

I CANNOT help but be personal whenever I write about Mindanao. Perhaps because, as a Mindanao historian, I have been keeping close tabs on Moro and Lumad affairs for the last 35 years. Perhaps also because I have been involved in the peace negotiations, the GRP<sup>1</sup>-MNLF<sup>2</sup> peace talks in 1993-96, and until recently as vice chair of the GRP-MILF<sup>3</sup> peace negotiations from August 2004 until the dissolution of the GRP Peace Panel last September 3, 2008. I have been too close to the ground as it were, part of the story, studying history and helping shape history. I was asked to write an article on the status of the GRP-MILF peace negotiations several weeks before the Supreme Court TRO (Temporary Restraining Order) on the signing of the GRP-MILF Memorandum of Agreement on Ancestral Domain or MOA-AD in Putrajaya, Kuala Lumpur on August 5, 2008.

# FORGING PEACE IN MORO MINDANAO

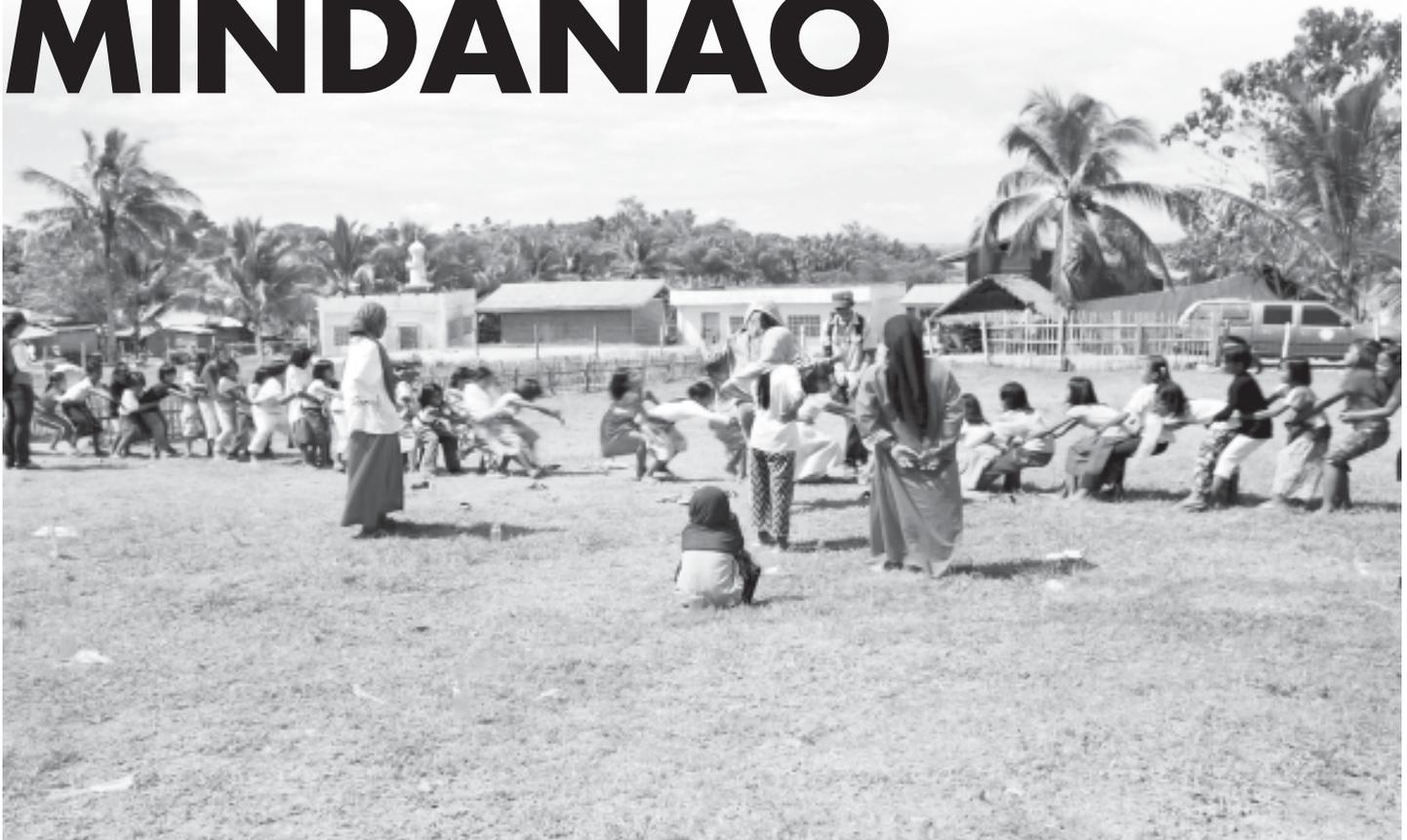


**A marker for victims of atrocities during the Martial Law period, Kauswagan, Lanao del Norte.**  
Photos by TRACY PABICO

But now, the MOA-AD has been shelved, the President has changed tack on the negotiation and the GRP peace panel has been dissolved. Putting my thoughts together did not come easy.

The dissolution of the GRP Panel on September 3, 2008 was a big disappointment. As I said

in a TV interview on the night of September 3, "*Nakakalungkot. Apat na taong pinagpaguran. Parang sine. Malapit na sana ang climax pero biglang natisod ang bida, nahulog sa bangin.* (It is saddening. It was four years of hard work. It was like a movie. The story was nearing its climax when the hero tripped and fell off a cliff.)





**Artwork: Moro and Christian youths in Lanao del Norte and North Cotabato express their hopes for peace and unity through games and creative activities (this and succeeding pages).**

What follows are pieces written by other people, not my thoughts exactly, but they reflect my own feelings. The first is from the executive summary of the MOA-AD which the panel put together one evening (I was there), from early evening until long into the night, some two weeks before the dissolution. It is brief, very informative, and convenient for people who need a quick reference.

