and supervision over appropriate agencies engaged in peace and development activities in the area;
 2. Monitor, promote, and coordinate development efforts;
 3. Attract foreign investment;
 4. Cause the implementation of peace and development projects;
 5. To be deputized by the Commission on Elections to assist in the preparation of the holding of elections, referenda or plebiscite and people's initiative
- Creation of the Darul Iftah (Advisory Council);



In its advocacy towards the attainment of peace, the CBCS has initiated the signing of peace covenants.

- Establishment of the Consultative Assembly having powers, among others, to make rules and regulations to the extent necessary for the effective and efficient administration of the affairs of the area.

Channeling of public and private investment into the area to spur economic development

Integration of 5,750 members of the MNLF into the Armed Forces of the Philippines and the Joining of 1,500 MNLF elements with the Philippines National Police;

Legislative Enactment to Incorporate all the pertinent provisions of the 1996 Peace Agreement by amending Republic Act 6734 otherwise known as the Organic Act of the Autonomous Region in Muslim Mindanao

Conduct of plebiscite

B. Phase II

Establishment of Genuine Autonomous Government:

Powers:

1. The New Autonomous Government exercises broad powers in the area except on Foreign Affairs, National Defense and Security, Postal Service, Coinage, Fiscal and Monetary Policies, Administration of Justice

except Shari'a. Quarantine, Customs and Tariff, Citizenship, Naturalization, Immigration, Deportation, General Auditing, Civil Service and Elections, Foreign Trade, Patents, Trademarks, Trade-names and Copyrights.

2. The Autonomous Framework consists of the following:

- Executive Council, Legislative Assembly, Administrative, Administrative System and Right of Representation in the National Government (paragraphs 21-72 PA);

- The Establishment of the Special Regional Security Forces for the Autonomous Region (Phase-2 of the Implementation of the Tripoli Agreement) (paragraphs 73-93 PA);

- Educational System to develop total spiritual, intellectual, social, cultural, scientific and physical aspects of Bangsamoro people to make them God-fearing, productive, patriotic citizens conscious of their Filipino and Islamic values and Islamic cultural heritage (paragraphs 94-124 PA);

- The Economic and Financial System, Control over Mines and Minerals (paragraphs 126-151, PA);

- Shari'ah (152 PA)

V. What Happened—

1. Peace and Development

- Lost in the euphoria of the new found peace, nobody noticed that in the

implementing Executive Order No. 371 signed in October 1996 the stipulated control, and/or regulatory powers of the SPCPD was not provided.

- Before the ink used in signing the agreement ever dried out so to speak the GRP immediately held peace talks with the Moro Islamic Liberation Front without any participation and knowledge of the SPCPD ignoring the vital role of the latter to orchestrate the peace and development projects in SZOPAD which smacks of the divide and rule tactics by the GRP to further widen the gap between the MNLF and MILF.

- In the 1998 general elections, the local elections and plebiscite in 2000 the SPCPD was not deputized to participate in the conduct of these electoral exercises violating the agreement that the SPCPD would be deputized by the COMELEC in the conduct of any electoral activity in SZOPAD.

- The deteriorating peace and order condition in the area, the all out war policy of the GRP particularly in the Estrada regime, and the unabated criminal activities of lawless elements such as the Abu Sayaff, the sidelining by the GRP of the SPCPD in the resolutions of these conflicts, have all conspired to marginalized and render the SPCPD irrelevant.

- All of the foregoing was aggravated by the "business as usual" attitude of the government in the preparations and enactment of the General Appropriation Acts from 1997 to 2001 resulting in the insufficient funding for the projects intended for rehabilitation and reconstruction, reconciliation, social, economic and infrastructure projects.

- The projects implemented and the funds released in the SZOPAD during the 3 year transitory period amounting to more or less 30 billion pesos per government claim, were regular funds for regular projects and programs (to be implemented even if there was no



The Balance Pistons Exercises in Carmen, North Cotabato has been strongly opposed by various groups and individuals despite the government and the US troops saying that the exercises is strictly a medical mission.

Peace Agreement). Moreover, in areas covering 12 provinces and 9 cities, outside the ARMM, the projects and fund utilization were absolutely under the control and supervision by the appropriate national government agencies and not the SPCPD.

2. Security

The integration of 5,750 MNLF members into the Armed Forces of the Philippines (AFP) and the joining of the MNLF elements with the Philippine National Police (PNP) is an unprecedented remobilization and conversion of anti government forces remolded to serve national interest. MNLF Integrees found themselves in combat duties against the MILF Mujahidins in the GRP's all out war during the Estrada Administration. To most of the MNLF Integrees it was terribly wrong to be used to fight a fratricidal war against the MILF Mujahideen.

3. Republic Act 9054 Questioned Legitimacy

The passage of Republic Act 9054 otherwise known as "An Act To Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao, Amending For the Purpose Republic Act 6734, Entitled An Act Providing For the Autonomous Region in Muslim Mindanao" was vehemently objected by the MNLF as an "arbitrary and unilateral act of the GRP". There are at least ten provisions in RA 9054

that needs amendment to comply with the letter and spirit of the 1996 PA. A series of lobbying with the OIC and demands for the GRP for the convening of a trilateral committee to act as oversight body to review the pending bills in Congress in order to harmonize them with the 1996 PA all failed. During the critical stages of the deliberations in Congress and the Senate, the Philippines was glued to the impeachment proceedings of former President Estrada. And just as when the Senators and Congressmen in the Bicameral Conference were exasperated in the impeachment trial and when they "had no energy left", they deliberated the fate of Mindanao and the Bangsamoro people and approved Republic Act 9054 in that Bicameral Conference held on that fateful evening in December 2000, past 11 PM in a Conference Room at the Senate when nobody was looking.

The political convulsion arising from the impeachment trial and ouster of former President Estrada left the passage of the questionable law unnoticed. The MNLF objections drowned in the tumultuous event in "EDSA II" and the euphoric subsequent events.

2. The Plebiscite

With the assumption to power by President Gloria Macapagal Arroyo, the MNLF was hopeful that RA 9054 would be rectified. But almost simultaneous with the rise to power of the present administration, the

MNLF leadership was rocked with divisiveness and obscured any opposition to the new law. Notwithstanding the internal problem, all MNLF sides officially objected to the holding of the plebiscite. Despite the opposition, the plebiscite was held on August 20, 2001, where only 5 provinces and 1 city voted for inclusion in the ARMM, and ratified RA 9054 and these are the provinces of Tawi Tawi, Sulu, Basilan Maguindanao, and Lanao del Sur and the city of Marawi.

The clusters of municipalities in Lanao del Norte, North Cotabato and Sultan Kudarat that voted for inclusion in the ARMM were left out since their situation was not in the contemplation of RA 9054. It must be emphasized that paragraph 2(b) of the FPA provides that clusters of contiguous Muslim dominated municipalities voting in favor of autonomy be merged and constituted into new province(s) which shall become part of the new Autonomous Region.

Prominent members of the MNLF 15-Man Executive Council however acquiesced by participating in the first elections held under RA 9054 thereby beclouding questions about the infirmities or legitimacy of the controversial law.

VI. The Imperatives

1. The United Nations Multi Donor Program (UNMDP) Second Assessment Mission Report

The Second Assessment Mission Report of the UNMDP cites six (6) risks among others, that could negatively effect the viability of the 1996 Peace Agreement. They are the following:

- a) An Organic Act that does NOT offer Meaningful Autonomy;
- b) Absolute or relative defeat in the plebiscite on the New ARMM;
- c) An ineffective new autonomous government;
- d) Insufficient government investment;
- e) Lack of citizen ownership;
- f) Spirals of violence by the hawks on both sides that lead to anarchical situations.

*{... to be continued next
issue}*



Federalism as a win-win solution to the Moro Problem

By Mayor Omar Solitario Ali, Marawi City

The 500 years of virtually continuous war against the Moro People—launched in the beginning by the Spaniards, the Americans, the Japanese, and the Philippine Government for the last 58 years—is proof enough that there is no way to annihilate the Moro People or terminate the Moro massacres, using paramilitary marauders (Ilaga), depopulating communities and grabbing the lands, establishing Christian settlements in Moro areas, burning of whole villages, ham letting, ear cutting, and other inhuman methods. And yet the immovable object (Moro people) did not budge amidst the battering by the insubstantial force (AFP). What happened for the last 58 years (1946-2003) was the reason why instead of our status in 1950 as next to Japan economically, we are now

candidate for the poorest man in the region.