The second is taken from a blog-article written by my daughter, Amillah, who in those four years of the GRP-MILF negotiations stood by, ever supportive. She hardly heard any substantial detail from me. The talks were confidential, I told her. She shared my excitement over the scheduled signing of the MOA-AD, but like many Mindanawons, was jolted by the uproar that met the publication of the MOA-AD. And the third comes from Archbishop Orlando Quevedo, OMI, of Cotabato.

All three tell a story.

I close with an excerpt of the MILF policy statement.

### **A Brief on the Memorandum of Agreement on Ancestral Domain (MOA-AD)**

*“... the principle of self-determination for the Bangsamoro shall preclude any future interpretation to include independence, even as*



*parallel strategies are explored on how these commitments can be fulfilled, either through the existing legal framework or under efforts to amend it, but never to include independence for the Bangsamoro.”*

*x x x*

*“Our immediate course of action is to draw up a full menu of options to*

*move the negotiations forward – foremost of which is to identify agreements in principle which can be readily accommodated under existing processes. On the other hand, issues of a Constitutional nature, excluding independence, can be taken up with the framers when such an opportunity becomes evident.”*

-Excerpted from the letter of President Gloria Macapagal-Arroyo to Malaysian Prime Minister Abdullah Badawi dated May 6, 2008

### **OVERVIEW**

1. The Memorandum of Agreement on Ancestral Domain (MOA-AD) is **not yet the Final Peace Agreement or Comprehensive Compact** with the Moro Islamic Liberation Front (MILF). Ancestral Domain is only the third substantive aspect of the GRP-MILF peace negotiations which, when signed, will

### **In a press statement dated September 5, 2008, the Moro Islamic Liberation Front declared that:**

1. We continue to uphold the Peace Path as still the best way forward to address the centuries-old Bangsamoro Problem in Mindanao, with the Government of Malaysia as facilitator;
2. The MILF Peace Panel, MILF Coordinating Committee on Cessation of Hostilities (CCCH), Ad Hoc Joint Action Group (AHJAG), and MILF Local Monitoring Team (LMT) will continue to exercise their respective functions;
3. The MILF respects the three-month extension of the term of the International Monitoring Team (IMT) and we will continue to work with them for the sake of peace;
4. The disbandment of the GRP Peace Panel is the sole prerogative of the government; it is internal and normal in a negotiation that negotiators come and go; and
5. The DDR (disarmament, demobilization, and reintegration) approach as the government’s “new road map to peace” is part of successful conflict resolutions in many parts of the world. It forms part of the comprehensive peace settlement, but it is the last item in the talks. But when DDR is taken up ahead of the comprehensive peace settlement, it is interpreted to be a military approach, not part of a political approach, as in the case of the Philippines, contrary to what President Gloria Macapagal-Arroyo said early on in 2001 when she replaced the all-out war policy of President Joseph Estrada to all-out peace policy.

lead to further negotiations on unsettled and outstanding issues, mostly on Governance. This then culminates in a **Final Peace Agreement, targeted for completion by November 2009.**

2. The two (2) earlier aspects agreed upon were the **Implementing Guidelines on the Security Aspect of the Tripoli Agreement on Peace of 2001** dated August 7, 2001, and the **Implementing Guidelines on Humanitarian, Rehabilitation and Development Aspects of the Tripoli Agreement on Peace of 2001** dated May 7, 2002.

3. In discussing Ancestral Domain, the GRP and MILF have earlier agreed to segment the issue to four (4) sections, namely: **Concept, Territory, Resources and Governance.** Through these strands, both sides have gone beyond treating the issue of Ancestral Domain as a question of mere land ownership. Rather, both sides have forged a common objective of addressing the subject in terms of acknowledging the identity of the Bangsamoro people, affirming



Photos by TRACY PABICO

their rights over a homeland and its resources, and providing them the opportunity to establish a system of governance suitable and acceptable to them as a

people possessing a unique history and culture.

4. The peace negotiations between the GRP and MILF focuses on the need to address the legitimate aspirations of the Muslims in Mindanao (Bangsamoro) which had been unresolved by the 1996 FPA with the Moro National Liberation Front (MNLF). Having broken off from the MNLF in 1977 and having consistently rejected the 1996 GRP-MNLF FPA, the MILF seeks a negotiated political solution beyond what was obtained under the said accord, towards greater political, social and economic empowerment of the Bangsamoro people.

#### CONCEPT

5. Ancestral Domain, as a concept in the context of the GRP-MILF Peace Negotiations, is more than just land and its proprietary ownership. The Memorandum of Agreement on Ancestral Domain (MOA-AD) also has items that explicitly define the Bangsamoro people's identity and acknowledge their roots as a self-governing soci-

ety in pre-colonial Philippines. **The heart of the concept of Ancestral Domain is respect and acknowledgement of the Bangsamoro identity, and their unique history and culture as a people.**

6. The MOA-AD likewise stresses the **free choice** of Lumads or Indigenous People and Christians in the prospective Bangsamoro Juridical Entity (BJE) and respect for religious and cultural liberties.

7. The MOA-AD recognizes and upholds **vested property rights** (e.g. private property, ancestral domain claims/titles, lease agreements, etc.).

8. The Terms of Reference of the MOA-AD include: the 1976 & 1996 GRP-MNLF Agreements, Republic Act No. 6734, as amended by Republic Act No. 9054, otherwise known as the "Organic Act for the Autonomous Region in Muslim Mindanao" (ARMM Law), Republic Act No. 8371 otherwise known as the "The Indigenous Peoples Rights Act of 1997", United Nations Declaration of

*The reflections of Archbishop Orlando Quevedo of Cotabato, dated September 4, 2008. Archbishop Quevedo was born and grew up in Banga, South Cotabato. His many assignments include being president of Notre Dame University in Cotabato City, Bishop of the Prelature of Kidapawan and Archbishop of Vigan. Below are excerpts. — RBR*

### Two Fundamental Postulates for Lasting Peace in Mindanao

By Archbishop Orlando Quevedo, OMI

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

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



**Laughter:** Through play and other activities, children learn the rudiments of peace.

Rights of Indigenous Peoples, the Universal Declaration of Human Rights, principles of International Humanitarian Law, and international human rights instruments.