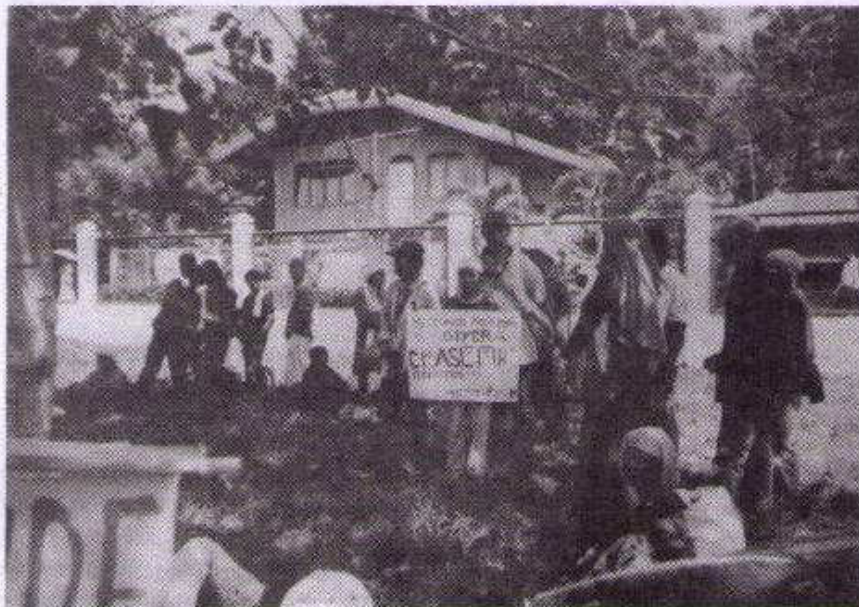
Some elements of the Philippine military, some political leaders and some business groups had this notion that the insurgents should be terminated by force; that there is no way to lick them by peace; that they are merely a negligible portion of the population—15,000 armed followers, 2,500 full timers, 40,000 mass support or roughly 1 percent of the 5 million Muslims in the Philippines. But that is over simplification. There is no way to terminate the 55,000 without collaterally damaging, affecting or converting the 4,945,000 Moro people and thereby making the war mutually destructive and unending.

Conversely, after 500 years of Moro resistance to foreign domination,

after 33 years of the recent phase of Moro conflict which started in 1970, the Moro Insurgents and the People in general should by now accept the fact that there is no foreseeable victory in the coming century if their idea is to curb out a portion of the Philippine territory and make it an independent republic ruled by the Muslims. If victory is possible then they could have won in the early seventies when they were then a solid united front; when the OIC were extending them unlimited financial, material, and political support; when the masses of the Moro people were solid behind them when the US pinned down by détente or the Russian factor and unable to declare itself the policeman of the world determined to go into any country to run after suspected terrorist.

Now Moro insurgents are deeply fragmented. A greater number of them are with the government or decided to lay low. The OIC will not anymore support armed struggles. The Moro people as a support base was tremendously weakened, disheartened or lost hope in the Moro insurgents. Now, the United States as the self-declared anti-terrorist crusaders of the world is alert and anger to go after Muslim insurgents, wherever they are, especially if they can be declared terrorists.

The MILF desire for a United Nation supervised referendum is actually not feasible. It worked in East Timor because the Christians in that segregated group of Island are united and firm in their desire to secede from Indonesia. The Moro people are not that united and firm in their desire for



Federalism is not the end-goal but only a means towards independence

secession and the MILF will not be allowed a free hand to coercively influence the outcome of a referendum. If the GRP should mobilize its instrumentalities and resources, as it certainly will, to influence the outcome of any referendum, then the MILF, mutual mistrust and hatred, and eventually, being declared as Asia's poorest.

Our hindrances to peace are tremendous. Our constitution is deemed sacred even if fighting can be avoided just by the expedience of restructuring the system of government as allowed and provided for in our constitution. There are some influential chauvinistic Filipinos in Luzon and, especially in Mindanao. They want nothing less than continuing and completing the crusade to terminate Islam and the Muslims in this country. They think that after 5 centuries, success is near at hand with the Muslims driven from Luzon and the Visayas and now constricted in only one third of Mindanao. What remain to be done is to finish them off so that full political and economic takeover of Mindanao can be desired.

It will take a strong-willed and broader thinking Philippine leader to go beyond the subjective analysis and recommendations of interest groups and reverse our maladies.

We must begin by accepting hard facts: that there is no military solution to the conflict. The antidote is peaceful, political and diplomatic.

It is a delicate and radical decision that the policy makers in this country must make. They must re-diagnose this country in order to affirm the fact that this one is a pluralistic country. This one state by accident of history but not one nation because nationhood is ethno-linguistic, religious, cultural, historical, artistic and serial. The Moro people, as far as nationhood, is concerned is truly distinct from that of the Filipino.

The Cordillera people, the Bicolanos, the Ilocanos, the Cebuanos, the Ilonggos of Western Visayas, the Warays of Eastern Visayas, those of the Cagayan Valley, the Tagalogs, those in

Eastern Mindanao and Northern Mindanao, all of them are lumped under one system and one rule of conduct but they are all basically different. In each of their habitats, there are traditions and commonly accepted norms peculiar to that area and to which the inhabitants in that area felt comfortable but which the other areas or regions might consider unacceptable.

The GRP and the MILF are negotiating and talking about cessation of hostilities, ancestral domain, economic development, demilitarization and rehabilitation but there is constant violation of these agreements because there are no broad parameters, political systems or structure of government that they will give way to mutual tolerance, coexistence, productive competition or unity in diversity tailored to the temperament, ethnicity, and plurality of the Philippine Society.

Federalism is herein proposed as possible savior of the peoples of the Philippines. Federalism is the embodiment of unity in diversity of productive competition, of mutual tolerance and co-existence, of giving way to plurality yet not giving away belongingness of encouraging the bringing out an optimum utilization of latent skills and resources in every region, of allowing the free advocacy and practice of distinctive culture and religion, of self-determination and autonomy in every region, of making each region responsible for their own future instead of relying and then blaming an overburdened central government.

By federalism the Philippines will be subdivided into states each of which will have their own state constitution providing for laws in consonance and complementary with a federal or national constitution. They also will have their own supreme court, their own state legislature and their own state executive branch headed by a chief minister. Instead, of the National Government distributing IRA, shares of national wealth, congressional countryside funds, etc.,

*"A day hemmed in
prayer is less likely
to unravel."*

- Anonymous

the states will be in effective control of their regional resources but contributing portions of their income to sustain the efficient functioning to all the states like national defense, monetary system, customs, and foreign representatives of the whole country, promulgated and affirmed by the whole people of the Philippines, giving sufficient consideration to generally acceptable principles, but leaving local issues to be shaped by peculiar state policies.

Given a state of their own which they may call an Islamic State, where they may adopt the Qur'an and Hadith, as the main feature of their state constitution, whose land and resources the Muslims will effectively control, which is strong and progressive because it is a component of a bigger and mutually supportive formation, the pledge of the Moro Mujahideen for the liberation of the homeland and firm establishment of Din El Islam will have been achieved. It is also an honorable way out for the GRP who just have to resort to open-mindedness and constitutional amendment to keep this country intact, united and progressive.

Then all of us may then declare triple success - we gain what we want, we won it fast, and we won it through peace.

May the MILF and the government be divinely guided so that they will not look beyond a peaceful, political and diplomatic solution to the problem in Mindanao, not give up on peace, stop hostilities, and resort to **FEDERALISM** as a win-win option.



The Peaceweavers

The loom is noisy again...Some threads are raised, others depressed.

The warp is set, and the shuttle darts, bearing woof from left to right, and back...once more, the pulling, the shedding, the picking, the beating up, and the tightening. Again and again and again.

Watch the weavers go! The fabric is in the making as they tense up. Backs ache, arms strain, patience without end. They mean to finish their work.

It is not a quiet gentle occupation – this weaving. It takes strength to set up the loom, to pull the threads to fitting tension, engaging all – the body and spirit, requiring total involvement, producing wholeness and beauty...

And peace!

THE STATEMENT

This is a shining moment, an opportunity for us all to unite in the promotion of a vision of peace and hope. Reaching out to one another we come, threads and pieces of a tapestry that pictures PEACE IN MINDANAO.

Bread. A clean sky. Active peace. A woman's voice singing somewhere. Melody drifting like smoke from the cook fires. The army disbanded. The harvest abundant. The wound healed. The child wanted. The prisoner freed. The body's integrity honored. The lover returned. The labor equal, fair, and valued. Delight in the challenge of consensus to solve problems no hand raised in any gesture but greeting. Secure interiors — of heart, home, land — so firm as to make secure borders irrelevant at last. And everywhere laughter, care, celebration, dancing, contentment. A humble, early paradise in the now... in Mindanao...

We are about participation. We believe in a dream, but dreaming is not enough. It has to be expressed and shared with others through our walking, our praying, our painting, our writing, our singing, our dancing, our oral and written discussions, our laughter, the giving of our time, of our resources...of ourselves. Indeed, we are all here to weave our strands into the peace tapestry, our stake in our particular piece of the dream place.

Let the loom be noisy. Let some threads be raised and others depressed. Set the warp and let shuttle dart to bear woof from left to right...and back. We shall pull. We shall shed. We shall beat up and tighten the threads. Again...and again...and again. It is not a quiet, gentle occupation – this weaving. yet we shall begin and continue to help bridge our communities and heal our lives. With gratitude and appreciation for shared gifts, we shall remember and, in our work, believe that this peace IS possible.

**(Launching Statement of the Mindanao Peaceweavers
Cotabato City, 4 October 2004)**

Addressing Humanitarian Protection and Human Security in Mindanao

A challenge to civil society

By Mary Ann Arnado
Initiatives for International Dialogue
and
Mindanao Peoples Caucus

Abstract

Dr. Paul Oquist, UNDP Senior Regional Governance Adviser for Asia, in his paper entitled "From National Security to Human Security in Mindanao" said that "in order achieve a truly integrated, holistic approach to implementation, what is needed in the Philippines and in the region, is to move beyond the national security approach to implementation of a human security policy framework." He views that "national or state security approaches are partial and can easily disperse seeds for future conflict."

Peace advocates in Mindanao affirm this view in the light of our recent experiences and lessons in peace building. What seems to be prevalent in the ongoing peace talks following the national security framework are the seemingly irreversible and non-negotiable notions of sovereignty and territorial integrity vis-à-vis demands for an independent Islamic State, self-determination and homeland. It puts little attention on the people affected by the conflict and how they get to participate in resolving the Mindanao problem. Given these diametrically opposed positions, it is no wonder that the peace process in Mindanao is as protracted as the armed struggle itself. Moving beyond national security to human security can address the freedom of civilians from fear, protection from violence and coercion and address people's levels of satisfaction, hopes and fears including their perceived political options for negotiated political settlement in Mindanao.

Looking back from the recent humanitarian crisis experienced by the evacuees in Central Mindanao as well as those victimized by the ensuing spate of bombings and counter-attacks in the urban centers in the region, it is sad that civilians are perennially viewed as collateral damage.

The violent realities of war and lawlessness in the conflict-affected areas have reduced the people to sub-human level of existence, divested of any human rights as they confront the more urgent imperative to survive. It is indeed ironic that while other parts of the country and in the region enjoy the seeming dividends of peace, governance, civil and political rights and development, people in the conflict-affected areas continue to live in fear, insecurity and constant displacement and prolonged victimization of armed conflict.

INTRODUCTION

The Philippines boasts of having the most vibrant and dynamic civil society in the region. It probably has the most number of NGOs in the region. We Filipinos take pride in the series of "People Power" revolts that we waged against a dictator President and corrupt leaders.

And again, probably because of the strength of the civil society in the Philippines, it has become to some a stepping stone to higher positions in government and politics. Many former NGO leaders are now in the presidential cabinet, in congress, in local governments. The same holds true with leaders of Moro secessionist movement who are seeking positions in government in the coming May national and local elections in the Philippines.

With the crossover of civil society and revolutionaries to government — government's peace program and that of civil society are almost indistinguishable — at least on paper. The government's peace program tackles the root causes of the conflict resolution, promotes empowerment and peace dialogues, and encourages

conflict resolution. It also adopts the slogans and battle-cry of civil society on empowerment, self-determination, or ancestral domain of indigenous peoples.

Yet despite the huge number and sophistication of civil society, including its growing influence within government, the gruesome realities of violence continue in Mindanao. In Mindanao, majority of the people supported former President Estrada's "all-out" war in the year 2000 aimed at "pulverizing" the Moros. And with the kind of democracy working in the Philippines, politicians exploit this anti-Moro sentiment to gain popularity — because that is the "will" of the majority — even if it means the loss of innocent lives and the destruction of properties.

Again, despite the gains of the human rights movement in the Philippines, human rights violations and war crimes seem to have become "ordinary" for the people in the conflict-affected areas. The conflict has become a vicious cycle of war, evacuation, relief and rehabilitation, peace talks and ceasefire and fighting. According to a report by an independent Mindanao news agency, war caused the most number of deaths in Mindanao in 2003, followed by the vigilante killings in Davao City by the so-called "Davao Death Squads." (Carolyn Arguillas/Mindanews, January 4 2004)

In Pikit, Cotabato where the February 2003 war started, residents there have fled their homes in 1997, in the 2000 "all-out" war and in the year 2001.

After the twin bombings in Davao City in March and April last year, Muslim communities in the city were the objects of military raid and searches, often made without the necessary legal warrants. Muslim leaders were rounded up and

some ulamas were abducted and are missing until now. Madrasahs were closed and more than 200 ustadzahs who were then contractual employees of the City Government were dismissed from employment. After the bombings, three mosques in the city were bombed ostensibly in retaliation. And all because local authorities led by the city Mayor, believe that the Moro group MILF were behind the terrorist acts.

Yet why the seeming silence of civil society over these abuses? Donor agencies and humanitarian groups had witnessed the systematic looting and torching of houses and human rights abuses perpetuated by armed groups in conflict-affected areas in central Mindanao but they do not see. Or at least their "mandate" does not allow them to see beyond health sanitation, latrines, food rations and medicines for the evacuees. This is only our mandate — to build "X" number of latrines and core shelters and looking beyond that is already political thus violates our principle on neutrality and independence.

Innocent civilians ask, where do we seek protection? Where do we get security? How do we seek redress of our rights as refugees?

PROTECTION OF CIVILIANS AND COMMUNITIES

Government's concept of the military is a protector of the people. Revolutionary groups also claim they protect civilians as their mass base. The Initiatives for International Dialogues' (IID) notion of protection of civilians is by no means related to those two earlier concepts. The protection referred to here is in fact that which is needed by civilians to secure themselves from the violence and attacks of their so-called protectors. As aptly put by an evacuee in Central Mindanao, "Civilians like us do not need protection, because we don't have enemies. If armed groups would just leave our place, we will survive without their protection."

Protection of civilians in armed conflict is not only about providing relief. It is ensuring that protection mechanisms work for them even in a situation of wanton lawlessness and abuses especially in

cases of shooting wars. For instance, our Bantay Ceasefire (Ceasefire Watch) missions believe that the AFP operations in Central Mindanao were not only directed at the so-called "kidnap-for-ransom" group. If that is so, then it is probably only in the Philippines where you drop 500-700 pound bombs on civilian communities, displace 300,000 people, torch houses, bomb non-military objects such as schools and mosques in order to catch kidnappers. It simply is overkill. What seems to be disturbing here is that the torching of civilian houses seemed to be systematic and deliberate. Similarly, on the side of the MILF, there were also complaints about cattle rustling committed by their members.

EMPOWERING THE COMMUNITIES

One way of protecting the civilians, especially the evacuees, would be to empower them. This is a very tall order in a place like Pikit, Cotabato where more than 50% of its population was displaced and reduced to a life of indignity and dependency in the evacuation centers. It is also a very big challenge in the same environment whose cultural practices dictate that the only form of protection for the people is to carry arms.

Most basic requirement in humanitarian protection is to educate people about their rights as defined under human rights and humanitarian laws. As of now, the level of awareness of the rights of the evacuees is very, very low, almost zeroing in on one's right to life only.

What can be done in this situation? How do we create a protective environment that respect human rights and ensure accountability on the part of the state and non-state actors?

This remains a big challenge for civil society to address. A step towards that direction would be to look into the on-going peace building programs being implemented in various communities in Mindanao.

BAKWIT POWER

The recent experience of the Bakwit Power might be instructive.

From Day 1 of the fighting in Bulik in February 2003, the evacuees had already called for ceasefire and resumption of the peace talks. Through the Mindanao Peoples Caucus, we appealed for ceasefire. This campaign brought us to the Halls of Malacañang, and again to Camp Aguinaldo, and the OIC Committee of the Eight last April 6-12. We brought along with us a delegation of evacuees representing the displaced communities in Central Mindanao. The evacuees told then Sec. Angelo Reyes to stop the war in Mindanao, to declare a ceasefire so that they can return home. Reyes told us that was no problem for the government, for as long as our group can also convince the MILF to declare a ceasefire. "It takes two to tango," he said. We got the same response from Pres. Gloria Macapagal-Arroyo who also asked us to convince the MILF to declare a ceasefire.

We took that challenge from Pres. Arroyo and Sec Reyes to convince the MILF to stop the war. The evacuees together with civil society groups and peace advocates in Mindanao appealed to the MILF to declare a ceasefire. Soon after we arrived in Mindanao, we requested a meeting with MILF Vice-Chairs Ghadzali Jaafar and Mohagher Iqbal to deliver our message. We entered combat zones to personally meet the MILF representatives. Parallel to these efforts, the CBCP and the Bishop-Ulama Conference also wrote the MILF appealing for ceasefire.

In response to these calls, the MILF on May 28, 2003 formally declared a Suspension of Offensive Military Actions (SOMA). We immediately communicated to Secretary Reyes, telling him that we had done our homework. But it took government some time to respond. During a Dialogue with the Business and Bishops at Insular Hotel in Davao, Sec. Reyes defined permanent ceasefire as "demoralization of MILF forces."

The response of Sec. Reyes was like cold water doused on us. We could not understand why it was difficult to reciprocate the MILF ceasefire. But we heard from a Cabinet member close to the president that the government was concerned about losing face if it reciprocated the ceasefire. We could

not fathom why losing face was more important to government leaders than the more than 200,000 civilians facing a slow death in the evacuation centers!

The evacuees then decided to hold their own version of "People Power" in the evacuation centers to pressure government to reciprocate. They felt that if people in Manila had changed leaders through people power at EDSA, then it seemed that was the only language government understood. After focused group discussions among the evacuees, and meetings with the local government units, business groups and peace advocates, "Bakwit Power" was conducted on June 24-25. It was first time in the history of evacuations in Central Mindanao that the evacuees openly denounced the war and violence happening in their own communities through a public protest.

There were various reactions to the Bakwit Power – some accused the organizers of agitating the evacuees; others say that this direct action ran counter to the principle of independence and non-partisanship on the part of the humanitarian agencies, still others charged that we were using the evacuees. The truth is that the evacuees were already agitated, there was no need to agitate them further. Early on June

24, up to 10,000 evacuees marched to the national highway in Pikit, Pagagawan and Pagalungan to begin their silent protest. Christians, Muslims and Lumads walked hand in hand in an exodus to peace, bearing placards with the messages: "stop the war," "ceasefire now," "we want to go home, we are tired of the fighting," "unite for peace." This direct action – conducted in places considered war-areas – was a show of desire of the protesters to reclaim peace in Mindanao. Towards the afternoon, a heavy rain soaked the protesters, but nobody stepped out of line to seek shelter. They were determined to deliver their message.