**TERRITORY**

9. The section on Territory defines the area (i.e. Category A) of the BJE as follows:

- a. The present Autonomous Region in Muslim Mindanao (ARMM) as the core;
- b. The six (6) municipalities of Lanao del Norte that voted "yes" in the 2001 plebiscite, whose inclusion to the present ARMM will require an enabling law; and
- c. The seven hundred thirty-five (735) barangays adjacent to the ARMM and found in the Provinces of Sultan Kudarat, Lanao del Norte, North Cotabato, Cotabato City, Iligan City and Isabela City, as well as other barangays situated in Zamboanga Sibugay,

**The MOA-AD is not a final document, with many specific details still to be agreed to.**



Zamboanga del Sur, and Zamboanga City whose accession to the present ARMM will be determined through the conduct of a plebiscite via Congressional legislation within twelve (12) months after the signing of the MOA on Ancestral Domain.

By agreeing to the conduct of the plebiscite, therefore, the MILF accepts the legal processes the Government has to under-

*My daughter is a Metro Manila based architect-writer. I was amazed at how accurately she has absorbed the essence of the current MOA-AD controversy despite my refusal to reveal details of the negotiations. She wrote this piece on September 4. Let me share some excerpts. — RBR*

**PEACETALK: Deal Breaker**

by Amillah S. Rodil

As of yesterday, PGMA has officially dissolved the government panel for peace talks with the MILF. . . The controversial (and I think, misunderstood) Memorandum of Agreement on Ancestral Domain was part of the deal, and now it has also been scrapped along with the panel.

I believe that what contributed to the breakdown of the talks was the series of knee-jerk chain reactions. . . They did not see it as part of a long process of negotiation, a preliminary agreement that would still be refined, discussed, and go through democratic processes.

So who do you think is the deal breaker?

Maybe it's not good to point fingers now.

**take, particularly the enactment of an enabling law by Congress for such plebiscite to take place.**

10. The second category (Category B) refers to areas outside the BJE which shall receive socio-economic development assistance by Government, considering that there are also Muslim communities in these areas. A duly-legislated plebiscite will be conducted in these areas not earlier than twenty-five (25) years from the signing of the Final Peace Agreement to determine the question of their accession to the BJE.

11. The third category (Category C) defines maritime arrangements mainly intended for the economic empowerment of

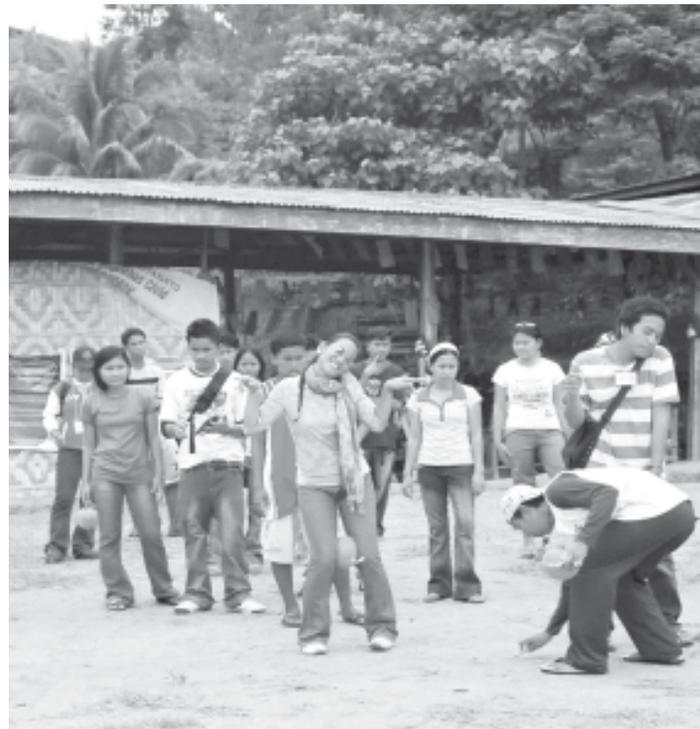
the Bangsamoro in their traditional maritime domain. Such arrangements shall comprise the following:

- a. Management, development and protection of natural resources within the waters extending fifteen (15) kilometers from the shorelines of the BJE;
- b. Joint jurisdiction, authority and management between the Central Government and BJE over resources found in the areas beyond the fifteen (15) kilometers and within Philippine baselines. By the joint nature of the arrangements on jurisdiction, authority, and management of territorial waters, the **BJE is designed to be a political unit within the framework of Philippine sovereignty.** The repeated use of the term “Central Government” (read: National Government) in the MOA-AD clearly denotes that the BJE is an integral part of the Republic.

**RESOURCES**

12. The section on Resources grants authority to the BJE on the use and development of all resources, including strategic resources, found within its jurisdiction. The MOA sets the ratio of the sharing of wealth between the BJE and the Central Government at 75:25 in favor of the BJE. The other features of this section are:

- a. BJE may enter into economic cooperation and trade relations with foreign countries;
- b. A Central Government-BJE five (5)-man Economic Mission will be established which will invite international funding institutions for reconstruction and development efforts within the BJE;
- c. Existing/operating forest concessions, timber li-



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**The BJE is an integral part of the Republic.**



censes, Mineral Production and Sharing Agreements, etc., shall be respected. BJE will have authority to renew, review, modify and/or cancel the same;

- d. Acknowledgment of legitimate Bangsamoro grievances and restitution measures for unjust dispossession.

**GOVERNANCE**

13. The last section on Governance lays out the general principles on the powers of the BJE.

- a. **MOA provisions requiring amendments to the existing legal framework shall come into force only upon signing of a Final Peace Agreement and upon effecting the necessary**

**changes to the legal framework, both in terms of existing laws and/or the Constitution.**

By the aforementioned, the MILF accepted that prerequisite changes in the present legal framework of the Philippines, both in terms of existing laws and/or the Constitution, are necessary before the provisions of the MOA-AD can take effect.

**The MOA-AD is not self-executing and therefore needs both the Final Peace Agreement AND an enabling act before it can be implemented.**

- b. The details of the mechanisms and modalities to implement the MOA-AD shall still be spelled out in the Final Peace Agreement.
- c. BJE shall be empowered to build, develop and maintain its own institutions, inclusive of civil service, electoral, financial and banking, education, legislation, legal, economic, and police and internal security force, judicial system and correctional institutions;

details still to be discussed in the Final Peace Agreement stage.

**CONCLUSION**

14. In brief, the BJE is an integral part of the Republic. The MOA-AD envisions the BJE as a political entity with a larger territory and with greater powers than the present ARMM.

The MOA-AD is not a final document, with many specific details still to be agreed to before a Final Peace Agreement is signed and sealed, and subjected to enactment of laws and/or possible amendment of the Constitution to enable it. The effectivity provision is clear: the Agreement would only “come into force upon signing of a Comprehensive Compact (Final Peace Agreement) and upon effecting the necessary changes to the legal framework”.

15. The MOA-AD was initiated by both panels at the close of the 16<sup>th</sup> Exploratory Talks on 27 July 2008 in Kuala Lumpur, Malaysia. Once the MOA-AD is formally signed, both panels will then meet for the formal talks to further negotiate the details of a Final Peace Agreement. They will endeavor to do so within fifteen (15) months after the signing of the MOA-AD.

16. The GRP-MILF negotiations is still a work in progress. ■

*RUDY B. RODIL is a Mindanao historian and a retired professor of history at Mindanao State University-Iligan Institute of Technology (MSU-IIT). He served as Vice Chair of the Government of the Republic of the Philippines (GRP) Peace Negotiating Panel in Talks with the Moro Islamic Liberation Front (MILF), 2004-2008.*

**NOTES:**

- <sup>1</sup> Government of the Republic of the Philippines
- <sup>2</sup> Moro National Liberation Front
- <sup>3</sup> Moro Islamic Liberation Front