Almost three weeks after the Bakwit Power, on July 19, government and MILF finally declared a bilateral ceasefire. The evacuees consider this a big triumph. Life in the evacuation center had reduced them to dependency and mendicancy; "Bakwit Power" restored their confidence and belief in their capacity to change their lives.

Skeptics may say that its naïve to attribute the re-declaration of a ceasefire to the sustained campaign and efforts of the evacuees. But for us and for the evacuees especially, the ceasefire campaign changed their views about themselves. And nearly

six months after, the ceasefire in Mindanao is still holding.

CONCLUSION

We believe that our experience in facilitating the truce is instructive on how civil society and the grassroots communities can assert the peace process between government and MILF. Now that we have the ceasefire, it is our responsibility to sustain and make the parties accountable to the people. With a ceasefire in place, the bigger challenge is how to convince the parties to go back to the negotiating table.

How we link the efforts of the grassroots and the civil society is a step towards promoting and creating a protective environment for the displaced peoples in Central Mindanao. It is going beyond the tradition and comforts of our program plans, projects, academic researches, organizational vision, mission, goals (VMG) and political interests.



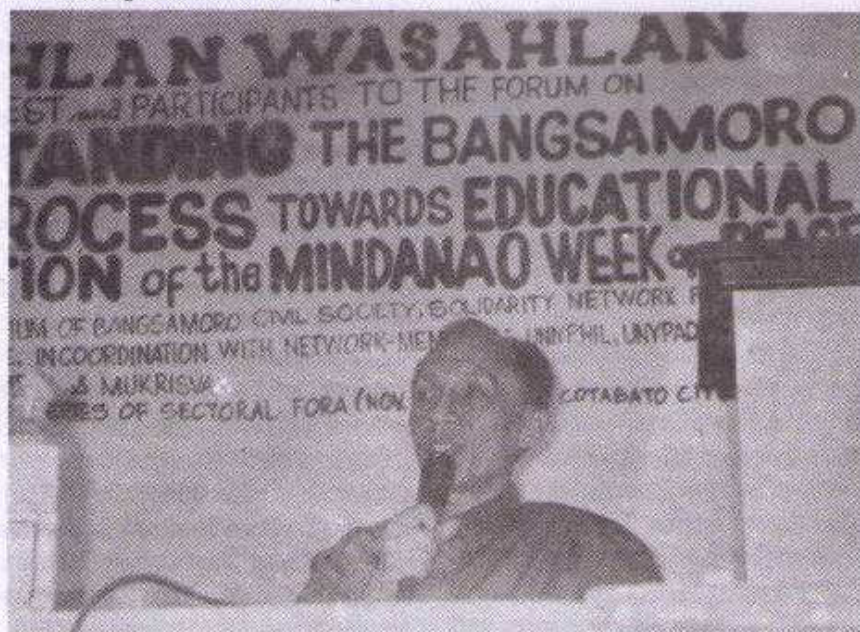
Bangsamoro...from p.23

reestablishment of the Bangsamoro state and government.

the Second Bangsamoro People's Consultative Assembly held on June 1-3, 2001 at the same place, this time attended by 2,662,345 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.

Bangsamoro leaders, headed by Sultan Abdul Aziz Guiwan Mastura Kudarot IV of the Sultanate of Magindanaw, meeting in Cotabato City on January 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 or to become an independent state."



Jun Mantawil, Head Secretariat of the MILF Peace Panel, giving an overview on the 1997-2004 GRP-MILF Peace Negotiations during the series of forum on Understanding the Bangsamoro Peace Process towards the Educational Celebration of the Mindanao Week of Peace sponsored by the CBCS recently.

FROM THE MILF

In the Name of Allah, Most Gracious, Most Merciful

INTRODUCTION

THE Bangsamoro problem has indeed underscored the need for a long and tedious, but enduring and effective peace process if only to achieve a lasting and meaningful peace agreement in Mindanao in the South of the Philippines. Evidently, there is the necessity of firmness and patience on the part of both the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) in order to reach the finishing line. Treaties concluded by the Moro Sultanates in Mindanao with colonial governments of the time can vividly show that the Bangsamoro people in Mindanao were once upon a time proud of their own self-government. By then, the GRP and the MILF can gladly announce to the whole world that they are indeed both winners in solving the decades-long armed conflict in Asia. Considering the inequities of the past, the delay can be blamed mainly on the failure to diagnose wittingly or not, the correct cause or nature of the problem.

The GRP by the dictates of the time, assuming the role of a neo-colonial government in Mindanao, with its periodic military campaigns in Mindanao, have diagnosed it to be an insurgency problem. The GRP has thus prescribed a socio-economic solution, a purely counter-insurgency measure under the guise of uplifting the living conditions of the Bangsamoro people. It is indeed a misguided cure, far from arriving at a lasting and meaningful solution to the problem. It all failed to cure the Bangsamoro problem because the real problem – is political – the illegal and immoral annexation of Bangsamoro Homeland. The Bangsamoro people have been continuously and miserably deprived of

their inherent and inalienable rights to their ancestral domains, ancestral lands, and other natural resources in Mindanao and its Islands.

The Bangsamoro people are lucky that the agenda upon the formal resumption of the peace negotiations between the MILF and the GRP is on the aspect of ancestral domains. A real cure can now in the offing – to free the Bangsamoro people in Mindanao from the enclaves of poverty, underdevelopment, and/or deprivation.

We have felt this light of hope, or breakthrough, when the GRP and the MILF had signed the Tripoli Agreement on Peace on June 22, 2001 in Tripoli, Libya that has provided the real prescription for the Bangsamoro problem, such as: the implementing guidelines on the security aspect to enforce and strengthen the existing ceasefire or cessation of hostilities; the relief, humanitarian, rehabilitation, development, and ancestral domain aspects to address the humanitarian and economic needs of the Bangsamoro people. These Implementing Guidelines that are formulated and agreed by the Parties will certainly transform the Tripoli Agreement on Peace of 2001 into reality.

Thus, the GRP and the MILF had agreed on February 20, 2004, to resume the Formal Peace Talks in Kuala Lumpur, Malaysia, immediately after the GRP shall: (1) Withdraw all AFP troops from the so-called "Bulio Complex," inside MILF Camp Rajamuda in Pagalungan, Maguindanao and Pikit, North Cotabato; (2) Drop all criminal cases filed against MILF leaders and members; (3) and the Parties have agreed on the terms of reference for the immediate deployment of the International Monitoring Team (IMT).

The 10-man Advance Survey Team (AST) of the IMT has arrived in Mindanao on March 24, 2004 for a weeklong visit in different MILF Camps in Mindanao. The AST was met and joined by a Joint GRP-MILF Team during the survey, which proved to be very successful. A nine-man advance administrative and logistic team had arrived on September 14, 2004. The long-awaited resumption of the GRP-MILF Formal Peace Talks is thus wholly dependent upon GRP's implementation of the above-mentioned agreement of February 20, 2004. It all depends on the sincerity of the Philippine government.

The International Monitoring Team (IMT) may come to reinforce the mediation efforts of Malaysia and Libya, for the smooth and timely resumption of the MILF-GRP Peace Talks. The IMT may urge the GRP to make good all of its international commitments and obligations in all agreements concluded by it with the MILF with the mediation of the Governments of Malaysia and Libya.

GENERAL SITUATION IN MINDANAO

Despite the Agreement on the General Cessation of Hostilities existing between the MILF forces and the GRP troops, the plight of the Bangsamoro people still remained miserable. Many Muslim refugees and internally displaced persons have not yet returned to their places of origin because armed skirmishes between the Armed Forces of the Philippines (AFP) and the Bangsamoro Islamic Armed Forces (BIAF) still continue to occur such that these refugees need humanitarian aid. The situation was aggravated by the

massive aerial bombings conducted last November 19, 2004 at Brgy. Nimao, Datu Piang, Maguindanao, and its environs where the Philippine Air Force have brought into action some four (4) O.B. – 10 bombers, dropping more than 220 bombs, four Huey helicopters, and two attack helicopters, under the pretext of targeting the alleged hide-out of Tahir Alonto, but who was reported by the AFP as killed on August 14, 2004 at Salipada K. Pendatun municipality, Maguindanao province. How come? The peace talks has remained stalled after the GRP declared another "all-out war" that started at the so-called "Buliok Complex" has not yet taken place without due regard to the arrival And deployment of the International Monitoring Team (IMT), visiting in March 2004, some ten (10) major camps of the MILF namely: Camp Salahudin, Camp Khalid, Camp Badre, Camp Omar, Camp Darapangan, Camp Abubakre Assiddique, Camp Rajahmuda, Camp Bushra, Camp Bilal, and Camp Salman, in this order.

With its mandated task, the IMT shall be an effective supportive mechanism to the GRP and MILF Panels in the observance and implementation not only of the ceasefire agreement and its implementing guidelines, but also other GRP-MILF agreements, more importantly, the relief, humanitarian, rehabilitation, development, and ancestral domain aspects of the Tripoli Agreement on Peace of 2001.

A decisive action to achieve a just and lasting peace can be negated by the hawkish segments of the AFP; and now being aggravated by the indiscriminate and unfounded arrests of Muslims, including Arab Missionaries. No Muslim feels safe and secure. This has eroded the Bangsamoro people's confidence in the peace process, and consequently, weakened their support thereon. Such situation characterizes the prevailing attitude of the GRP towards the Bangsamoro people is not acceptable to them.

As provided in the Terms of Reference, IMT offices will be established in Cotabato City as its main headquarters, and monitoring offices in Zamboanga City, Davao City, General Santos City, and Iligan

City. The Malaysian-led IMT-AST will also establish mobile offices in MILF camps, which were jointly identified and acknowledged by the GRP and MILF Peace Panels. The immediate deployment of the IMT is now in place.

GENERAL DECLARATIONS

The MILF thus declares as follows:

1. The MILF reiterates its commitment to a just, lasting and comprehensive political solution of the conflict in Mindanao and the Bangsamoro problem through the current MILF-GRP Peace Talks mediated and facilitated by the Government of Malaysia;

2. The resumption of the Formal Negotiations upon full implementation of the Agreement reached between the MILF and GRP during the February 19-20, 2004 exploratory talks;

3. The MILF fully supports the mandate and deployment of the International Monitoring Team (IMT) in Mindanao in accordance with the IMT's Term of reference as agreed by the MILF & the GRP in Kuala Lumpur, Malaysia;

- a. The urgent delivery to the conflict-affected areas of Mindanao of the economic, relief, rehabilitation and humanitarian aid for the Muslim refugees and internally displaced people;
- b. The MILF agreed to work closely through the Bangsamoro Development Agency (BDA) with the World Bank-Manila Office and the World Bank-led Multi Donor community; and the Islamic Development Bank.

4. On the MILF-GRP peace Negotiations, the MILF Leadership, Insha Allah:

- Shall always invoke the aspirations of the Bangsamoro people: **Independence of the Bangsamoro Homeland;**
- May settle for a political solution short of independence but subject to the confirmation of the

Bangsamoro people in an honest referendum to be conducted by a neutral party.

- May work-out for a negotiated political settlement to the conflict in Mindanao and the Bangsamoro problem acceptable to the Bangsamoro people, as vanguard of the Bangsamoro people's struggle to regain their usurped freedom and independence;
- Federalism can be one political option to the Bangsamoro problem. However, any political solution must be the result of negotiation and subject to a truly free and comprehensive consultation among the Bangsamoro people;
- Any solution to the conflict in Mindanao and the Bangsamoro problem not acceptable to the Bangsamoro people is bound to fail.

APPEAL OF THE MILF

In view of all the foregoing considerations, the MILF leadership appeals to all peace loving peoples in Mindanao, to wit:

1. TO SUPPORT the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) preserve the gains achieved as a result of their signing of the Agreement on Peace at Tripoli, Libya on June 22, 2001, as facilitated and mediated by the Government of Malaysia and the Government of the Great Socialist People's Libyan Arab Jamahiriya;

2. TO SUPPORT the GRP and the MILF to make good their commitments as signed by them during the GRP-MILF 5th Round of Exploratory Talks, held on February 19-20, 2004 at Kuala Lumpur, Malaysia, and the Government of the Great Socialist People's Libyan Arab Jamahiriya;

3. TO URGE international, national, or local humanitarian organizations, specialized and affiliated institutions, including other non-government organizations, to voluntarily

contribute economic, financial and material assistance for the development and rehabilitation or reconstruction of the conflict-affected areas in Mindanao in the South of the Philippines through or in coordination with the Bangsamoro Development Agency (BDA) of the MILF, created in pursuance of the GRP-MILF Tripoli Agreement on Peace of June 22, 2001; and

4. TO SUPPORT the Bangsamoro Solidarity Conference of the MILF and the Moro National Liberation Front as the legitimate representative of the Bangsamoro people in Mindanao in the South of the Philippines;

5. TO SUPPORT the MILF and the GRP in fulfilling their commitments without mental reservations to a just, lasting and comprehensive political solution of the conflict in Mindanao and the Bangsamoro problem through the current MILF-GRP Peace Talks mediated and facilitated by the Government of Malaysia and the Government of the Great Socialist People's Libyan Arab Jamahiriya;

AL-HAJ MURAD EBRAHIM
MILF Chairman

By:

(SGD) ATTY. LANANG S. ALI
Senior Member, MILF Peace Panel
MILF Legal Counsel

November 20, 2004
Camp Abubakre As-Siddique, Maguindanao,
Mindanao in the South of the Philippines



Human ...from p.17

it is all about human development.

The most important activity in the Makkah phase is education. The start is to provide special incentives to attract Muslims with necessary educational qualification to work in the educational sector.

The next step is to encourage the communities to build schools in their local areas so that there is no Muslim Child living more than 2-3 kilometers from a school. The government cannot build all the schools needed but it should provide logistic help. An



The CBCS Chairperson Guamel M. Alim speaking before the multi sectoral forum on Understanding Bangsamoro Peace Process Towards Educational Celebration of the Mindanao Week of Peace with support from the German-based German Development Service (DED).

example is a commitment of contributing certain building materials if the parents would provide the necessary labor.

The third step is to work on the school curricula so that they fulfill the following specific purposes:

- a) Impart basic Islamic teachings like etiquette, "akhlaq" (what does this mean?) and rebuilding of self-confidence;
- b) Impart knowledge and skills that are prescribed in the Filipino national education curriculum; and
- c) Imbue the spirit of self-reliance so that the graduate will become entrepreneurs either in the agriculture, business or cottage industries.

THE EDUCATION STRATEGY

Education in Islamic perspective emphasizes purpose, integration, service, leadership and motivation.

- 1) The purpose of education should be

producing a perfect person, who is also strong with skills and commitment.

2) Integrated education deriving from the *tauhidi* paradigm implies a holistic approach to the human development in the social, psychological, material, and spiritual dimensions.

3) Education should emphasize 'community service within the context of Islamic mutual social support, and not only personal benefit.

4) The educated must provide leadership as social activists, as opinion leaders, and as advisors and counselors. The most important task is therefore that of education. We need to build people before we build structures. The task of the present leadership is to build people who in turn will build structures. The education system should produce a person who has *imaan* (faith), *taqwah* (God-conscious), *amanat* (trust), and *akhlaq* (character).

...to be continued.

Human Development and Peacebuilding

By Dr. Danda M. Juanday Executive Director
Bangsamoro Development Agency

ABSTRACT

This paper presents and develops a thesis that development should start with the people that is achieved through education and motivation which is based on Islam and the people's aspiration. It portrays that in the process of achieving development, the government as facilitator must recognize the distinct personality and culture of the Bangsamoro and act accordingly. This is to minimize conflict and ensure the participation of the people.

INTRODUCTION

For so many years, the Bangsamoro people had been at odds with the Philippine government. Protracted wars were fought, that led to the sad plight of the people in conflict-affected areas. As a result, the Autonomous Region in Muslim Mindanao (ARMM) and other Moro dominated areas remain the most economically-depressed and the poorest in the whole island of Mindanao or in the entire Philippines for that matter.

The change of policy in dealing with the problem in Mindanao of the present Arroyo administration, as opposed to the "all-out war" policy of her predecessor, Joseph Estrada, and its decisive action towards peace and development lead to the resumption of peace talks between the government and the Moro Islamic Liberation Front (MILF). On May 7, 2002, the Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the Peace Agreement was signed. It created the Bangsamoro Development Agency as the implementing arm of the MILF for development thrust.

The Bangsamoro Development Agency is mandated to help determine, lead and manage relief, rehabilitation and development projects in conflict-affected areas of Mindanao. Faced with the gargantuan task of developing people and land which has been affected by war for years, the BDA seeks to answer the question

"What can be possibly done to guarantee the success of any development program for the Moros in Mindanao?" The significance of this question lies in the fact that government efforts to alleviate poverty and economically develop the Bangsamoro lands, has not brought any positive and encouraging changes in the lives of the Moros.

The failure lies in many aspects. The Moros do not suit to the development scheme of the government. Government development initiatives fail to address the complex personality of the Moros. Their rich history as well as their distinct culture and way of life warrant scrutiny. Thus, any development endeavor must be in consonance with their way of life. It must take into consideration that Islam should define the kind of development that the Moros should have as it is entrenched in the Moro identity¹. Any development that fails to acknowledge this will be a failure as what has been proven time and again.

BANGSAMORO AT A GLANCE

The Moros embraced Islam in the 13th century. As Muslims, they patterned their way of life after Islam; hence they established an Islamic society, government, economy and institutions in definitive ancestral domains known as Lupa Sug and Mindanaw-i Darussalam, documented in *silsilah* (genealogy) as well as *luwaran* (codex) in Jawi-Arabic scripts. Thus, the Bangsamoro people constitute a part of the greater Ummah institutionalized in Islamic civilization form and Malay culture. Basically influenced by the caliphate organizing sources of authority, they were governed for at least (6) centuries under their own independent Sultanates. Statistically, the Bangsamoro people were the majority population in Mindanao and Sulu, and its adjacent islands up to the mid-

1960s. The 1990 Census of Population and Housing shows that in early 1903, the Moros were the dominant people in Mindanao. The same study shows that after 87 years, they were reduced to becoming only 19% of total Mindanao population and thus becoming the minority.

The world powers at that time such as Spain, Great Britain, Dutch Netherlands, Germany and the United States of America established contacts with the Sultanates through commerce and trade by treaty relations. Various conventions and controls between these European and American powers and the sultanates determined the political status of the suzerain rulers up to the first quarter of the 20th century. Their political status has remained *de jure* despite *de facto* incorporation, without *plebiscitary consent* of the Bangsamoro people, into the Republic of the Philippines at the early stage of its decolonization period.

The Moros trace their socio-cultural roots to the Malay-Muslim heritage, whose distinct identity was already defined before Magellan discovered Philippine Islands in 1521. Being "Moros" (a designation given to them in the wake of the Spanish *reconquista*), they were a people who never became "subjects" of the Spanish Crown because they fought to defy any forced conversion to the Catholic faith and pay tribute to the King of Spain. Amidst this situation, they have continued to assert and pursue their political aspirations against all odds. Throughout 333 years of Spanish colonization of the Philippine Islands, they waged the "Moro Wars". Later on, America as a successor in interest to the Spanish colonial regime waged a "pacification campaign" against the Moros in combination

with a policy of "attraction" for another 50 years. The state of affairs, then formulated in the context of the "Mono Problem" was in essence a strategic component of American anti-insurrection campaigns against the Christian Filipino revolutionaries in Manila and in the northern provinces of the Philippines. The pacification bears its imprint on the development of calibre .45 sidearm to stop a Moro amok, but it reverberates in the present day ethnic profiling of Muslims.

Little did the Muslim population in Mindanao and Sulu archipelago benefit from the American parity-rights provision of the Philippine Constitution and the Japanese reconstruction plans after World War II. But the "Moro Wars" have left indelible marks on the Bangsamoro people, with consequences taking its toll both on their human energies and their material resources. Certainly, it one of the root causes of their economic deprivations coupled with displacements from their homeland.

In the course of the period from 1935 to 1946, the Philippine Commonwealth sought to restructure the separate tier governing the Moro population into a bureau of Non-Christian Tribes under the Department of Interior or a regular department of Mindanao and Sulu. During post-independence era, when questions of ethnicity become popular development theories, policy makers began to apply the terms "national integration" to absorb "cultural communities" or "national minorities" into the national body politic. This, together with government facilitated migration and settlement of Christians from Luzon and Visayas to Moro lands set the trend for the Moros to reduce to minority status.

The strength of a people lies in their number. The Moro areas are underpopulated although resource rich. There is a need for vigorous public health programs of disease prevention and health promotion that can sustain a population with higher expectancy rate. As these points naturally agree with the Philippine health program, the issue on family planning promoted by the government, however, must be carefully considered. Aside from a negative curtailment of the growth of the Moro population, some family planning programs are accompanied

by sexual immorality that is against Islamic teachings.

JUSTICE AS PREREQUISITE FOR RECONCILIATION AND PEACE

The Bangsamoro people have a history and a future which both have to be considered in approaching their development. In their history they were a thriving civilization, part of the world wide community of Muslim, "*darul al Islam*", and were masters of their own destiny. The arrival of Magellan was a catastrophe whose results are still visible today. They were colonized, exploited, brutalized, and marginalized. Their culture and pride were threatened with extinction. The physical and psychological scars of Spanish and later American colonization are still visible. Any successful development strategy must first remove or mitigate the negative historical experiences and rebuild the self-confidence of the people. The invisible effects of war are often harder to treat than the physical effects.

Cultural insensitivity is another problem yet to be resolved. Social prejudices and biases against the Moros by the majority and in their language are but manifestations of a deeply-rooted structural violence permeating the Philippine society. Past experiences show the reality that cultural sensitivity is lacking from the government itself. Respect for the culture of the Moros must be imbibed in government officials. Bombing and desecrating mosques, exposing Muslim women to harassment and attacking on Muslim holidays must be stopped.

In order for reconciliation and psycho-social healing to take place, there must be a clear and sincere move for justice. Only discourse of truth and the search for justice can create the moral climate in which reconciliation and peace may flourish. At this instance, random arrests, illegal detentions and other human rights violations against the Moros often suspected as "terrorists" must be given due process of law and the required

protection under it. It should be noted that a perennial phenomenon is the illegal detention of Moros who are later found to be "not guilty" of any crime. Despite of being jailed for months or years unnecessarily, they end up more impoverished and remain to be not vindicated with such a negative image among their communities. Just because the media has already unfairly portrayed them as culprits more than as victims.

RIBA: INHERENT IN PHILIPPINE GOVERNMENT

The Moros must avoid the debt trap. The Qur'an prohibits usury or "*riba*", and warns about its negative impact. As part of a sound development strategy Muslim should keep clear of *riba* as individuals or organizations. Borrowing funds for economic development creates such a great burden of interest payments that they spend most of their income in debt servicing and have mortgage their properties. Infra-structural developments should be financed by tax revenues or private investments rather than borrowing. It is better to develop the infrastructure slowly than to develop it fast and fall prey to *riba*-based exploitation by lenders.

The Philippine government lending system for entrepreneurs and development is not free of *riba*. Therefore, a conflict of principle and belief prevents most Moros to seek the help of the government.

DEVELOPMENT FOR BANGSAMORO, THE ISLAMIC WAY

The development strategy must have two phases: A 'Makkah' phase as it refers to the 13 years the prophet spent to educate the early Muslims in Makkah about Islam and strengthen their faith and the 'Madina' phase which refers to the 10 years spent by the Prophet in Madina, where he set up the Islamic state, tackling the matters of law and order and building of structures. This paper concentrates on the Makkah phase as

see human p.15

Our deep gratitude to the Stiftung Fuer Rinder headed by Atty. Ekkehard Arnsperger for the support in the take off of The Bangsamoro Journal. Sakran!

- The Bangsamoro Journal Editorial Board

An Islamic State within a Federal Philippines

Rey Magno Teves

Citizen's Movement for a Federal Philippines

The stage is set for another potentially stultifying political deadlock in Mindanao. This will stem from a classic situation that will pit "an irresistible force against an immovable object."

The Moro Islamic Liberation Front (MILF) established the "immovable object" around 1984 when it separated from Nur Misuari's original MNLF. Back then, Dr. Hashim Salamat declared the splinter group's intention to form an Islamic State in Mindanao, and expressed disapproval at the MNLF's apparent scaling down of demands.

Well, Salamat was to shy away from public view for almost 15 years, even as his MILF continued to expand and gain political strength as a rival champion of the Moro aspiration for self-determination.

Then, on December 1997 – at the height of frantic maneuverings and regroupings by traditional political parties in preparation for the following year's presidential election – the self-effacing MILF chieftain resurfaced in grand style.

Convening his troops and adherents to the MILF's 15th General Assembly at Camp Busrah in Butig, Lanao del Sur, Dr. Salamat noisily reiterated his group's demand for an Independent Islamic State. He also stressed that this position is "non-negotiable."

On June 30, 1998, of course, a new president of the Republic of the Philippines was sworn into office. Given his macho background, it did not take very long for Joseph Estrada to have the issue joined by throwing verbal bricks at the MILF's stone-like posture. Pres. Estrada was to say, "over my dead body" at Salamat's assertion.

Several frightening skirmishes later (including armed shootings and confrontations between the MILF and the AFP last December and January), the potential impasse became real. And Pres. Estrada

minced no words – and symbolic gesture (coming down in full fatigue uniform ARMY soldiers in Cotabato last February) to make it known that he is not beyond unleashing the republic's military to "settle" the issue.

The government's "irresistible force" is on short lease and is apparently ready to pounce on the "immovable object" anytime. Oh, if only this were a plain chess game or a college debate – we could sit back, relax and enjoy the spectacle. But this is a real political game, with deep historical roots and deadly current ramifications.

But what exactly is the issue? It is this: **Can the Philippine government allow the establishment and operation of an Independent Islamic State within its sovereignty? Can the President of the Philippines cede a portion of its territory without violating his oath to protect and preserve the integrity of the Republic?**

This is precisely what President Estrada is asserting. That he will violate his mandate if he allows the dismemberment of the republic, and dismemberment is what will happen in this instance given the present constitutional framework upon which the government of the Republic of the Philippines is established.

So if the MILF insists on its demand as it most likely will, and the government stands pat on its position as it understandably must, will we have a full-blown war in Mindanao again, one that may put in final jeopardy the prospects for real economic development, one that will certainly and once again victimize hundreds of thousands of innocent Mindanawons whose lives will be unnecessarily scattered and derailed when they become forced refugees or get caught outright in the vicious crossfire?

This daunting and horrific scenario is no longer just a stuff for wild imaginings. Unfortunately, Mindanao is a certified, one

can almost say patented, battleground where macho posturings are normally challenged with live bullets and real firefights (which, incidentally, cut down more bystanders and passerby than the armed combatants).

It is, therefore, extremely necessary to look for a viable alternative that can untangle the potential political gridlock. Here's a preliminary look at one such possible impasse-breaker:

Self Determining But Not Independent Islamic State

This will require the MILF to move one step back (although it is a large leap) by dropping the demand for independence, and making "non-negotiable" only the establishment and full operationalization of an Islamic State for Muslims – a Bangsamoro homeland living in principled and working harmony with the other and more numerous Mindanao peoples, the Lumads and Christians.

Indeed, an Islamic State where Islam is the way of life and the basis of common law, where the natural and mandated Muslim culture of peace and basic righteousness will hold sway, and where religious tolerance and respect for cultural diversity is in effect – *is the birthright of avowed and dedicated Muslims.*

It is truly unpardonable that a people so steeped in a glorious religion that makes Koranic tenets the basis of community life and the full measure of their socio-political system be made to follow or be governed wholesale by an "alien" life-system.

Still, the Muslim brethren must realize and accept certain changed realities. The Islamic State as a "birthright" no longer

refers to the whole of Mindanao as its territory. While for centuries Mindanao was basically Muslim and/or Lumad, it is today predominantly Christian (no matter how nominal in practice the majority of them are). While for centuries, too, Mindanao remained unconquered by foreign colonizers, it has been for almost a century now, a "mental colony" of western (read American) thoughts and processes and the lode mine of foreign and Filipino (read Manila-based) vested capitalist interests. Well, include political interest groups there as well.

While it used to be Mindanao for the Muslims, it is no longer so today. (In fairness to the Muslim brethren, this stance has almost completely been discarded a while back). Owing to the incontrovertible reality of a shared present and common destiny, Mindanao residents or citizens have to expand the concept to encompass "Mindanao for Mindanawons."

Mindanawons as a Transcendent New Identity

But this very assertion presupposes a new and common identity, that of Mindanawons – persons born in Mindanao or who have made a conscious choice and commitment to make Mindanao home and live for it. Admittedly, this is a concept that has still to gain wider (and deeper) acceptance and conscious use among Mindanao residents, although the last decade has seen significant strides in promoting this idea of a transcendent identity encompassing all tribal, ethno-linguistic-religion-political and regional

distinctions. (by the way, I agree with friend Prof. Rudy Rodil that the more ethnic-derived term **Mindanawons** is preferable to Mindanawans to describe Mindanao peoples as a collective and would use it henceforth.)

The broader distinction, on the other hand, is useful in the light of Mindanao's traumatic experience of neglect and abuse by central authorities and even private offices and their peculiar brand of unitary and centralized government, patterned mostly after the US system but distinctly Filipino in its actual expression and operationalization. This skewed structure is characterized by a major decision-making processes that almost completely is done in Manila and by persons in the central offices who have no clear idea about and sympathy for local situation. For this reason, Mindanao has remained to serve the Philippine polity as a "cash cow that is served dog food."

Be that as it may, Mindanao cannot be for as long as Mindanawons only. For as long as we remain one nation and one country – and for as long as Mindanawons would bear with the contradictions of this system (which are decidedly unfavorable to Mindanao), we are formally one people (Filipino) and legally one country (the Republic of the Philippines).

Islamic State and the Federal Republic

But this is precisely where some serious rethinking of the national structure has to be made. When such structure has turned

out to be unjust, rectification is imperative. And the more rational and empathetic and realistic the approach could be, the more assuredly stable, relevant and effective the change will be for all.

We would like to humbly submit as a core idea that should go through a process of enhancement and refinement through more extensive study and discussions, **the re-structuring of the Philippine government into a federal republic to be composed of several autonomous states (possibly with their own respective constitutions).**

Under this set-up, Mindanao could be re-formed and may constitute say five or six States, one of which would be the Islamic State to be composed of the predominantly Muslim provinces (and contiguous municipalities). At present and as per official census, these provinces are: Sulu (97% Muslim), Tawi-Tawi (96%), Lanao del Sur (94%), Maguindanao (75%) and Basilan (71%). Some municipalities of western Sultan Kudarat, southern Lanao del Norte and North Cotabato that are predominantly-Muslim and are contiguous to the above-named Muslim provinces, can be part of the Islamic State. The status of Cotabato City, whose population is almost evenly divided between Christians and Muslims, require further study.

Since all the component states of the proposed Federal Republic of the Philippines (say 5 or 6 in Luzon, 3 or 4 in the Visayas, and 5 or 6 in Mindanao) will presumably be governed by their own respective constitutions which, in turn, will be "guided" by a Federal constitution, an Islamic State may not even be a special concession but just a logical re-composition that is solidly based on socio-cultural and ethno-demographic considerations.

The matter of geographic distance of some of the Muslim provinces to the others may be addressed by a creative Sub-State arrangement that may, in fact, take into further consideration the major tribal formations among the Tausogs, Maranaos and Maguindanaos.

In this proposed configuration of the Islamic State, it can be assumed that Koranic laws will apply only or mostly to



Participants to one of the series of brainstorming and consultations on federal form of governance sponsored by the CBCS held in Ping's Restaurant, Cotabato City.

adherents of Islam. Non-Muslims, however, will be covered and protected by minority rights, even as Muslims living in predominantly Christian states will enjoy said minority and basic human rights.

The important thing is that, under a federal republic system, virtual self-determination for component states is institutionalized. Indeed, division of powers is what Federalism is all about. Powers that pertain only to the Federal Government and those that pertain only to State governments are clearly defined by the common and basic law. Some other governmental powers, however, may be shared between the two components under what the Germans, for instance, would call concurrent laws or responsibilities.

By the way, some of the most politically stable and economically advanced countries in the world follow a federal set-up. These include Germany, the United States of America, Canada, Australia, Switzerland, Brazil, Mexico, Austria, Argentina and, closer to home, India and Malaysia.

While the co-relation with the federal political system still has to be established, it is interesting to note that seven of the top twelve countries in the world in terms of Per Capita Income in 1997 were federal, while six of the top twelve in Gross Domestic Product were likewise federal. (Note that there are only about 20 federal countries out of almost 200 countries in the world!)

The Challenge to Mindanawons

The point we are trying to make in this initial write-up is that the Federal System is worth looking into as a more ideal set up for the Philippines. More importantly, it is one system that may be able to effectively address the current and peculiar situation of Mindanao not only as a victim of neglect but also as a unique island-region that harbors three peoples of diverse backgrounds, customs, culture and social systems. More specifically, it is a political option that may help prevent a stalemate that can lead to another Mindanao "war".

Clearly, what Mindanao needs is unity in diversity - not integration, not

assimilation - or at least harmony in diversity. Admittedly, Federal is more friendly to this ideal than the unitary and centralized system that we have.

So the challenge to all of us today is two-fold. One, we should all begin to transcend our ethno-religious and tribal or regional origins and become **Mindanawons** (and think and act as such) and, Two, acting in concert, work towards the re-structuring of the country into the Federal Republic of the Philippines.

The first goal, although still difficult to attain, can be achieved (you may not believe it) by sheer clearness of mind and pureness of hearts of all concerned. But the second would require an amendment to the Constitution. In short, Charter **Change** or **Cha-Cha**.

Which is another still controversial matter. Which requires further discussions. Which is material for another follow-up article.

In the meantime, it is fervently hoped that this present one can provoke spirited though peaceful reactions and intelligent and principled discourse.



Watch out and be part of The Consortium Updates, a monthly newsletter of the Consortium of Bangsamoro Civil Society.

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The International Monitoring Team Head of Mission Dato Zulkifeli Bin Mohd Zin (3rd from right) in the welcome kanduli hosted by the MILF at the CCCH Headquarters in Simuay, Sultan Kudarat, Maguindanao.

Understanding Bangsamoro Independence as a Mode of Self-determination

Abhoud Syed M. Lingga

Chairman, Bangsamoro People's Consultative Assembly

Introduction

I would like to thank the University of the Philippines in Mindanao, the Philippine Development Assistance Programme and the Association of Mindanao State University Alumni for the invitation to share with you some thoughts on the issue of Bangsamoro independence. As a mode of self-determination, independence occupies, and will always occupy, space in the discourse on the Mindanao problem since it is the core issue in the struggle of the Bangsamoro people for self-determination.

I am happy that this issue is given separate treatment in forum like this outside the circle of the Bangsamoro people. Discussion on issues of independence, autonomy and federalism in the search for solution to the Mindanao Problem will certainly contribute positively in the quest for peace in Mindanao.

Right to Self-Determination

The right to self-determination is the collective right of a people 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.

In the exercise of that right, people at one end can demand and pursue within the nation state more political power, 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 have also the right to organize their own sovereign and independent state with the right to international recognition.

The United Nations declaration states, "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."

As a people, the Bangsamoro possess the right to self-determination. Both the Philippine government and the MILF recognize that right. Paragraph B (1) of the Agreement on Peace between the Government of the Philippines and the Moro Islamic Liberation Front, otherwise known as the Tripoli Agreement on Peace of 2001, signed on June 22, 22001 in Tripoli, Libya, provides:

"The observance of international humanitarian law and respect for internationally recognized human rights instruments and the protection of the 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 use of the word "reinforce" implies that "the Bangsamoro people's fundamental right to determine their future and political status" exists even before the signing of the agreement, negotiated and signed in the presence of foreign dignitaries in foreign country made that recognition with international character.

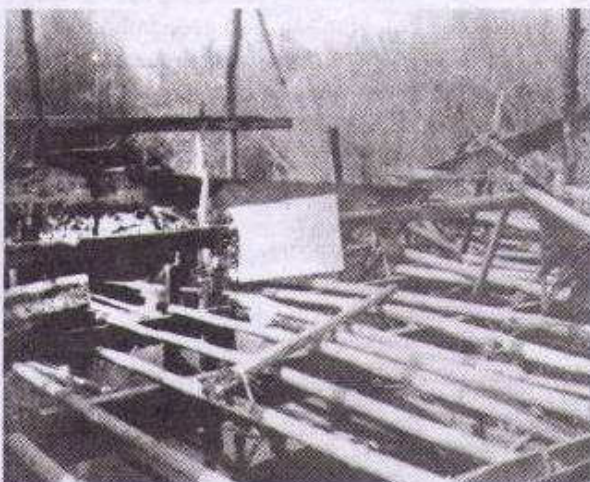
The recognition of the "aspirations of the Bangsamoro people for freedom" (Par. B (2) of the above cited document) substantiates the legitimacy of their right to self-determination.

Having also a long history of independence in the same territory they now occupy and possessing distinct identity and culture, in the assertion of their right of self-determination the Bangsamoro people choose to regain their independence. Both the liberation fronts and the civil society movement share the vision of reemergence



CBCS Chairperson Guiamel M. Alim interviewed by the media on the issues of peace during one of the series of forum on Understanding the Bangsamoro Peace Process towards the Educational Celebration of the Mindanao Week of Peace.

A house torched by the military during an operation in Bgry. Tee in Datu Piang, Maguindanao.



The CBCS, in its strong advocacy for the achievement of a just and lasting peace, was able to link up with other networks and is one of the convenors of the Mindanao Peaceweavers.

The preparatory committee meeting on gender sensitivity orientation held at the El Corazon Inn, Cotabato City.



f the Bangsamoro state and government in their homeland.

History of Independence

The historical experience of the Bangsamoro people in the statehood and governance started as early as the middle of the 15th century when Sultan Kudarat 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-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 system based on the realities of the time existed in those states. In fact it was the existence of the 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 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 guerilla attacks against American Forces and installations reinforced what remained of the sultanates' military power. Even individual Bangsamoro showed defiance against American occupation of their homeland by attacking American forces in operation called *prang sabil* (martyrdom seeking 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 a petition to the president of the United States dated June 9, 1921, the people of Sulu archipelago said that they would prefer being part of the United States 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 will 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 years period ended in 1996 the same year the Final Agreement on the Implementation of the Tripoli Agreement was signed by the MNLF and the Philippine government. 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 Moro Nation.

The opposition against annexation continued. On March 18, 1935, the datus of

Lanao met in Dansalan (now Marawi City) and 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

Even after their territories were made part of the Philippine nation state after it gained independence from the United States in 1946, the Bangsamoro people continue to assert their right to independence. They consider the annexation of their homeland as illegal and immoral since it was done without their plebiscitary consent.

The armed resistance of Kamilon was the manifestation of protest in response to the usurpation of their sovereign right as a people. And to show their strong desire to regain independence through all possible means, Congressman Ombra Amilbanga filed House Bill No. 5682 during the fourth session of the Fourth Congress that sought the granting and recognition of the independence of Sulu, even knowing that it would not pass Congress since there were only few Muslim members. Then on May 1, 1968, Governor Datu Udtog Matalam of Cotabato 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 complement the political struggle with military force. 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 struggle for independence.

Even the Bangsamoro civil society, through peaceful and democratic means, joins the campaign for independence. 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

see *Bangsamoro...p.12*

THE INTERNATIONAL MONITORING TEAM (IMT)

TERMS AND REFERENCE

1. Objective

The objective of the International Monitoring Team (IMT) is to monitor the implementation of the Agreement on Peace between the GRP and the MILF of 22 June 2001 (Tripoli Agreement) and its Implementing Guidelines on the Security Aspect of 7 August 2001 and Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of 7 May 2002.

2. Composition

The IMT shall be headed by Malaysia. Other countries and international organizations, as may be agreed by both the MILF and GRP, shall be invited to participate in the IMT.

The IMT shall have a Head of Mission, a staff and mobile teams in its area of coverage. The IMT Mission shall have its Headquarters at Cotabato City, where the Head of Mission shall hold office.

3. Status

The commissioned officers of the IMT shall be accorded privileges and immunities usually accorded to resident diplomatic representatives.

4. Area of Coverage

The IMT area of coverage shall be the provinces of Zamboanga del Norte, Zamboanga Sibugay, Zamboanga del Sur, Maguindanao, North Cotabato, South Cotabato, Bukidnon, Lanao del Norte, Lanao del Sur, Sultan Kudarat, Sarangani, Davao del Norte, Compostela Valley, Davao del Sur and Davao Oriental.

The area of coverage shall be divided into 5 sectors. Each sector shall be monitored by one mobile team.

The mobile teams shall be located at Zamboanga City, Davao City, Iligan City, General Santos City and Cotabato City. The area of coverage of each mobile team is as follows:

- a) Sector A - IMT Mobile Team No 1
 - (i) Location - Cotabato City;
 - (ii) Coverage - Provinces of Maguindanao, North Cotabato, Bukidnon; and all cities located therein.
- b) Sector B - IMT Mobile Team No 2
 - (i) Location - Iligan City;
 - (ii) Coverage - Provinces of Lanao del Sur, Lanao del Norte; and all cities therein.
- c) Sector C - IMT Mobile Team No 3
 - (i) Location - Zamboanga City;
 - (ii) Coverage - Provinces of Zamboanga del Norte, Zamboanga del Sur, Zamboanga Sibugay; and all cities therein.
- d) Sector D - IMT Mobile Team No 4
 - (i) Location - General Santos City;
 - (ii) Coverage - Provinces of Sultan Kudarat, South Cotabato, Sarangani and Davao del Sur, and all cities therein.
- e) Sector E - IMT Mobile Team No 5
 - (i) Location - Davao City;
 - (ii) Coverage - Provinces of Davao del Norte, Davao Oriental and Compostela Valley Province; and all cities therein.

5. Role and Responsibility

The role and responsibility of the IMT are:

- (i) To observe and monitor the implementation of cessation of hostilities, as well as the socio-economic development aspects of the agreements signed between the GRP and MILF.
- (ii) To conduct field verification to validate any reported violations of any of the cessation of hostilities agreements signed by GRP and MILF.
- (iii) To coordinate closely with the Joint GRP-MILF CCCH and the LMTs on the conduct of field verification and validation of reported violations to any of the cessation of hostilities agreement signed by the Panels.
- (iv) To report to the GRP and MILF Peace Panels its findings and assessment of the reported violations.

6. Administrative and Support Arrangements

Security

The GRP-MILF shall provide uniformed security men to accompany members of the IMT at all times during field verification.

Covert security may be provided as augmentation upon request. Appropriate security will also be provided for the quarters and administrative movements of the IMT.

The GRP and MILF must use all means to rescue any members of the IMT in cases where they are held hostages or kidnapped.

The GRP and MILF may accept the Malaysian Armed Forces in any rescue mission which involve the members of the IMT.

The GRP and MILF shall promptly provide safe passage for members of the IMT in the event evacuation from the areas of coverage is necessary.

Arms

Members of the IMT may possess and carry firearms provided those firearms are registered with the Philippine National Police (PNP). The use of firearms will be strictly for self-defense.

Sustenance

The GRP shall provide:

- (i) adequately furnished quarters for the members of the IMT during the whole duration of their assignment. Meals shall be served at the quarters;
- (ii) appropriate air, water and land transportation with driver/pilot and security for members of the IMT;
- (iii) support personnel as necessary.

Communication

The members of the IMT shall be provided adequate communication support and facilities which shall be borne by the GRP.

Financial Obligations

The regular salaries and allowances of the members of the IMT shall be shouldered by their respective governments.

The transportation cost of the members of the IMT from their capitals to Zamboanga City/Davao City and vice versa shall be borne by their respective governments.

The transportation cost of the members of the IMT from Zamboanga City/Davao City to their respective area of coverage vice versa shall be borne by the GRP.

The salaries and/or allowances of support personnel from the GRP and MILF shall be borne by the GRP. Financial support for the operating expenses of the IMT shall be provided by the GRP.

Coordination and Liaisoning

Liaison officers from the GRP and the MILF shall be provided to the IMT

Headquarters and mobile teams to maximize coordination and liaisoning. The IMT shall hold regular consultations/meetings with both the GRP and MILF in order to resolve any problem in the performance of its functions.

Health

Members of the IMT shall be provided with medical and dental treatment in cases of emergency, sickness and accident.

In the event any member of the IMT needs to be evacuated promptly from the area of coverage to Manila due to medical emergencies, the GRP shall provide the necessary transportation for such evacuation.

Uniform

Members of the IMT shall normally be in uniform with their identifying insignia.

Members of the IMT may wear civilian dress at such times and on such condition as may be authorized by the Head of Mission.

Freedom of Movement

Members of the IMT can move freely throughout the area of coverage and the host country in the performance of their functions.

Tolls and Charge Exemptions

Members of the IMT shall be exempted from payment of tolls or charges for the usage of roads, railways, waterways, ports and airfields facilities throughout the host country.

7. Duration

The term of the mandate of the IMT shall be 12 months. Extension of the term of the mandate may be considered on a year-to-year basis upon the request by both GRP and MILF.

8. Termination and/or Suspension

The IMT might cease or suspend the performance of their functions, with due notice to the GRP and MILF Peace Panels, in the event that:

- (i) the field situation becomes too dangerous and life threatening to its members.
- (ii) either GRP or MILF fails to fulfill their commitments and responsibilities to the peace process
- (iii) there is lack of support from either GRP or MILF towards any of its reports.

Done in duplicate at Kuala Lumpur, Malaysia on the 8th day of September 2004, in the English language.

For the GRP Peace Panel

SEC. SILVESTRE C. AFABLE, JR.

For the MILF Peace Panel

MOHAGHER IQBAL

For the Government of Malaysia

DATUK OJHMAN BIN ABD RAZAK

**Whatever the mind of man can conceive and believe, it
can achieve.**

-Anonymous



